APPENDIX A - Child Welfare Domestic Violence Statutes and Policies

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NATIONAL LEGAL CENTER ON
CHILDREN AND DOMESTIC VIOLENCE

Child Welfare Domestic Violence Statutes and Policies

Current as of January 1, 2026

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***** Indicates a jurisdiction whose statutes include a rebuttable presumption that sole or joint custody is not in the best interest of the child and should not be awarded to the perpetrator of domestic violence.

State statutes are constantly changing. Please independently verify the information found in this document. If you have a correction or update, please contact us.

STATE/TERRITORY	CHILD WELFARE SPECIFIC STATUTES	CHILD WELFARE DOMESTIC VIOLENCE POLICIES AND PROCEDURES
ALABAMA*	**Code of Ala. § 30-3-132. Factors for court consideration.** (a)In addition to other factors that a court is required to consider in a proceeding in which the custody of a child or visitation by a parent is at issue and in which the court has made a finding of domestic or family violence the court shall consider each of the following: (1) The safety and well-being of the child and of the parent who is the victim of family or domestic violence. (2) The perpetrator's history of causing physical harm, bodily injury, assault, or causing reasonable fear of physical harm, bodily injury, or assault, to another person. (b) If a parent is absent or relocates because of an act of domestic or family violence by the other parent, the absence or relocation may not be a factor that weighs against the parent in determining the custody or visitation. **Code of Ala. §12-15-306. Removing a child from the custody of a parent, legal guardian, or legal custodian.** (a) A child may be removed by a law enforcement officer from the custody of a parent, legal guardian, or legal custodian if there are reasonable grounds to believe any of the following:	**Child Protective Services Policies and Procedures, CA/N Allegations and Definitions, Revision No. 54, Effective Date September 1, 2023** Other Threats of Serious Harm/Domestic Violence Serious harm has not yet occurred, but a child has been placed in a situation due to domestic/family violence of one family member or intimate partner on another that can result in physical injury; permanent disability or disfigurement; or death. **Child Protective Services Policies and Procedures, Safety Assessment, Revision No. 43, Effective Date October 1, 2018** IV. DANGER THREATS – PRESENT AND IMEPNDING B. Impending Danger Threats One or both parents are violent: This threat includes aggressive behaviors or emotions. Observable behaviors include: • Family violence involves physical and verbal assault on a parent in the presence of a child, causing the child to be fearful for self and/or others. • Family violence is occurring and a child is assaulted. • Family violence is occurring and a child may be attempting to intervene. • Family violence is occurring and a child could be inadvertently harmed even though the child may not be the actual target of the violence.

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	(1) The child is suffering from an illness or injury or is in imminent danger from the surroundings of the child and that the removal of the child is necessary for the protection of the health and safety of the child. (2) The child has no parent, legal guardian, legal custodian, or other suitable person able to provide supervision and care for the child. (b) The person removing the child shall immediately deliver the child to the Department of Human Resources. **Code of Ala. §12-15-312. Reasonable efforts in judicial determinations; situations in which reasonable efforts are not required to be made.** (c) Reasonable efforts shall not be required to be made with respect to a parent of the child if the juvenile court has determined that the parental rights of the parent to a sibling have been involuntarily terminated or that a parent has done any of the following: (5) Committed a felony assault which resulted in serious bodily injury to the child or another child or to the other parent of the child. The term serious bodily injury means bodily injury which involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.	

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	Code of Ala. § 12-15-319. Grounds for termination of parental rights; factors considered; presumption arising from abandonment. (a) If the juvenile court finds from clear and convincing evidence, competent, material, and relevant in nature, that the parents of a child are unable or unwilling to discharge their responsibilities to and for the child, or that the conduct or condition of the parents renders them unable to properly care for the child and that the conduct or condition is unlikely to change in the foreseeable future, it may terminate the parental rights of the parents. In a hearing on a petition for termination of parental rights, the court shall consider the best interests of the child. In determining whether or not the parents are unable or unwilling to discharge their responsibilities to and for the child and to terminate the parental rights, the juvenile court shall consider the following factors including, but not limited to, the following: (12) Lack of effort by the parent to adjust his or her circumstances to meet the needs of the child in accordance with agreements reached, including agreements reached with local departments of human resources or licensed child-placing agencies, in an administrative review or a judicial review.	

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ALASKA*	**Alaska Stat. § 47.17.035. Duties of department in domestic violence cases.** (a) In consultation with the Council on Domestic Violence and Sexual Assault, the department shall develop written procedures for screening reports of harm for abuse and neglect of a child to assess whether there is domestic violence occurring within the family. The procedures must include the following factors: (1) inquiry concerning the criminal records of the parents or of the alleged abusive or neglectful person or the alleged perpetrator if not the parent of the child; and (2) inquiry concerning the existence of protective orders issued or filed under AS 18.66.100 — 18.66.180 involving either parent as a petitioner or respondent. (b) If the department determines in an investigation of abuse or neglect of a child that (1) the child is in danger because of domestic violence or that the child needs protection as a result of the presence of domestic violence in the family, the department shall take appropriate steps for the protection of the child; in this paragraph, "appropriate steps" includes (A) reasonable efforts to protect the child and prevent the removal of the child from the parent or guardian who is not a domestic violence offender;	**Child Protection Services (CPS) Policy Manual, Department of Family and Community Services, Office of Children's Services, December 1, 2024** 2.2.4 Screening for Domestic Violence B. If the department determines in an assessment of abuse or neglect of a child that 1. the child is in danger because of domestic violence or that the child needs protection as a result of the presence of domestic violence in the family, the department shall take appropriate steps for the protection of the child; in this paragraph, "appropriate steps" includes a. reasonable efforts to protect the child and prevent the removal of the child from the parent or guardian who is not a domestic violence offender; b. reasonable efforts to remove the alleged domestic violence offender from the child's residence if it is determined that the child or another family or household member is in danger of domestic violence; and c. services to help protect the child from being placed or having unsupervised visitation with the domestic violence offender until the department determines that the offender has met conditions considered necessary by the department to protect the safety of the domestic violence victim and household members; 2. a person is the victim of domestic violence, the department shall provide the victim with a written notice of the rights of and services available to victims of domestic violence that is substantially

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	(B) reasonable efforts to remove the alleged domestic violence offender from the child's residence if it is determined that the child or another family or household member is in danger of domestic violence; and (C) services to help protect the child from being placed or having unsupervised visitation with the domestic violence offender until the department determines that the offender has met conditions considered necessary by the department to protect the safety of the domestic violence victim and household members; (2) a person is the victim of domestic violence, the department shall provide the victim with a written notice of the rights of and services available to victims of domestic violence that is substantially similar to the notice provided to victims of domestic violence under AS 18.65.520. **Alaska Stat. § 11.51.100 Endangering the welfare of a child in the first degree.** (a) A person commits the crime of endangering the welfare of a child in the first degree if, being a parent, guardian, or other person legally charged with the care of a child under 16 years of age, the person (1) intentionally deserts the child in a place under circumstances creating a substantial risk of physical injury to the child;	similar to the notice provided to victims of domestic violence under AS 18.65.520. 3.2.3 Services to the Family – Children in-Home Summary: Will provide assistance to address domestic violence to keep children in the home when there is no immediate risk. 3.2.4 Services to the Family – Children in Out-of-Home Care Summary: Will provide assistance to address domestic violence to try to remedy the conditions that led to out-of-home placement of children. **4.15 Definitions** A. **"Abandonment"**: Abandonment is defined for purposes of Child in Need of Aid (CINA) matters in AS 47.10.013. The court may find abandonment of a child if a parent or guardian has shown a conscious disregard of parental responsibilities toward the child by a failure or unwillingness to provide reasonable support, maintain regular contact, or provide normal supervision, considering the child's age and need for care by an adult. Abandonment by a parent or guardian may occur after the department has assumed custody of a child on other grounds, where the parent or guardian either engages in the conduct described above, fails to participate in a suitable Reunification plan, or fails to respond to the notice of CINA proceedings regarding the child. A parent or guardian who is a victim

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	(3) leaves the child with another person knowing that the person has previously physically mistreated or had sexual contact with any child, and the other person causes physical injury to or engages in sexual contact with the child; **Alaska Stat. § 47.10.088 Involuntary termination of parental rights and responsibilities.** (a) Except as provided in AS 47.10.080(o), the rights and responsibilities of the parent regarding the child may be terminated for purposes of freeing a child for adoption or other permanent placement if the court finds by clear and convincing evidence that (1) the child has been subjected to conduct or conditions described in AS 47.10.011; (2) the parent (A) has not remedied the conduct or conditions in the home that place the child at substantial risk of harm; or (B) has failed, within a reasonable time, to remedy the conduct or conditions in the home that place the child in substantial risk so that returning the child to the parent would place the child at substantial risk of physical or mental injury; and (3) the department has complied with the provisions of AS 47.10.086 concerning reasonable efforts.	of domestic violence may, under some circumstances, be justified in committing an act or omission that would otherwise constitute abandonment. G. "Child in Need of Aid": Under AS 47.10.011, a child may be a child in need of aid based on one or more of the following circumstances: 8. Mental Injury (including exposure to domestic violence): conduct by or conditions created by the P/G/C have a. Resulted in mental injury to the child (as supported by the testimony of an Expert Witness – see paragraph Q below); or b. Placed the child at substantial risk of mental injury as a result of; 1) A pattern of rejecting, terrorizing, ignoring, isolating, or corrupting behavior; or 2) Exposure to homicide, felony assault or other physical assault, or sexual assault, or an attempt to commit such a crime, by a household member against another household member; or 3) Repeated exposure to other forms of domestic violence or stalking by a household member against another household member;

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	(b) In making a determination under (a)(2) of this section, the court may consider any fact relating to the best interests of the child, including (1) the likelihood of returning the child to the parent within a reasonable time based on the child's age or needs; (2) the amount of effort by the parent to remedy the conduct or the conditions in the home; (3) the harm caused to the child; (4) the likelihood that the harmful conduct will continue; and (5) the history of conduct by or conditions created by the parent. (c) In a proceeding under this chapter involving termination of the parental right of a parent, the court shall consider the best interests of the child.	
AMERICAN SAMOA*	**A.S.C.A. § 45.0102 Legislative Declaration.** (a) The Legislature declares that the purposes of this title are to: (1) secure for each child subject to these provisions such care and guidance, preferably with his own family, as will best serve his welfare and the interests of Samoan society; (2) preserve and strengthen aiga ties whenever possible;	N/A

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	(3) remove a child from the custody of his parents only when his welfare and safety or the protection of the public would otherwise be endangered; and (4) secure for any child removed from the custody of his parents the necessary care, guidance and discipline to assist him in becoming a responsible and productive member of society. (b) To carry out these purposes, the provisions of this title shall be liberally construed. **A.S.C.A. § 45.0401 Termination of parental rights in a child.** (a) The Court may, upon petition, terminate all rights of a parent or parents in a child in: (1) proceedings under paragraph (a)(3) of 45.0115 by which the Court has determined the child to be neglected by one or both parents or to be dependent; or (2) proceedings under paragraph (a)(5) of 45.0115 by which a parent or parents jointly or either of them severally voluntarily relinquish all the parental rights which they or each of them may have in a child, natural or adopted. (b) No parent may relinquish his parental rights in a child other than in accordance with the provisions of this chapter.	

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ARIZONA*	**ARS § 25-403.03 Domestic Violence and Child Abuse** A. Notwithstanding subsection D of this section, joint legal decision-making shall not be awarded if the court makes a finding of the existence of significant domestic violence pursuant to section 13-3601 or if the court finds by a preponderance of the evidence that there has been a significant history of domestic violence. B. The court shall consider evidence of domestic violence as being contrary to the best interests of the child. The court shall consider the safety and well-being of the child and of the victim of the act of domestic violence to be of primary importance. The court shall consider a perpetrator's history of causing or threatening to cause physical harm to another person. **ARS § 8-533 Petition; who may file; grounds.** B. Evidence sufficient to justify the termination of the parent-child relationship shall include any one of the following, and in considering any of the following grounds, the court shall also consider the best interests of the child: 2. That the parent has neglected or wilfully abused a child. This abuse includes serious physical or emotional injury or situations in	**Department of Child Safety, State of Arizona, "Practice Guidelines Assessing Safety in Families Experiencing Domestic Violence" April 11, 2017** Adult victims often have protective capacity to provide safety and stability for their children. Domestic violence can pose dangers to both the children and the adult victim. However, many adult victims are protective of their children and can be supported to ensure the children's safety and prevent removal to out-of-home care. Examples of behaviors that demonstrate protective capacity include, but are not limited to: ¬ The adult victim has been consistent in sending the children to a safe place when violence erupts. ¬ The adult victim has a history of calling law enforcement, filing orders of protection, or leaving the home to protect him/herself and the children. ¬ The adult victim provides the children stability by maintaining routines, involving them in extracurricular activities, and having consistent household rules and discipline. ¬ The adult victim assures the children that the violence is not their fault, and allows them to express their feelings. ¬ The adult victim has actively sought formal or informal supports to address the children's needs.

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	which the parent knew or reasonably should have known that a person was abusing or neglecting a child. **ARS § 13-3623 Child or vulnerable adult abuse; emotional abuse; classification; exceptions; definitions.** A. Under circumstances likely to produce death or serious physical injury, any person who causes a child or vulnerable adult to suffer physical injury or, having the care or custody of a child or vulnerable adult, who causes or permits the person or health of the child or vulnerable adult to be injured or who causes or permits a child or vulnerable adult to be placed in a situation where the person or health of the child or vulnerable adult is endangered is guilty of an offense as follows: 1. If done intentionally or knowingly, the offense is a class 2 felony and if the victim is under fifteen years of age it is punishable pursuant to section 13-705. 2. If done recklessly, the offense is a class 3 felony. 3. If done with criminal negligence, the offense is a class 4 felony.	
ARKANSAS*	**A.C.A. § 9-15-215 Factors in determining custody and visitation.** (a) In addition to other factors that a circuit court shall consider in a proceeding in which	**Division of Children and Family Services, Arkansas Department of Human Services, "Policy & Procedure Manual" July 2024**

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	the temporary custody of a child or temporary visitation by a parent is at issue and in which the court has made a finding of domestic or family violence, the court shall consider: (1) As primary the safety and well-being of the child and of the parent who is the plaintiff of domestic or family violence; and (2) The defendant's history of causing physical harm, bodily injury, assault, or causing reasonable fear of physical harm, bodily injury, or assault to another person. (b) If a parent is absent or relocates because of an act of domestic or family violence by the other parent, the absence or relocation is not a factor that weighs against the parent in determining custody or visitation. (c) There shall be a rebuttable presumption that it is not in the best interest of the child to be placed in the custody of an abusive parent in cases in which there is a finding by a preponderance of the evidence that a pattern of abuse has occurred. **A.C.A. § 9-27-341 Termination of parental rights – definition.** (3) An order forever terminating parental rights shall be based upon a finding by clear and convincing evidence: (A) That it is in the best interest of the juvenile, including consideration of the following factors:	Order of Less Than Custody An order of less than custody is one action that could potentially be included in a protection plan (once the order is issued), if appropriate. An order of less than custody legally restricts the alleged offender from contact with the child while allowing the child to remain in the home with the non-offending custodian (if the non-offending custodian is already a legal custodian of the child) as part of the protection plan. In addition to the situation above in which the non-offending custodian is the legal custodian of the child and wants to restrict the alleged offender's access to the child, orders of less than custody may also be applicable to situations in which: a) The legal custodian placed or otherwise allowed the child to reside with another person for more than six months; and, b) The legal custodian is named as an alleged offender in the investigation; and, c) The child's current caretaker and DCFS assess that the legal custodian's (who is also the alleged offender) access to the child poses an immediate danger to the child's health or physical well-being; and, d) DCFS has no immediate health or physical well-being concerns with the current placement; and, e) DCFS has determined that specific safeguards in the court order will ensure the child's immediate health and physical well-being while remaining in the current home. The Division will thoroughly assess for safety factors (to be documented in the Health and Safety Checklist) to ensure that a protection plan is in place for a child before leaving that child in a home where

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	(i) The likelihood that the juvenile will be adopted if the termination petition is granted; and (ii) The potential harm, specifically addressing the effect on the health and safety of the child, caused by returning the child to the custody of the parent, parents, or putative parent or parents; and (B) Of one (1) or more of the following grounds: (i) (a) That a juvenile has been adjudicated by the court to be dependent-neglected and has continued to be out of the custody of the parent for twelve (12) months and, despite a meaningful effort by the department to rehabilitate the parent and correct the conditions that caused removal, those conditions have not been remedied by the parent. (b) That a juvenile has been adjudicated by the court to be dependent-neglected and has continued out of the home of the noncustodial parent for twelve (12) months and, despite a meaningful effort by the department to rehabilitate the parent and correct the conditions that prevented the child from safely being placed in the parent's home, the conditions have not been remedied by the parent.	DCFS has petitioned the court for an order of less than custody. To file a dependency-neglect petition to obtain an order of less than custody, the FSW will contact OCC immediately to request OCC to file the appropriate petition.

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	(c) It is not necessary that the twelve-month period referenced in subdivision (b)(3)(B)(i)(a) of this section immediately precede the filing of the petition for termination of parental rights or that it be for twelve (12) consecutive months; (vi) (a) The court has found the juvenile or a sibling dependent-neglected as a result of neglect or abuse that could endanger the life of the child, sexual abuse, or sexual exploitation, any of which was perpetrated by the juvenile's parent or parents or stepparent or stepparents. (b) Such findings by the juvenile division of circuit court shall constitute grounds for immediate termination of the parental rights of one (1) or both of the parents;	
CALIFORNIA*	**Cal Fam Code § 3011 Factors considered in determining best interest of child.** (a) In making a determination of the best interests of the child in a proceeding described in Section 3021, the court shall, among any other factors it finds relevant and consistent with Section 3020, consider all of the following: (1) The health, safety, and welfare of the child. (2) (A) A history of abuse by one parent or any other person seeking custody against any of the following: (i) A child to whom the parent or person seeking custody is related by blood or affinity	**California Department of Social Services, "SDM Policy and Procedures Manual" July 2021** Section 1: Safety Threats 6. CAREGIVER IS UNABLE OR UNWILLING TO PROTECT THE CHILD FROM SERIOUS HARM OR THREATENED HARM BY OTHERS. THIS MAY INCLUDE PHYSICAL ABUSE, SEXUAL ABUSE, OR NEGLECT The caregiver fails to protect the child from serious harm or threatened harm as a result of physical abuse, neglect, or sexual abuse by other family members, other household members, or others having regular access to the child. • The caregiver does not provide supervision necessary to protect the child from

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	or with whom the parent or person seeking custody has had a caretaking relationship, no matter how temporary. (ii) The other parent. (iii) A parent, current spouse, or cohabitant, of the parent or person seeking custody, or a person with whom the parent or person seeking custody has a dating or engagement relationship. (B) As a prerequisite to considering allegations of abuse, the court may require independent corroboration, including, but not limited to, written reports by law enforcement agencies, child protective services or other social welfare agencies, courts, medical facilities, or other public agencies or private nonprofit organizations providing services to victims of sexual assault or domestic violence. As used in this paragraph, "abuse against a child" means "child abuse and neglect" as defined in Section 11165.6 of the Penal Code and abuse against any other person described in clause (ii) or (iii) of subparagraph (A) means "abuse" as defined in Section 6203. **Cal Fam Code § 3044 Rebuttable presumption from showing that person seeking custody has perpetrated domestic violence; Factor; Finding; Evidence; Copy of Section (Effective until January 1, 2026)**	potentially serious harm by others based on the child's age or developmental stage. • An individual with known violent criminal behavior/history or sexual abuse resides in the home, or the caregiver allows access to the child. Include regardless of whether the caregiver (1) knew of the history and allowed access, or (2) upon learning of the history, has not prevented further access. • The caregiver regularly takes the child to dangerous locations where drugs are manufactured or regularly administered (e.g., meth labs or drug houses), or locations used for prostitution or pornography. • In circumstances of domestic violence, the non-offending caregiver is not able to protect him/herself or the child from immediate threat of physical and emotional harm. 9. CURRENT CIRCUMSTANCES, COMBINED WITH INFORMATION THAT THE CAREGIVER HAS OR MAY HAVE PREVIOUSLY MALTREATED A CHILD IN HIS/HER CARE, SUGGEST THAT THE CHILD'S SAFETY MAY BE OF IMMEDIATE CONCERN BASED ON THE SEVERITY OF THE PREVIOUS MALTREATMENT OR THE CAREGIVER'S RESPONSE TO THE PREVIOUS INCIDENT Prior threat of serious harm to a child. Previous maltreatment could have caused severe injury, there was retaliation or threatened retaliation against a child for previous incidents, or prior domestic

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	(a) Upon a finding by the court that a party seeking custody of a child has perpetrated domestic violence within the previous five years against the other party seeking custody of the child, or against the child or the child's siblings, or against a person in subparagraph (A) of paragraph (2) of subdivision (a) of Section 3011 with whom the party has a relationship, there is a rebuttable presumption that an award of sole or joint physical or legal custody of a child to a person who has perpetrated domestic violence is detrimental to the best interest of the child, pursuant to Sections 3011 and 3020. This presumption may only be rebutted by a preponderance of the evidence. (b) To overcome the presumption set forth in subdivision (a), the court shall find that paragraph (1) is satisfied and shall find that the factors in paragraph (2), on balance, support the legislative findings in Section 3020. (1) The perpetrator of domestic violence has demonstrated that giving sole or joint physical or legal custody of a child to the perpetrator is in the best interest of the child pursuant to Sections 3011 and 3020. In determining the best interest of the child, the preference for frequent and continuing contact with both parents, as set forth in subdivision (b) of Section 3020, or with the noncustodial parent, as set forth in paragraph (1) of	violence resulted in serious harm or threatened harm to a child. Section 1A: Caregiver Complicating Behaviors DOMESTIC VIOLENCE There are indications of a recent history of one or more physical assaults between intimate members of the household, or threats/intimidation or harassment that are known as a result of self-report or other credible report by a family or other household member, friend, other collateral contacts, and/or police reports. Section 3: In-Home Protective Interventions One or more safety threats are present; however, the child can safely remain in home with a safety plan. In-home protective interventions have been initiated through a safety plan and the child will remain in the home as long as the safety interventions mitigate the safety threats. Select all in-home interventions used in the safety plan. Safety interventions are actions taken to specifically mitigate any identified safety threats. They should address immediate safety considerations rather than long-term changes. Follow county policies whenever applying any of the safety interventions. 7. Have the non-offending caregiver move to a safe environment with the child. A caregiver not suspected of harming the child has taken or plans to take the child to an alternative location where the alleged perpetrator will not have access to the child.

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	subdivision (a) of Section 3040, may not be used to rebut the presumption, in whole or in part. (2) Additional factors: (A) The perpetrator has successfully completed a batterer's treatment program that meets the criteria outlined in subdivision (c) of Section 1203.097 of the Penal Code. (B) The perpetrator has successfully completed a program of alcohol or drug abuse counseling, if the court determines that counseling is appropriate. (C) The perpetrator has successfully completed a parenting class, if the court determines the class to be appropriate. (D) The perpetrator is on probation or parole, and has or has not complied with the terms and conditions of probation or parole. (E) The perpetrator is restrained by a protective order or restraining order, and has or has not complied with its terms and conditions. (F) The perpetrator of domestic violence has committed further acts of domestic violence. (G) The court has determined, pursuant to Section 6322.5, that the perpetrator is a restrained person in possession or control of a firearm or ammunition in violation of Section 6389. **Cal Wel & Inst Code § 300 Persons subject to jurisdiction of juvenile court.**	Examples include a domestic violence shelter, home of a friend or relative, or hotel. Section 1A: Substitute Care Provider Complicating Behaviors: DOMESTIC VIOLENCE There are indications of a recent history of one or more physical assaults between intimate members of the household, or threats/intimidation or harassment that are known as a result of self-report or other credible report by a family or other household member, friend, other collateral contacts, and/or police reports. SN6. Domestic Violence: Household violence means physical violence or a pattern of threats/intimidation or controlling behavior between the caregiver and any adult household member, including intimate relationships. This does not include violence between a caregiver and a minor child/youth/young adult. The caregiver's intimate relationships: a. Actively help create safety, permanency, and child/youth/young adult well-being. The caregiver consistently responds nonviolently to situations involving conflict and frustration and works with other adults in the household to make choices. AND This contributes to safety for the child/youth/young adult by effectively protecting the child/youth/young adult from violence and teaching/demonstrating nonviolence to the child/youth/young adult. The

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	A child who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court: (a) The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm inflicted nonaccidentally upon the child by the child's parent or guardian. For purposes of this subdivision, a court may find there is a substantial risk of serious future injury based on the manner in which a less serious injury was inflicted, a history of repeated inflictions of injuries on the child or the child's siblings, or a combination of these and other actions by the parent or guardian that indicate the child is at risk of serious physical harm. For purposes of this subdivision, "serious physical harm" does not include reasonable and age-appropriate spanking to the buttocks if there is no evidence of serious physical injury. (b) (1) The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of any of the following: (A) The failure or inability of the child's parent or guardian to adequately supervise or protect the child. (B) The willful or negligent failure of the child's parent or guardian to adequately supervise or protect the child from the conduct	caregiver may have a history of violent relationships, but he/she has developed new patterns of behavior and consciously chooses relationships that are not violent. b. Are not strengths or barriers for safety, permanency, or child/youth/young adult well-being. The caregiver is not currently in and has not been in a relationship that includes violence, threats/intimidation, or controlling behavior. OR The caregiver is or has been in a relationship that includes a minimal degree of violence, threats/intimidation, or controlling behavior, but the child/youth/young adult is unaware and/or untroubled AND has not experienced harm. Violence that has resulted in injury to a caregiver or involved use of a weapon cannot be rated "b" even if the child/youth/young adult is unaware or reports being unaffected. c. Are barriers to safety, permanency, or child/youth/young adult well-being. The caregiver is in or has been in a relationship characterized by violence or a pattern of threats/intimidation or controlling behavior, and the child/youth/young adult is aware of and troubled by this. OR The violence, threats/intimidation, or controlling behavior is ongoing and increasing in frequency or severity. OR

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	of the custodian with whom the child has been left. (C) The willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment. (D) The inability of the parent or guardian to provide regular care for the child due to the parent's or guardian's mental illness, developmental disability, or substance abuse. (2) A child shall not be found to be a person described by this subdivision solely due to any of the following: (A) Homelessness or the lack of an emergency shelter for the family. (B) The failure of the child's parent or alleged parent to seek court orders for custody of the child. (C) Indigence or other conditions of financial difficulty, including, but not limited to, poverty, the inability to provide or obtain clothing, home or property repair, or childcare. **Cal Pen Code § 270 Failure to provide for child.** If a parent of a minor child willfully omits, without lawful excuse, to furnish necessary clothing, food, shelter or medical attendance, or other remedial care for his or her child, he or she is guilty of a misdemeanor punishable by a fine not exceeding two thousand dollars	The caregiver has ended a violent relationship but has not developed behaviors to prevent repeating being either a victim or an aggressor. d. Contribute to imminent danger of serious physical or emotional harm to the child/youth/young adult. The caregiver is in or has recently left a relationship characterized by severe household violence and the child/youth/young adult has been seriously hurt, physically or emotionally, by the violence. OR The caregiver remains in a violent relationship and at least one partner is unwilling to address the violence. SN9. Prior Adverse Experiences/Trauma: Trauma may occur when a person has experienced, witnessed, or been confronted with an event(s) of actual or threatened death or serious injury, a threat of serious physical harm to him/herself or others, or emotional abuse. Trauma may be caused by many experiences, e.g., serious physical harm; sexual abuse; bullying; domestic violence; natural disasters; and long-term exposure to extreme poverty, neglect, or verbal abuse. The caregiver's response to prior adverse experiences/trauma: a. Actively helps create safety, permanency, and child/youth/young adult well-being. Caregiver has not experienced trauma OR

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	($2,000), or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. If a court of competent jurisdiction has made a final adjudication in either a civil or a criminal action that a person is the parent of a minor child and the person has notice of such adjudication and he or she then willfully omits, without lawful excuse, to furnish necessary clothing, food, shelter, medical attendance or other remedial care for his or her child, this conduct is punishable by imprisonment in the county jail not exceeding one year or in a state prison for a determinate term of one year and one day, or by a fine not exceeding two thousand dollars ($2,000), or by both such fine and imprisonment. This statute shall not be construed so as to relieve such parent from the criminal liability defined herein for such omission merely because the other parent of such child is legally entitled to the custody of such child nor because the other parent of such child or any other person or organization voluntarily or involuntarily furnishes such necessary food, clothing, shelter or medical attendance or other remedial care for such child or undertakes to do so. Proof of abandonment or desertion of a child by such parent, or the omission by such parent to furnish necessary food, clothing, shelter or medical attendance or other remedial care for his or her child is prima facie evidence that	the caregiver has a prior experience of trauma, but that prior trauma provides the caregiver with additional skills to improve daily functioning. b. Is not a strength or barrier for safety, permanency, or child/youth/young adult well-being. The caregiver may or may not have a prior history of trauma; however, any traumatic experiences do not impact care for the child/youth/young adult (either because there is no impact on the caregiver's functioning or because the caregiver has learned to manage the impact on his/her functioning effectively). c. Is a barrier to safety, permanency, or child/youth/young adult well-being. Caregiver has experienced trauma AND the caregiver's response involved intense fear, helplessness, or horror, which sometimes impairs functioning and sometimes causes distress, but not harm, to the child/youth/young adult. The caregiver has learned some strategies to manage these responses, and the caregiver sometimes uses them. Caregiver sometimes experiences intrusive, distressing recollections of the event, including images, thoughts, or perceptions; has distressing dreams of the event; or acts or feels like the traumatic event is recurring, BUT caregiver has learned some skills and interventions to manage these thoughts and caregiver sometimes uses them.

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	such abandonment or desertion or omission to furnish necessary food, clothing, shelter or medical attendance or other remedial care is willful and without lawful excuse. The court, in determining the ability of the parent to support his or her child, shall consider all income, including social insurance benefits and gifts. The provisions of this section are applicable whether the parents of such child are or were ever married or divorced, and regardless of any decree made in any divorce action relative to alimony or to the support of the child. A child conceived but not yet born is to be deemed an existing person insofar as this section is concerned. The husband of a woman who bears a child as a result of artificial insemination shall be considered the father of that child for the purpose of this section, if he consented in writing to the artificial insemination. If a parent provides a minor with treatment by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination, by a duly accredited practitioner thereof, such treatment shall constitute "other remedial care", as used in this section.	d. Contributes to imminent danger of serious physical or emotional harm to the child/youth/young adult. Caregiver has experienced trauma AND the caregiver's response involved intense fear, helplessness, or horror, causing impaired functioning and significant distress/harm for the child/youth/young adult. For example, the caregiver has not accessed services and/or cannot use coping strategies or has not received intervention to help manage his/her responses, AND this has resulted in significant harm to the child/youth/young adult. Caregiver may deny the traumatic experience or how it affects him/her or the child/youth/young adult. CSN2. Trauma: Trauma may occur when a person has experienced, witnessed, or been confronted with an event(s) of actual or threatened death or serious injury, or a threat of serious physical harm to him/herself or others. Trauma may be caused by many experiences, e.g., serious physical harm; sexual abuse; bullying; domestic violence; natural disasters; and long-term exposure to extreme poverty, neglect, or verbal abuse. a. The child/youth/young adult's response to prior trauma contributes to his/her safety. The child/youth/young adult has a prior experience of trauma, but that prior trauma provides the

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		child/youth/young adult with additional skills to improve daily functioning. b. The child/youth/young adult has not experienced trauma OR the child/youth/young adult has experienced trauma but no additional intervention is needed. The child/youth/young adult may or may not have a prior history of trauma; however, any traumatic experiences do not impact care for the child/youth/young adult, either because there is no impact on the child/youth/young adult's functioning or because the child/youth/young adult has learned to manage the impact on his/her functioning effectively. c. The child/youth/young adult's response to prior trauma is a concern AND it is an ongoing unmet need. The child/youth/young adult has experienced trauma AND the child/youth/young adult's response involved intense fear, helplessness, or horror that sometimes impairs his/her functioning and sometimes causes distress. He/she does not have long-term indicators of permanent harm/distress but could learn to manage the impacts of trauma on his/her functioning, or he/she has begun to learn to apply some strategies to manage these responses and sometimes uses them. d. The child/youth/young adult's response to prior trauma is a concern that directly contributes to danger to the child/youth/young adult.

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		The child/youth/young adult has experienced trauma AND the child/youth/young adult's response involved intense fear, helplessness, or horror, causing impaired functioning and significant distress/harm for the child/youth/young adult. For example, the child/youth/young adult has not accessed services, cannot use coping strategies, and/or has not received intervention to help manage his/her responses, AND this has resulted in significant harm to the child/youth/young adult. The child/youth/young adult may deny the traumatic experience or how it is affecting him/her.
COLORADO*	**C.R.S. 14-10-124 Best interests of the child.** (1.5) Allocation of parental responsibilities. The court shall determine the allocation of parental responsibilities, including parenting time and decision-making responsibilities, in accordance with the best interests of the child, giving paramount consideration to the child's safety and the physical, mental, and emotional conditions and needs of the child as follows: (a) Determination of parenting time. The court, upon the motion of either party or upon its own motion, may make provisions for parenting time that the court finds are in the best interests of the child, with the child's safety always paramount, unless the court finds, after a hearing, that parenting time by the party would endanger the child's physical health or	**Colorado Department of Human Services Division of Child Welfare and Domestic Violence Program, "Domestic Violence Practice Guide for Child Protective Services" Version 1.0, 2013** 6.4 6.4 Keeping the Children Safely with the Adult Victim: If there is a child safety threat present, consider the following when determining if the children can remain safely with the adult victim: ¬ The adult victim acknowledges risk posed by the perpetrator and demonstrates protective capacities. ¬ The adult victim and children are in a domestic violence shelter or other safe location. ¬ The perpetrator's access to or activities with the children are restricted, for example through provisions of an order of protection or due to serving jail time.

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	significantly impair the child's emotional development. In addition to a finding that parenting time would endanger the child's physical health or significantly impair the child's emotional development, in any order imposing or continuing a parenting time restriction, the court shall enumerate the specific factual findings supporting the restriction, including findings related to domestic violence, child abuse, and child sexual abuse, and may enumerate the conditions that the restricted party could fulfill in order to seek modification in the parenting plan. When a claim of child abuse or neglect, domestic violence, or sexual assault where there is also a claim that the child was conceived as a result of the sexual assault has been made to the court, or the court has reason to believe that a party has committed child abuse or neglect, domestic violence, or sexual assault where there is also a claim that the child was conceived as a result of the sexual assault, prior to determining parenting time, the court shall follow the provisions of subsection (4) of this section. In determining the best interests of the child for purposes of parenting time, the court shall consider all relevant factors, including: (I) The wishes of the child's parents as to parenting time;	¬ The perpetrator demonstrates responsibility for behavior, actively engages in an approved offender treatment program, and follows limits set by the adult victim. ¬ Children show minimal behavioral or emotional effects. ¬ Children have a positive relationship with a supportive and protective adult. ¬ Older children have a plan to be safe and the ability to carry out the plan. ¬ The domestic violence is not escalating, and the perpetrator's known history does not include serious physical assault. ¬ Other issues such as substance abuse or mental health do not pose safety threats. ¬ Non-offending caregiver has supportive extended family or community ties. ¬ Family requests assistance for continued services. The above is not intended to be an all-inclusive checklist. Caseworkers should use the above list as examples of things to consider. Practice Key #21: Not all families impacted by a domestic violence perpetrator require child welfare intervention, and some are best support by community-based services. If the domestic violence does not meet the criteria for a safety threat, explore safety options with the adult victim and make referrals to domestic violence victim advocacy programs and other supportive resources.

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	(II) The wishes of the child if he or she is sufficiently mature to express reasoned and independent preferences as to the parenting time schedule; (III) The interaction and interrelationship of the child with his or her parents, his or her siblings, and any other person who may significantly affect the child's best interests; (III.5) Any report related to domestic violence that is submitted to the court by a child and family investigator, if one is appointed pursuant to section 14-10-116.5; a professional parental responsibilities evaluator, if one is appointed pursuant to section 14-10-127; or a legal representative of the child, if one is appointed pursuant to section 14-10-116. The court may consider other testimony regarding domestic violence from the parties, experts, therapists for any parent or child, the department of human services, parenting time supervisors, school personnel, or other lay witnesses. (IV) The child's adjustment to his or her home, school, and community; (V) The mental and physical health of all individuals involved, except that a disability alone shall not be a basis to deny or restrict parenting time; (VI) The ability of the parties to encourage the sharing of love, affection, and contact between the child and the other party; except that, if the	Family strengths or protective factors that mitigate the risk of harm to children from domestic violence include the following that must be sustained over time: ¬ The child's resiliency. ¬ The child's positive relationship with the adult victim. ¬ The presence of other supportive adults. ¬ The perpetrator has on-going supervised access or no access to the children. ¬ An adequate safety plan is in place for the children and adult victim. ¬ Active involvement with the perpetrator by the criminal justice system and an appropriate intervention program with clear monitoring. ¬ Support services in place for the adult victim and children that help the adult victim provide safety and mitigate the impact of the perpetrator's behavior. ¬ The perpetrator's desire to receive help and visible work toward ending his/her abusive behavior. 6.5 Out of Home Placements When Domestic Violence is a Factor The children's safety may need to be provided through out-of-home placement if one or more of the following is present: In addition to the domestic violence, other types of child maltreatment create safety threats. ¬ The perpetrator's behavior is increasing in frequency or severity and continues to pose a serious

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	court determines that a party is acting to protect the child from witnessing domestic violence or from being a victim of child abuse or neglect or domestic violence, the party's protective actions shall not be considered with respect to this factor; (VII) Whether the past pattern of involvement of the parties with the child reflects a system of values, time commitment, and mutual support; (VIII) The physical proximity of the parties to each other as this relates to the practical considerations of parenting time; (IX) and (X) Repealed. (XI) The ability of each party to place the needs of the child ahead of his or her own needs. (a.5) In determining the best interests of the child for purposes of parenting time, the court shall strive not to consider as a relevant factor information or recommendations that are biased, including bias regarding religion, gender, gender identity, gender expression, sexual orientation, culture, race, ethnicity, national origin, or disability. (b) Allocation of decision-making responsibility. The court, upon the motion of either party or its own motion, shall allocate the decision-making responsibilities between the parties based upon the best interests of the child. In determining decision-making responsibility, the court may allocate the	safety threat to the children despite attempts at intervention. ¬ The perpetrator continues to have unauthorized contact with the children, which presents safety threats. ¬ The perpetrator's history includes known serious domestic violence, such as the use of weapons or near-fatal incidences, risking harm to children in the course of an assault against the adult victim. ¬ The perpetrator or adult victim engages in active substance abuse. ¬ The perpetrator's or adult victim's untreated mental illness poses a safety threat. ¬ Children show reduced ability to manage circumstances or face conditions that increase vulnerability. ¬ The trauma of separation from adult victim and placement, while significant, is likely to be less traumatic than continued risk from perpetrator's behavior. ¬ The adult victim cannot appropriately protect. ¬ No other workable plan can be put in place. When a court-involved dependency and neglect action is open, the court's paramount concern in determining placement is safety of the child. Placement options can be with a parent through protective supervision by the county, with approved relatives/kin, or with foster care. A protective supervision/voluntary case/differential response approach may be appropriate; however it requires agreement to a safety plan and cooperation by all

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	decision-making responsibility with respect to each issue affecting the child mutually between both parties or individually to one or the other party or any combination thereof. When a claim of child abuse or neglect or domestic violence has been made to the court, or the court has reason to believe that a party has committed child abuse or neglect, domestic violence, or sexual assault where there is also a claim that the child in question was conceived as a result of the sexual assault, prior to allocating decision-making responsibility, the court shall follow the provisions of subsection (4) of this section. (4) (a) When a claim of child abuse or neglect, domestic violence, or sexual assault where there is also a claim that the child was conceived as a result of the sexual assault has been made to the court, or the court has reason to believe that a party has committed child abuse or neglect, domestic violence, or sexual assault that resulted in the conception of the child, prior to allocating parental responsibilities, including parenting time and decision-making responsibility, and prior to considering the factors set forth in paragraphs (a) and (b) of subsection (1.5) of this section, the court shall consider the following factors: (I) Whether one of the parties has committed an act of child abuse or neglect as defined	parties. In a domestic violence situation, the child welfare safety plan could create another vehicle through which the domestic violence perpetrator can manipulate, and it is unlikely that a perpetrator would be cooperative enough for this kind of approach to be successful. Please consult your county attorney for further advice. Practice Key #22: When providing information about domestic violence to an adult victim who remains in a relationship with the perpetrators, be cautious when giving written information, as the written information could put the adult victim at risk if seen/found by the perpetrator.

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	in section 18-6-401, C.R.S., or as defined under the law of any state, which factor must be supported by a preponderance of the evidence. If the court finds that one of the parties has committed child abuse or neglect, then it shall not be in the best interests of the child to allocate mutual decision-making with respect to any issue over the objection of the other party or the legal representative of the child. (II) Whether one of the parties has committed an act of domestic violence, has engaged in a pattern of domestic violence, or has a history of domestic violence, which factor must be supported by a preponderance of the evidence. If the court finds by a preponderance of the evidence that one of the parties has committed domestic violence: (A) It shall not be in the best interests of the child to allocate mutual decision-making responsibility over the objection of the other party or the legal representative of the child, unless the court finds that there is credible evidence of the ability of the parties to make decisions cooperatively in the best interest of the child in a manner that is safe for the abused party and the child; and (B) The court shall not appoint a parenting coordinator solely to ensure that mutual decision-making can be accomplished.	

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	(b) The court shall consider the additional factors set forth in paragraphs (a) and (b) of subsection (1.5) of this section in light of any finding of child abuse or neglect, domestic violence, or sexual assault resulting in the conception of a child pursuant to this subsection (4). (c) If a party is absent or leaves home because of an act or threatened act of domestic violence committed by the other party, such absence or leaving shall not be a factor in determining the best interests of the child. (d) When the court finds by a preponderance of the evidence that one of the parties has committed child abuse or neglect, domestic violence, or sexual assault resulting in the conception of the child, the court shall consider, as the primary concern, the safety and well-being of the child and the abused party. (e) When the court finds by a preponderance of the evidence that one of the parties has committed child abuse or neglect, domestic violence, or sexual assault resulting in the conception of the child, in formulating or approving a parenting plan, the court shall consider conditions on parenting time that ensure the safety of the child and abused party, giving paramount consideration to the safety and the physical, mental, and emotional conditions and needs of the child and abused	

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	party. In addition to any provisions set forth in subsection (7) of this section that are appropriate, the parenting plan in these cases may include, but is not limited to, the following provisions: (I) An order limiting contact between the parties to contact that the court deems is safe and that minimizes unnecessary communication between the parties; (II) An order that requires the exchange of the child for parenting time to occur in a protected setting determined by the court; (III) An order for supervised parenting time; (IV) An order restricting overnight parenting time; (V) An order that restricts the party who has committed domestic violence, sexual assault resulting in the conception of the child, or child abuse or neglect from possessing or consuming alcohol or controlled substances during parenting time or for twenty-four hours prior to the commencement of parenting time; (VI) An order directing that the address of the child or of any party remain confidential; (VII) An order that imposes any other condition on one or more parties that the court determines is necessary to protect the child, another party, or any other family or household member of a party; and (VIII) An order that requires child support payments to be made through the child support	

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	registry to avoid the need for any related contact between the parties and an order that the payments be treated as a nondisclosure of information case. (9) If the court orders unsupervised parenting time for a parent and there is any information, including an accusation by a child, that the parent has committed domestic violence, child abuse, or child sexual abuse, or if the parent is accused by the child of domestic violence, child abuse, child sexual abuse, child emotional abuse, or coercive control, the court shall make a statement in writing or orally on the proceeding record regarding why unsupervised parenting time for the parent was determined to be in the best interests of the child with paramount consideration given to the child's safety and the physical, mental, and emotional conditions and needs of the child. **C.R.S. 19-3-604 Criteria for termination.** (2) In determining unfitness, conduct, or condition for purposes of paragraph (c) of subsection (1) of this section, the court shall find that continuation of the legal relationship between parent and child is likely to result in grave risk of death or serious bodily injury to the child or that the conduct or condition of the parent or parents renders the parent or parents unable or unwilling to give the child reasonable parental care to include, at a	

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	minimum, nurturing and safe parenting sufficiently adequate to meet the child's physical, emotional, and mental health needs and conditions. In making such determinations, the court shall consider, but not be limited to, the following: (a) Any one of the bases for a finding of parental unfitness set forth in paragraph (b) of subsection (1) of this section; (b) Conduct towards the child of a physically or sexually abusive nature; (c) History of violent behavior; (d) A single incident of life-threatening or serious bodily injury or disfigurement of the child; (e) Excessive use of intoxicating liquors or controlled substances, as defined in section 18-18-102 (5), C.R.S., which affects the ability to care and provide for the child; (f) Neglect of the child; (g) Injury or death of a sibling due to proven parental abuse or neglect, murder, voluntary manslaughter, or circumstances in which a parent aided, abetted, or attempted the commission of or conspired or solicited to commit murder of a child's sibling; (h) Reasonable efforts by child-caring agencies which have been unable to rehabilitate the parent or parents; (i) That any parent who is a named respondent in the termination proceeding has had prior	

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	involvement with the department of human services concerning an incident of abuse or neglect involving the child and a subsequent incident of abuse or neglect occurs; (j) Whether a parent committed felony assault that resulted in serious bodily injury to the child or to another child of the parent; (k) That the child has been in foster care under the responsibility of the county department for fifteen of the most recent twenty-two months, unless: (I) The child is placed with a relative of the child; (II) The county department or a state agency has documented in the case plan, which shall be available for court review, that filing such a motion would not be in the best interests of the child; (III) Where required to make reasonable efforts, services identified as necessary for the safe return of the child to the child's home have not been provided to the family consistent with the time period in the case plan; or (IV) The child has been in foster care under the responsibility of the county department for such period of time due to circumstances beyond the control of the parent such as incarceration of the parent for a reasonable period of time, court delays or continuances that are not attributable to the parent, or such	

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	other reasonable circumstances that the court finds are beyond the control of the parent; (l) Whether, on two or more occasions, a child in the physical custody of the parent has been adjudicated dependent or neglected in a proceeding under this article or comparable proceedings under the laws of another state or the federal government; (m) Whether, on one or more prior occasions, a parent has had his or her parent-child legal relationship terminated pursuant to this article or section 19-5-105 or comparable proceedings under the laws of another state or the federal government.	
CONNECTICUT	**Conn. Gen. Stat. § 46b-56 Orders re custody, care, education, visitation and support of children. Best interest of the child. Access to records of minor child by noncustodial parent. Orders re therapy, counseling and drug or alcohol screening.** (c) In making or modifying any order as provided in subsections (a) and (b) of this section, the court shall consider the best interests of the child, and in doing so, may consider, but shall not be limited to, one or more of the following factors: (15) the effect on the child of the actions of an abuser, if any domestic violence, as defined in section 46b-1, has occurred between the	**State of Connecticut Department of Children and Families "Intimate Partner Violence Practice Guide" (November 2018)** IPV Safety Planning: IPV safety planning is different than CPS safety planning (using SDM tools). An IPV safety plan is an individualized plan that victims have developed to assist them with dealing with dangerous situations. To help increase physical and psychological safety for children and adult IPV non-offenders, Social Workers should partner with the non-offending parent and children (if appropriate) to develop an IPV safety plan or build on the plan that they may have already established. Safety plans must be individualized. • IPV safety plans address risk to both the child and the adult non-offender

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	parents or between a parent and another individual or the child; (16) whether the child or a sibling of the child has been abused or neglected, as defined respectively in section 46b-120; and (17) whether the party satisfactorily completed participation in a parenting education program established pursuant to section 46b-69b. **Conn. Gen. Stat. § 17a-112 Termination of parental rights of child committed to commissioner. Cooperative postadoption agreements. Placement of child from another state. Interstate Compact on the Placement of Children.** (k) Except in the case where termination of parental rights is based on consent, in determining whether to terminate parental rights under this section, the court shall consider and shall make written findings regarding: (2) whether the Department of Children and Families has made reasonable efforts to reunite the family pursuant to the federal Adoption and Safe Families Act of 1997, as amended from time to time; (4) the feelings and emotional ties of the child with respect to the child's parents, any guardian of such child's person and any person who has exercised physical care, custody or	from the offender's specific behaviors. • Social Workers should discuss and review the safety plan whenever meeting with the non-offender alone to review if anything has changed in regard to the offender's behaviors or with the identified plan itself (supports, resources, etc.). Revisions should be made as needed. • Age-appropriate safety plans can be explored with the non-offender and the children to increase their safety and support and resiliency. (Washington State, Department of Social and Human Services: "Social Worker's Guide to Domestic Violence," January 2016.) Safety planning must include: • planning for immediate safety and safety during assaults • planning for escape • planning for long-term safety • planning for safety with children Note: IPV safety plans should not be shared with the offender. Consult with the legal staff if an offender or attorney asks for a copy. Intimate Partner Violence – Family Assessment Intervention Response (IPV-FAIR) The IPV-FAIR Model is a comprehensive response to families impacted by intimate partner violence. The model is a combination of home-based and clinic-based services. It is strength- and ecologically-focused with safety being the highest priority while assessing and addressing the needs of each family member. IPV-FAIR will engage all members of the family. The model will offer or refer clients to individual, group, family, and/or

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	control of the child for at least one year and with whom the child has developed significant emotional ties; (6) the efforts the parent has made to adjust such parent's circumstances, conduct, or conditions to make it in the best interest of the child to return such child home in the foreseeable future, including, but not limited to, (A) the extent to which the parent has maintained contact with the child as part of an effort to reunite the child with the parent, provided the court may give weight to incidental visitations, communications or contributions, and (B) the maintenance of regular contact or communication with the guardian or other custodian of the child; and (7) the extent to which a parent has been prevented from maintaining a meaningful relationship with the child by the unreasonable act or conduct of the other parent of the child, or the unreasonable act of any other person or by the economic circumstances of the parent.	support interventions for the family based on assessed needs and will provide services and linkages for the children affected by IPV to adequately address trauma. **State of Connecticut Department of Children and Families "Connecticut Family First Prevention Plan" (2022)** Families experiencing interpersonal violence (IPV) Research suggests that families experiencing domestic violence may also be involved with the child welfare system because of children's exposure to violence or the co-occurrence of child abuse and neglect (Child Welfare Information Gateway, 2019a). In Connecticut in 2019, there were allegations of IPV in 4,274 reports and 49.2% of those reports were substantiated. For reports with IPV and substance use allegations, 67.7% of reports were substantiated. By identifying these families as candidates, Connecticut seeks to expand early access to prevention services to families experiencing IPV as well as reduce opportunities for reentry due to IPV.
DELAWARE*	**17 Del. C. § 705A Rebuttable presumption against custody or residence of minor child to perpetrator of domestic violence.** (a) Notwithstanding other provisions of this title, there shall be a rebuttable presumption	**State of Delaware "Division of Family Services – Policy Manual" (February 2021)** B-2. All reports will be screened for substance abuse and domestic violence.

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	that no perpetrator of domestic violence shall be awarded sole or joint custody of any child. (b) Notwithstanding other provisions of this title, there shall be a rebuttable presumption that no child shall primarily reside with a perpetrator of domestic violence. (c) The above presumptions shall be overcome if there have been no further acts of domestic violence and the perpetrator of domestic violence has: (1) Successfully completed a program of evaluation and counseling designed specifically for perpetrators of family violence and conducted by a public or private agency or a certified mental health professional; and (2) Successfully completed a program of alcohol or drug abuse counseling if the Court determines that such counseling is appropriate; and (3) Demonstrated that giving custodial or residential responsibilities to the perpetrator of domestic violence is in the best interests of the child. The presumption may otherwise be overcome only if a judicial officer finds extraordinary circumstances that warrant the rejection of the presumption, such as evidence demonstrating that there exists no significant risk of future violence against any adult or minor child living in the home or any other family member, including any ex-spouse.	A-14. Regardless of whether or not substance abuse or domestic violence is mentioned in the Hotline report, the investigation caseworker will assess the use of substances and the existence of domestic violence during their interviews and in completing the investigation safety and risk assessment. **Department of Services for Children, Youth, & Their Families "Policy 612 – Termination of Parental Rights (TPR)" September 21, 2021** B. Procedures 9. The grounds for termination are as follows: The parent(s) is/are not able or has/have failed to plan adequately for the child's physical needs or his/her mental and emotional health and development, and one or more of the following exists: a) The child has been in the care of the Department or licensed agency for a period of one year, or for a period of six months in the case of a child who comes into care as an infant, or there is a previous placement history of this child; or, b) There is a history of neglect, abuse or lack of care of this child or other children by this parent; or c) The parent is incapable of discharging parental responsibilities because of extended or repeated incarceration, except that the court may consider postconviction conduct of the parent(s); or d) The parent is not able or willing to assume legal and physical custody of the child and pay child support; or

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	(d) In those cases in which both parents are perpetrators of domestic violence, the case shall be referred to the Division of Family Services of the Department of Services for Children, Youth and their Families for investigation and presentation of findings. Upon consideration of such presentation, and all other relevant evidence, including but not limited to, evidence about the history of abuse between the parents and evidence regarding whether 1 parent has been the primary aggressor in the household, the court shall decide custody and residence pursuant to the best interests of the child. (e) Notwithstanding other provisions of this title, including the rebuttable presumption set forth in this section, where a court has determined by at least a preponderance of the evidence, that the perpetrator of domestic violence has subjected any child to death or near death injuries, as that term is defined in § 301 of Title 31, the court shall not award joint or sole custody to the perpetrator of domestic violence, nor permit the perpetrator of domestic violence to exercise custodial or residential responsibilities, nor permit any visitation between the perpetrator of domestic violence and any child, without considering expert testimony from a certified mental health professional that such a custodial, residential or visitation arrangement is in the child's best	e) Continuation of the relationship between the child and parent would result in physical risk to or emotional instability of the child.

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	interests. If such a custodial, residential or visitation arrangement is determined to be in the child's best interests, the court shall then apply the remaining factors set forth in subsection (c) of this section. **11 Del. C. § 1102. Endangering the welfare of a child; class A misdemeanor; class B, C, D, E, or G felony.** (a) A person is guilty of endangering the welfare of a child when: (1) Being a parent, guardian or any other person who has assumed responsibility for the care or supervision of a child the person: a. Intentionally, knowingly or recklessly acts in a manner likely to be injurious to the physical, mental or moral welfare of the child; or b. Intentionally, knowingly or recklessly does or fails to do any act, including failing to report a missing child, with the result that the child becomes a neglected or abused child; or (4) The person commits any violent felony, or reckless endangering second degree, assault third degree, terroristic threatening, unlawful imprisonment second degree, or child abuse third or fourth degree against a victim, knowing that such felony or misdemeanor was witnessed, either by sight or sound, by a child less than 18 years of age who is a	

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	member of the person's family or the victim's family; or	
DISTRICT OF COLUMBIA*	**D.C. Code § 16-914 Custody of Children.** (a)(2) Unless the court determines that it is not in the best interest of the child, the court may issue an order that provides for frequent and continuing contact between each parent and the minor child or children and for the sharing of responsibilities of child-rearing and encouraging the love, affection, and contact between the minor child or children and the parents regardless of marital status. There shall be a rebuttable presumption that joint custody is in the best interest of the child or children, except in instances where a judicial officer has found by a preponderance of the evidence that an intrafamily offense as defined in § 16-1001(8), an instance of child abuse as defined in section 102 of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; § 4-1301.02), an instance of child neglect as defined in section 2 of the Child Abuse and Neglect Prevention Children's Trust Fund Act of 1993, effective October 5, 1993 (D.C. Law 10-56; § 4-1341.01), or where parental kidnapping as defined in section 16-1021 through section 16-1026 has occurred. There shall be a rebuttable presumption that joint custody is not in the best interest of the child or children if a judicial officer finds by a	**District of Columbia Child and Family Services Agency, "Domestic Violence" Last Revision: August 19, 2013.** IV. Policy. It is the policy of CFSA to take action to ensure the safety and well-being of children impacted by domestic violence by: 1. Recognizing offending partners' patterns of assaultive and coercive behavior. 2. Understanding and addressing the impact domestic violence has on child and family functioning. 3. Engaging offending partners and holding them accountable for the physical, emotional and mental harm they inflict (or risk inflicting) on children. 4. Having expectations that offending partners can become safe, nurturing, and responsible parents. 5. Supporting the protective capacities of non-offending caregivers to increase their own safety and the safety, well-being and permanency of their children. 6. Reducing the risk factors of abuse and neglect to the child, and supporting the child and parents in healing. 7. Exploring and addressing substance abuse, mental health issues, and other contributing factors to the domestic violence situation. 8. Working with families in culturally sensitive ways.

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	preponderance of the evidence that an intrafamily offense as defined in § 16-1001(8), an instance of child abuse as defined in section 102 of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; § 4-1301.02), an instance of child neglect as defined in section 2 of the Child Abuse and Neglect Prevention Children's Trust Fund Act of 1993, effective October 5, 1993 (D.C. Law 10-56; § 4-1341.01), or where parental kidnapping as defined in section 16-1021 through section 16-1026 has occurred. (a-1) For the purposes of this section, if the judicial officer finds by a preponderance of evidence that a contestant for custody has committed an intrafamily offense, any determination that custody or visitation is to be granted to the abusive parent shall be supported by a written statement by the judicial officer specifying factors and findings which support that determination. In determining visitation arrangements, if the judicial officer finds that an intrafamily offense has occurred, the judicial officer shall only award visitation if the judicial officer finds that the child and custodial parent can be adequately protected from harm inflicted by the other party. The party found to have committed an intrafamily offense has the	9. Working collaboratively with community partners, providers, and systems to achieve family goals. 10. Acknowledging the expertise of non-offending partners on dynamics of their family and their relationship with offending parents or partners. CFSA shall ensure that case plans for the domestic violence non-offending partner are individualized and appropriate based on their strengths and needs and the offending partner's pattern of coercive and/or abusive behaviors. These case plans involve only action steps over which the nonoffending partner has control, which do not increase the risk of danger from the offending partner and do not revictimize the survivor, and which are necessary for the safety of the children or the non-offending partner. Referrals for services will be made only if the non-offending partner indicates interest and/or the case specific child welfare assessment indicates that such services are necessary for the safety and well-being of the non-offending partner and the children.

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	burden of proving that visitation will not endanger the child or significantly impair the child's emotional development.	
FLORIDA*	**Fla. Stat. § 61.13 Support of children; parenting and time-sharing; powers of court.** (2) The court shall order that the parental responsibility for a minor child be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child. In determining detriment to the child, the court shall consider: a. Evidence of domestic violence, as defined in s. 741.28; b. Whether either parent has or has had reasonable cause to believe that he or she or his or her minor child or children are or have been in imminent danger of becoming victims of an act of domestic violence as defined in s. 741.28 or sexual violence as defined in s. 784.046(1)(c) by the other parent against the parent or against the child or children whom the parents share in common regardless of whether a cause of action has been brought or is currently pending in the court; c. Whether either parent has or has had reasonable cause to believe that his or her minor child or children are or have been in imminent danger of becoming victims of an act of abuse, abandonment, or neglect, as those	**State of Florida Department of Children and Families "CF Operating Procedure No. 170-1: Florida's Child Welfare Practice Model" June 26, 2024** Chapter 2: Core Safety Concepts: 2-2. Present Danger: d. 7. (e) Careful consideration when determining present danger should be made when assessing domestic violence and family violence. The parent/legal guardian or caregiver may not be "actively" violent in the presence of the child welfare professional; however, the domestic violence dynamics within the household are occurring. In addition, there should be consideration of information that indicates that a child and spouse are being mistreated. Concerns are heightened when abuse of a child and spouse are both occurring. 2-7. Caregiver Protective Capacities: a. "Caregiver Protective Capacity" means the personal and caregiving behavioral, cognitive and emotional characteristics that specifically and directly can be associated with being protective to one's children. When the caregivers responsible are able to effectively manage negative family conditions in the home for the long term, the child is safe. Protective capacities are personal qualities or

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	terms are defined in s. 39.01, by the other parent against the child or children whom the parents share in common regardless of whether a cause of action has been brought or is currently pending in the court; and d. Any other relevant factors. 3. The following evidence creates a rebuttable presumption that shared parental responsibility is detrimental to the child: a. A parent has been convicted of a misdemeanor of the first degree or higher involving domestic violence, as defined in s. 741.28 and chapter 775; b. A parent meets the criteria of s. 39.806(1)(d); or c. A parent has been convicted of or had adjudication withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and at the time of the offense: (I) The parent was 18 years of age or older. (II) The victim was under 18 years of age or the parent believed the victim to be under 18 years of age. If the presumption is not rebutted after the convicted parent is advised by the court that the presumption exists, shared parental responsibility, including time-sharing with the child, and decisions made regarding the child, may not be granted to the convicted parent. However, the convicted parent is not relieved of any obligation to provide financial support.	characteristics that contribute to vigilant child protection. (1) The characteristic prepares the person to be protective. (2) The characteristic enables or empowers the person to be protective. (3) The characteristic is necessary or fundamental to being protective. (4) The characteristic must exist prior to being protective. 2-8. Impending Danger: f. There is one impending danger threat related to adult functioning which is identified primarily based on sufficient information as to how the caregiver functions on a daily basis including, but not limited to, the individual's overall life management, physical health, emotion and temperament, cognitive ability, intellectual functioning, self-control and patterns of criminal behavior, history of family and/or domestic violence, impulse control, substance use/abuse and mental health issues: (1) Parent/legal guardian/caregiver is violent, impulsive, or acting dangerously in ways that seriously harmed the child or will likely seriously harm to the child. Examples may include: (a) Child is being sexually abused and perpetrator has ongoing access to child. (b) Caregiver is physically assaultive/threatening. (c) Caregiver is brandishing a weapon. (d) Domestic violence dynamics are present in the household. (e) Caregiver is involved in substance misuse. (f) Caregiver is violating "no contact" supervision restrictions by order of the court.

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	If the court determines that shared parental responsibility would be detrimental to the child, it may order sole parental responsibility and make such arrangements for time-sharing as specified in the parenting plan as will best protect the child or abused spouse from further harm. Whether or not there is a conviction of any offense of domestic violence or child abuse or the existence of an injunction for protection against domestic violence, the court shall consider evidence of domestic violence or child abuse as evidence of detriment to the child. (3) (m) Evidence of domestic violence, sexual violence, child abuse, child abandonment, or child neglect or evidence that a parent has or has had reasonable cause to believe that he or she or his or her minor child or children are in imminent danger of becoming victims of an act of domestic violence, regardless of whether a prior or pending action relating to those issues has been brought. If the court accepts evidence of prior or pending actions regarding domestic violence, sexual violence, child abuse, child abandonment, or child neglect, the court must specifically acknowledge in writing that such evidence was considered when evaluating the best interests of the child. (n) Evidence that either parent has knowingly provided false information to the court	13-5 Domestic Violence Information: b. Per s. 39.301(9)(a)6a, F.S., the safety plan for the parent who is a victim of domestic violence may not be shared with the perpetrator. This includes the sharing of any information in the Confidential Child Safety Plan. 14-5. Continued Diligent Search and Diligent Efforts Activities: a. Until case transfer, the CPI will continue the diligent search and efforts to locate absent parents, relatives, and fictive kin. The CPI must also continue the diligent search and efforts to locate a perpetrator of domestic violence if the CPI seeks to implement a safety plan against the perpetrator. The CPI's activities, information learned, and next steps should be discussed at the case transfer meeting. The case manager must continue diligent search and diligent effort activities until the absent parent, relatives, or fictive kin are found, or the dependency court excuses further search activities. 14-6. Requirements When Parent, Perpetrator of Domestic Violence, or Relatives are Located. If the child welfare professional or designee's diligent search locates a parent or identifies a prospective parent, the following activities must be completed: a. Notify CLS immediately when a perpetrator of domestic violence has been located so that CLS can decide to seek issuance of an injunction per s. 39.504, F.S., if an injunction is

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	regarding any prior or pending action regarding domestic violence, sexual violence, child abuse, child abandonment, or child neglect. **Fla. Stat. § 39.806 Grounds for termination of parental rights.** (c) When the parent or parents engaged in conduct toward the child or toward other children that demonstrates that the continuing involvement of the parent or parents in the parent-child relationship threatens the life, safety, well-being, or physical, mental, or emotional health of the child irrespective of the provision of services. Provision of services may be evidenced by proof that services were provided through a previous plan or offered as a case plan from a child welfare agency. (f) The parent or parents engaged in egregious conduct or had the opportunity and capability to prevent and knowingly failed to prevent egregious conduct that threatens the life, safety, or physical, mental, or emotional health of the child or the child's sibling. Proof of a nexus between egregious conduct to a child and the potential harm to the child's sibling is not required. **Fla. Stat. § 39.4022 Multidisciplinary teams; staffings; assessments; report.** (3) Creation and goals.	required under s. 39.301, F.S. If the perpetrator is a parent, CLS can also determine whether to file a shelter or dependency petition if a petition has not been previously filed. The child welfare professional must establish a separate safety plan with the perpetrator per requirements in CFOP 170-7, Chapter 4. **State of Florida Department of Children and Families "CF Operating Procedure No. 170-4" April 26, 2024** d. Harm (Section 39.01 (35), F.S.). When a person: (14) Makes the child unavailable for the purpose of impeding or avoiding a protective investigation unless the court determines that the parent, legal custodian or caregiver was fleeing from a situation involving domestic violence. Assessing for Maltreatment: Excluding Factors: • Hotline counselors should not add the "Failure to Protect" maltreatment to intakes involving allegations of domestic violence or intimate partner violence. • The addition of "Failure to Protect" onto intimate partner violence intakes requires verification of the domestic violence victim's active participation in the abuse of the child and is not appropriate as an allegation simply because the victim is still with the perpetrator or the perpetrator is still in the home. Frequently Associated Maltreatments:

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	(a) Multidisciplinary teams must be established for the purpose of allowing better engagement with families and a shared commitment and accountability from the family and their circle of support. (b) The multidisciplinary teams must adhere to the following goals: 1. Secure a child's safety in the least restrictive and intrusive placement that can meet his or her needs; 2. Minimize the trauma associated with separation from the child's family and help the child to maintain meaningful connections with family members and others who are important to him or her; 3. Provide input into the proposed placement decision made by the community-based care lead agency and the proposed services to be provided in order to support the child; 4. Provide input into the decision to preserve or maintain the placement, including necessary placement preservation strategies; 5. Contribute to an ongoing assessment of the child and the family's strengths and needs; 6. Ensure that plans are monitored for progress and that such plans are revised or updated as the child's or family's circumstances change; and 7. Ensure that the child and family always remain the primary focus of each multidisciplinary team meeting.	• When assessing a perpetrator's pattern of coercive control, explore the ways in which the perpetrator's actions have harmed the children, and add any appropriate maltreatment codes. o If a weapon was used during the violent episode and the child was injured with the weapon, also assess for "Physical Injury," o If a child sustained an injury due to intervening or proximity during a violent episode between other members of the household, also assess for "Physical Injury." o If the child has shown a discernible and substantial impairment in the ability to function within the typical range of performance and behavior as a result of witnessing or experiencing the dynamics of intimate partner or domestic violence, also assess for "Mental Injury." o If the perpetrator's pattern of control involves monetary restrictions that have resulted in the child's needs not being met, also assess for "Environmental Hazards."

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GEORGIA	**O.C.G.A. § 19-9-3 Establishment and review of child custody and visitation.** 3. In determining the best interest of the child, the judge may consider any relevant factor including, but not limited to: (P) Any evidence of family violence or sexual, mental, or physical child abuse or criminal history of either parent; **O.C.G.A. § 15-112 Definitions.** (2) "Abuse" means: (A) Any nonaccidental physical injury or physical injury which is inconsistent with the explanation given for it suffered by a child as the result of the acts or omissions of a person responsible for the care of a child; (B) Emotional abuse; (C) Sexual abuse or sexual exploitation; (D) Prenatal abuse; or (E) The commission of an act of family violence as defined in Code Section 19-13-1 in the presence of a child. An act includes a single act, multiple acts, or a continuing course of conduct. As used in this subparagraph, the term "presence" means physically present or able to see or hear.	**Georgia Division of Family and Children Services "Intimate Partner Violence (Domestic Violence) Guidelines and Protocol" First Edition – 2015** DCFS Intervention DCFS Safety Plan The goal of the DFCS safety plan should be to keep children safe by joining with the non offending caregiver in developing this plan. In the DFCS safety plan, the caseworker targets the factors that are causing or contributing to the danger of the child, and identifies, along with the family, the interventions that will control the safety factors and assure the child's protection. The DFCS safety plan should be created with the family by the case manager and should avoid strategies that create potentially dangerous or inappropriate interventions such as couples counseling/assessments, mediation, or anger management in cases of domestic violence. The DFCS safety plan should not force the non offending caregiver and/or children to leave the residence and enter shelter. This should be the choice of the non offending caregiver. Interventions with family members should attempt to meet the following four goals: 1) To protect the children. 2) To help the non offending caregiver protect self and the children, using non-coercive, supportive, and empowering interventions whenever possible through a domestic violence safety plan.

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		3) To include specific actions to mitigate the safety threat held by the offender to stop the abusive behavior. 4) Meeting the needs as established by the non offending caregiver (e.g. social and economical needs).
GUAM*	**19 Guam Code § 13315 Order of Protection.** (a) Upon submission of the declaration in support of an ex parte order pursuant to subsection (g) of § 13302 or at a temporary foster custody hearing, the court may make an order of protection. Such an order may include but need not be limited to a requirement that a party: (1) Stay away from the family home, a school or any other place or location which is deemed by the court to present an opportunity for contact between the parties, or with other persons which contact would not be in the best interests of the child; (2) Abstain from physically or verbally contacting, threatening or abusing any party or person; and (3) Report any violation of an order of protection to the appropriate law enforcement authorities and other authorized agencies. (b) An order of protection granted ex parte pursuant to subsection (g) of § 13302 shall expire in three working days after a child is taken into protective custody.	***Guam Bureau of Social Services Administration (BOSSA).*** **(2024)** **http://dphss.guam.gov/bureau-of-social-services-administration/** Family Services Section **Family Preservation Unit** Family preservation services are intensive, short-term, in-home, crisis intervention and support services, which strives to strengthen and support families in order to prevent out-of-home placement of children or to assist families preparing to reunify. **Support Services Unit** Family Support Services focuses primarily on prevention activities such as curriculum development, and strategies for the prevention and intervention of child abuse and neglect. Other efforts are targeted at strengthening the family support services in existence in order to enhance family functioning. In addition, this program develops and implements a foster home recruitment program and training of foster families.

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	(c) The parties may release copies of an order of protection to appropriate law enforcement authorities. **19 Guam Code § 9108 General Rules.** In awarding the custody of a minor, or in appointing a general guardian, the court or officer is to be guided by the following considerations: (a) By what appears to be for the best interest of the child in respect to its temporal and its mental and moral welfare; and if the child is of sufficient age to form an intelligent preference, the court may consider that preference in determining the question. (b) As between parents adversely claiming the custody or guardianship, neither parent is entitled to it as of right; but other things being equal, if the child is of tender years, it should be given to the mother; if it is of an age to require education and preparation for labor and business, then to the father. (c) Of two persons equally entitled to the custody in other respects, preference is to be given as follows: (1) To a parent; (2) To one who was indicated by the wishes of the deceased parent; (3) To one who already stands in the position of a trustee of a fund to be applied to the child's support;	

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	(4) To a relative. (d) Any parent who knowingly or willfully abandons, or having the ability so to do, fails to maintain his minor child under the age of fourteen (14) years, forfeits the guardianship of such child. **19 Guam Code § 8404 Criteria and Procedure in Awarding Custody.** (a)(4) Whenever good cause appears therefor, the court may require an investigation and report concerning the care, welfare and custody of any minor child of the parties. When so directed by the court, professional personnel of the Department of Public Health and Social Services shall assist the court by making investigations and reports which shall be made available to all interested parties and counsel before hearing, and such reports may be received in evidence if no objection is made and, if objection is made, may be received in evidence provided the person or persons responsible for such report are available for cross-examination as to any matter which has been investigated. (9) It is legislative policy that children should not be exposed to family violence because, even when they are not themselves physically assaulted, they suffer deep and lasting	

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	emotional effects from exposure to family violence; and (10) The Court may award visitation or custody to a parent who committed family violence only if the Court finds that adequate provision for the safety of the child and the parent who is a victim of family violence can be made; and (11) In every proceeding in which there is at issue the modification of an order for custody or visitation of a child, the finding that family violence has occurred since the last custody or visitation determination constitutes a finding of a change of circumstances; and (12) In a custody or visitation order, a Court may: (A) order an exchange of a child to occur in a protected setting; (B) order visitation supervised by another person or agency; (C) order perpetrator(s) of family violence to attend and complete, to the satisfaction of the Court, a program of intervention for perpetrators or other designated counseling as a condition of the visitation; (D) order either parent or other party to a custody or visitation order to abstain from consumption of alcohol or other intoxicants during the visitation and for twenty-four (24) hours preceding the visitation;	

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	(E) order perpetrator(s) of family violence to pay a fee to defray the costs of supervised visitation, or to pay for the services of a guardian ad litem appointed by the court; (F) prohibit overnight visitation; (G) require a bond from perpetrator(s) of family violence for the return and safety of the child; or (H) impose any other condition that is deemed necessary to provide for the safety of a child, a victim of family violence, or other family or household member. (13) Whether or not visitation is allowed, the Court may order the address of a child or a victim to be kept confidential. (14) If the Court allows a family or household member to supervise visitation, the Court may establish conditions to be followed during visitation. (15) In addition to other factors that the Court must consider in a proceeding in which the custody of a child, or visitation by a parent is at issue and in which the Court has made a finding that family violence has occurred: (A) the court shall consider as primary the safety and well-being of the child(ren) and of a parent or guardian who is the victim of family violence; and (B) the court shall consider the perpetrator's history of causing or attempting to cause bodily injury to another family or household	

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	member; or placing a family or household member in fear of bodily injury. (16) If a parent or guardian is absent or relocates because of an act of family violence by the other parent, the absence or relocation is not a factor that weighs against the parent or guardian in determining custody or visitation, so long as the child(ren) are not removed from Guam without prior Court authorization.	
HAWAII*	**HI Rev Stat § 571-46 Criteria and Procedure in awarding custody and visitation; best interest of the child.** (a) In actions for divorce, separation, annulment, separate maintenance, or any other proceeding where there is at issue a dispute as to the custody of a minor child, the court, during the pendency of the action, at the final hearing, or any time during the minority of the child, may make an order for the custody of the minor child as may seem necessary or proper. In awarding the custody, the court shall be guided by the following standards, considerations, and procedures: (4) Whenever good cause appears therefor, the court may require an investigation and report concerning the care, welfare, and custody of any minor child of the parties. When so directed by the court, investigators or professional personnel attached to or assisting the court, hereinafter referred to as child	**Hawaii DHS Child Welfare Services Procedures Manual, Part III: Caseworker Services "Section 3: Family Case Plan"** III. UTILIZATION OF RECOMMENDED SERVICES (11) THE SAFETY OF THE CHILD IS PARAMOUNT. WITHOUT COMPROMISING THE SAFETY OF THE CHILD, reasonable efforts must be made to preserve the family unit and prevent the removal of the child from the family home OR to return the child to a safe family home, by providing appropriate and available services to the family In a timely manner. IV. FAMILY'S ABILITY TO CHANGE (12) AND ASSESSMENT (14): [All three subheadings are to be addressed in each report] A. Willingness and ability to resolve the safety issues in the home within a reasonable time frame. (12) B. Family's demonstrated ability to be protective, meet the needs of the child, and maintain a safe family home. (14) C. Department's decision regarding the service direction of the case and why that decision is in the best interest of the child.

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	custody evaluators, shall make investigations and reports that shall be made available to all interested parties and counsel before hearing, and the reports may be received in evidence if no objection is made and, if objection is made, may be received in evidence; provided the person or persons responsible for the report are available for cross-examination as to any matter that has been investigated; and provided further that the court shall define, in accordance with section 571-46.4, the requirements to be a court-appointed child custody evaluator, the standards of practice, ethics, policies, and procedures required of court-appointed child custody evaluators in the performance of their duties for all courts, and the powers of the courts over child custody evaluators to effectuate the best interests of a child in a contested custody dispute pursuant to this section. Where there is no child custody evaluator available that meets the requirements and standards, or any child custody evaluator to serve indigent parties, the court may appoint a person otherwise willing and available in accordance with section 571-46.4; child; (8) The court may appoint a guardian ad litem to represent the interests of the child and may assess the reasonable fees and expenses of the guardian ad litem as costs of the action,	

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	payable in whole or in part by either or both parties as the circumstances may justify; (9) In every proceeding where there is at issue a dispute as to the custody of a child, a determination by the court that family violence has been committed by a parent raises a rebuttable presumption that it is detrimental to the child and not in the best interest of the child to be placed in sole custody, joint legal custody, or joint physical custody with the perpetrator of family violence. In addition to other factors that a court shall consider in a proceeding in which the custody of a child or visitation by a parent is at issue, and in which the court has made a finding of family violence by a parent: (A) The court shall consider as the primary factor the safety and well-being of the child and of the parent who is the victim of family violence; (B) The court shall consider the perpetrator's history of causing physical harm, bodily injury, or assault or causing reasonable fear of physical harm, bodily injury, or assault to another person; and (C) If a parent is absent or relocates because of an act of family violence by the other parent, the absence or relocation shall not be a factor that weighs against the parent in determining custody or visitation;	

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	(10) A court may award visitation to a parent who has committed family violence only if the court finds that adequate provision can be made for the physical safety and psychological well-being of the child and for the safety of the parent who is a victim of family violence;	
IDAHO*	**ID Code § 32-717 Custody of children – Best interest.** (1) In an action for divorce the court may, before and after judgment, give such direction for the custody, care and education of the children of the marriage as may seem necessary or proper in the best interests of the children. The court shall consider all relevant factors which may include: (g) Domestic violence as defined in section 39-6303, Idaho Code, whether or not in the presence of the child. **ID Code § 16-1608 Emergency removal.** (1) (a) A child may be taken into shelter care by a peace officer without an order issued pursuant to subsection (4) of section 16-1611 or section 16-1619, Idaho Code, only where the child is endangered in his surroundings and prompt removal is necessary to prevent serious physical or mental injury to the child or where the child is an abandoned child pursuant to the provisions of chapter 82, title 39, Idaho Code.	**Idaho Department of Health & Welfare "Practice Standards for Priority Guidelines in Responding to Allegations of Abuse, Neglect, or Abandonment" Revised February 2020** Additional circumstances to consider when determining the agency's response: (1) Domestic Violence A caregiver may be a victim of family violence which affects the caregiver's ability to care for and/or protect child(ren) from immediate harm. The following should be considered in determining a response: • Child(ren) has been injured during an episode of domestic violence. • Child(ren) has been used as a shield during an episode of domestic violence; and • Child's basic needs have been seriously neglected because adult victim was incapacitated by domestic violence. Situations that may impact a child(ren)'s safety include: • Batterer has used or threatened to use a weapon during domestic violence

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	(b) An alleged offender may be removed from the home of the victim of abuse or neglect by a peace officer without an order, issued pursuant to subsection (5) of section 16-1611, Idaho Code, only where the child is endangered and prompt removal of an alleged offender is necessary to prevent serious physical or mental injury to the child. (2) When a child is taken into shelter care under subsection (1) of this section, he may be held for a maximum of forty-eight (48) hours, excluding Saturdays, Sundays and holidays, unless a shelter care hearing has been held pursuant to section 16-1615, Idaho Code, and the court orders an adjudicatory hearing. (3) When an alleged offender is removed from the home under subsection (1)(b) of this section, a motion based on a sworn affidavit by the department must be filed simultaneously with the petition and the court shall determine at a shelter care hearing, held within a maximum of twenty-four (24) hours, excluding Saturdays, Sundays and holidays, whether the relief sought shall be granted, pending an adjudicatory hearing. Notice of such hearing shall be served upon the alleged offender at the time of removal or other protective relief.	assault; • Batterer has continued a pattern of partner abuse after a criminal no contact order or civil protection order; • Batterer has stalked partner and/or children; • Batterer has caused injuries serious enough to require medical attention or hospitalization; • Batter has threatened homicide or suicide; and • Frequency and/or type of violence have been escalating. Referrals will only be assigned a response if they involve a child's physical safety; allegations regarding the child witnessed their parent/caregiver being hurt will be forwarded to law enforcement. Additionally, CIU will provide referents with referrals to community resources. **IDAPA 16 – Idaho Department of Health and Welfare Division of Family and Community Services "16.06.01 – Child and Family Services" 2024 for Rulemaking and 2025 for Legislative Review** 559 Child Protection Safety and Comprehensive Assessments .05 Role of Law Enforcement. Section 16-1617, Idaho Code, specifies that the Department may enlist the cooperation of peace officers for phases of the safety assessment for which they have the expertise and responsibility and consistent with the

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		relevant multidisciplinary team protocol. Such areas include: a. Interviewing the alleged perpetrator; b. Removing the alleged perpetrator from the child's home in accordance with Section 16-1608(b), Idaho Code, the "Domestic Violence Act"; and c. Taking a child into custody in accordance with Section 16-1608, Idaho Code, where a child is endangered and prompt removal from their surroundings is necessary to prevent serious physical or mental injury.
ILLINOIS	**750 ILCS § 5/602.5 Allocation of parental responsibilities: parenting time.** (b) In determining the child's best interests for purposes of allocating parenting time, the court shall consider all relevant factors, including, without limitation, the following: (12) the physical violence or threat of physical violence by the child's parent directed against the child; (13) the occurrence of abuse against the child or other member of the child or violence by the child's parent directed against the child; **750 ILCS § 405/1-3 Definitions.** (4.05) Whenever a "best interest" determination is required, the following factors shall be considered in the context of the child's age and developmental needs: **(**a) the physical safety and welfare of the child, including food, shelter, health, and clothing;	**Illinois Department of Human Services "Subpart B: Reports of Suspected Child Abuse or Neglect or Incidents Involving Wards with Sexual Behavior Problems" September 30, 2005.** Section 302.260 Domestic Violence (4) Assessment (Level of Risk and Safety) The presence of domestic violence may or may not warrant Department intervention. Workers must refer to the Risk Assessment, CERAP, allegation system and Domestic Violence Practice Guide to determine if the domestic violence rises to the level of abuse or neglect or poses a threat to the safety of the children. Interventions will be determined by assessed level of safety and risk to the children. When assessing the level of risk to the children, the worker shall consider whether there is reasonable cause to believe: • There is ongoing domestic violence and/or that the alleged batterer has a history of domestic violence; AND • The child or children are likely to be used as a shield or held or physically

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	(b) the development of the child's identity; (c) the child's background and ties, including familial, cultural, and religious; (d) the child's sense of attachments, including: (i) where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued); (ii) the child's sense of security; (iii) the child's sense of familiarity; (iv) continuity of affection for the child; (v) the least disruptive placement alternative for the child; (e) the child's wishes and long-term goals, including the child's wishes regarding available permanency options and the child's wishes regarding maintaining connections with parents, siblings, and other relatives; (f) the child's community ties, including church, school, and friends; (g) the child's need for permanence which includes the child's need for stability and continuity of relationships with parent figures, siblings, and other relatives; (h) the uniqueness of every family and child; (i) the risks attendant to entering and being in substitute care; and (j) the preferences of the persons available to care for the child, including willingness to provide permanency to the child, either	restrained from leaving during an incident of domestic violence; or • The child or children will place themselves at substantial risk of harm by intervening during an incident of domestic violence; or • The alleged batterer has committed assault or murder and has threatened to harm members of the immediate family, extended family and pets; or • The child's or children's ability to function on a daily basis has been substantially impaired due to incidents of domestic violence; or • The non-offending caregiver or alleged batterer describe the children in negative terms, act negatively towards the children or blame them for the incidents of domestic violence; or • The alleged batterer has used or has threatened to use weapons. (f) Safety Planning Workers shall utilize the guidance provided by the Domestic Violence Decision Tree (Attachment II) in situations where the domestic violence has been observed or documented in LEADS or official reports/records. The Domestic Violence Decision Tree also provides alternatives that workers may pursue with the non-offending adult victim prior to taking protective custody. Those alternatives include the following: 1) The batterer acknowledges responsibility for the domestic violence and leaves the home; or 2) A safety plan is established and the batterer moves out of the home. This may include steps such as assisting the victim of domestic violence in obtaining a domestic violence order of

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	through subsidized guardianship or through adoption. **750 ILCS § 50/1 Definitions.** D. "Unit person" eans any person whom the court shall find to be unfit to have a child, without regard to the likelihood that the child will be placed for adoption. The grounds of unfitness are any one or more of the following, except that a person shall not be considered an unfit person for the sole reason that the person has relinquished a child in accordance with the Abandoned Newborn Infant Protection Act [325 ILCS 2/1 et seq.]: (e) Extreme or repeated cruelty to the child. (f) There is a rebuttable presumption, which can be overcome only by clear and convincing evidence, that a parent is unfit if: (1) Two or more findings of physical abuse have been entered regarding any children under Section 2-21 of the Juvenile Court Act of 1987 [705 ILCS 405/2-21], the most recent of which was determined by the juvenile court hearing the matter to be supported by clear and convincing evidence; or (2) The parent has been convicted or found not guilty by reason of insanity and the conviction or finding resulted from the death of any child by physical abuse; or	protection, arrest of the batterer, police involvement or court action; or 3) A safety plan is established and the non-offending adult victim relocates with the children to a safe location. This location will be where the perpetrator will not have access, such as a relative's home, friend's home or domestic violence shelter. The adult victim is also assisted in obtaining domestic violence services; or Note: Any safety plan developed that is dependent on a third party's cooperation must include full releases from the family to permit sharing all relevant information with the third party. 4) The non-offending caretaker makes arrangements for the children to be in a safe environment; or 5) The children are taken into protective custody if their safety cannot be assured. **Illinois Department of Human Services "Safety and Sobriety Manual – Best Practices in Domestic Violence and Substance Abuse" January 2005.** Programmatic Response to the Issue of Child Witnessing: When intervening with children exposed to domestic violence: • The batterer should be referred to only protocol approved PA/PS and not anger management services. • Separate service plans for the victim and batterer are best practice so that the batterer doesn't have the opportunity to jeopardize her custody of the child.

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	(3) There is a finding of physical child abuse resulting from the death of any child under Section 2-21 of the Juvenile Court Act of 1987. No conviction or finding of delinquency pursuant to Article V of the Juvenile Court Act of 1987 [705 ILCS 405/5-101 et seq.] shall be considered a criminal conviction for the purpose of applying any presumption under this item (f). (g) Failure to protect the child from conditions within his environment injurious to the child's welfare.	• Safety planning for the child and victim should occur especially if visitation with the batterer is allowed. • Substance abuse and victim or abuser services should be concurrent. • Services for the victim or batterer should be community based, licensed (substance abuse treatment), monitored (victim services) and/or protocol approved (batterer). • If interventions require that both the victim and batterer attend services at the same location, victim safety should be considered. **Ascend Justice "Understanding and Responding to Department of Children and Family Services' Abuse and Neglect Investigations in Illinois – A Basic Guide for Illinois Parents and Other Caregivers" April 2016.** Is there any domestic violence in the home? The question about domestic violence is tricky too, even if you are the victim and not the perpetrator. Historically, being a victim of domestic violence often has been used against the victim. The Family Defense Center has been working with many domestic violence advocacy groups and DCFS itself to change the treatment of domestic violence victims. As a result of the Center's work, DCFS rules now clearly provide that a victim is presumed not to be neglectful, as long as reasonable precautionary measures to protect the children from domestic violence have been taken. Unless and until

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		DCFS practices conform to this policy, however, revealing the extent of domestic violence can be counterproductive to the interests of the domestic violence victim. If there is domestic violence that is of current concern, it is most important to acknowledge and report to DCFS the steps you are actively taking to protect yourself and the children. Minimizing or denying obvious signs of domestic violence is likely to backfire on the victim. (Note: the Family Defense Center has a new "Toolkit" for domestic violence advocates that discusses in much more detail how to advocate with DCFS on behalf of victims.)
INDIANA	**Ind. Code Ann. § 31-17-2-8 Factors considered – Standard.** The court shall determine custody and enter a custody order in accordance with the best interests of the child. In determining the best interests of the child, there is no presumption favoring either parent. The court shall consider all relevant factors, including the following: (7) Evidence of a pattern of domestic or family violence by either parent. **Ind. Code Ann. § 31-34-1-1 Impairment or serious endangerment of physical or mental condition.** A child is a child in need of services if before the child becomes eighteen (18) years of age: (1) the child's physical or mental condition is seriously impaired or seriously endangered as	**Indiana Department of Child Services Child Welfare Policy "Chapter 2: Administration of Child Welfare – Section 30: Domestic Violence (DV)" June 1, 2022.** Assessments: An out-of-home placement for cases involving DV should only be considered when the child is at imminent risk of removal (Indiana Code uses the phrase "imminent risk of placement" rather than "imminent risk of removal"), all other means of safety have been considered and offered, and the non-offending parent is unable to protect the child or is unwilling to accept services. An assessment involving DV does not warrant an automatic removal to ensure the safety of the child. DV does not always constitute exigent circumstances to interview the child without first seeking parental consent. See 2.D Tool: Considerations When

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	a result of the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, medical care, education, or supervision: (A) when the parent, guardian, or custodian is financially able to do so; or (B) due to the failure, refusal, or inability of the parent, guardian, or custodian to seek financial or other reasonable means to do so; and (2) the child needs care, treatment, or rehabilitation that: (A) the child is not receiving; and (B) is unlikely to be provided or accepted without the coercive intervention of the court.	Domestic Violence is Identified and policies 4.06 Exigent Circumstances and 7.01 Child at Imminent Risk of Removal for additional information. When DV has been alleged the DCM will: 1. Inform the non-offending parent of the time and location of the interview with the alleged DV offender, if possible, prior to making face-to-face contact with the alleged DV offender; and 2. Create a Safety Plan for the child and all family members upon initiation of the assessment (see Practice Guidance). The purpose of the Safety Plan is to: a. Plan for the immediate safety for the child and non-offending parent, b. Begin planning for the long-term safety of the child and the non-offending parent, including what will happen when DCS is no longer involved, Note: The Safety Plan cannot include a provision that requires the non-offending parent to restrict the visitation or parenting time of the offending parent. This would be a constructive removal and a CHINS would need to be filed. c. Provide safety options and information about community services (e.g., DV advocacy programs and programs that provide financial assistance and information about requesting a protection or no contact order on the Protection, No Contact and Workplace Violence Restraining Orders webpage) for the non-offending parent and the child, and

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		d. Address behaviors demonstrated by the alleged DV offender that pose a risk to the child's safety. Note: DCS will partner with the non-offending parent and child to create a Safety Plan in all assessments where DV has been identified. If the non-offending parent has met with a DV advocate to create a DV Safety Plan, the DCS Safety Plan may be revised to incorporate the safety plan that was created with the DV advocate. Best practice would be to include a DV advocate in the development of the DCS Safety Plan. 3. Discuss with the non-offending parent the precautions to take if the parent wants a copy of the Safety Plan (e.g., where to safely keep the document). If the non-offending parent does not want a copy of the Safety Plan, document in the case management system that the non-offending parent opted to not take a copy of the plan. Note: If the alleged DV offender requests or subpoenas a copy of the Safety Plan, the FCM should meet with the DCS Staff Attorney, and the Safety Plan should be redacted to protect the safety of the non-offending parent and child as outlined in IC 31-33-18-2(8) and IC 31-33-18-2(13). The FCM will consider closing an assessment without opening a case when: 1. The alleged DV offender has supervised visits or no access to the child; 2. A Safety Plan is in place for the safety of the child;

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		3. Support services are in place for the alleged victim/parent and child, which help provide safety for the alleged victim/parent and the child; 4. Active involvement with the alleged DV offender by the criminal justice system and an appropriate intervention program is in place; and/or 5. Risks posed by the alleged DV offender are no longer present (e.g., the non-offending parent and child are living in a shelter or there is a reasonable belief the offender will no longer have access to the child). Note: If an assessment is closed without opening a case, the FCM should offer to refer the non-offending parent to local DV service providers and other community resources for services as warranted (see 4.G Tool: Community Resources and Prevention Services). The FCM will consider opening a case when: 1. Violence is increasing in either frequency or severity (this is especially important when a child is too young or unable to tell what happened); 2. A relevant individual is thinking about, planning, or has made past attempts of suicide or homicide; 3. The alleged DV offender is not allowing the non-offending parent and/or the child access to basic needs; 4. The child is exhibiting observable effects of the DV, causing substantial impairment; 5. The family requests assistance; or 6. Other risk factors impact the safety of the child (see 2.D Tool:

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		Considerations When Domestic Violence is Identified for additional information).
IOWA*	**Iowa Code § 598.41 Custody of Children.** 1. a. The court may provide for joint custody of the child by the parties. The court, insofar as is reasonable and in the best interest of the child, shall order the custody award, including liberal visitation rights where appropriate, which will assure the child the opportunity for the maximum continuing physical and emotional contact with both parents after the parents have separated or dissolved the marriage, and which will encourage parents to share the rights and responsibilities of raising the child unless direct physical harm or significant emotional harm to the child, other children, or a parent is likely to result from such contact with one parent. b. Notwithstanding paragraph "a", if the court finds that a history of domestic abuse exists, a rebuttable presumption against the awarding of joint custody exists. 3. In considering what custody arrangement under subsection 2 is in the best interest of the minor child, the court shall consider the following factors: i. Whether the safety of the child, other children, or the other parent will be jeopardized by the awarding of joint custody or by unsupervised or unrestricted visitation.	**State of Iowa Department of Health and Human Services "Employees' Manual Title 18, Chapter A(I) – Child Protective Services Intake" March 10, 2023.** Definition of Terms Used for Intake and Assessment: NOTE: These definitions of child abuse shall not be construed to hold a victim responsible for failing to prevent a crime against the victim. The intent is to protect the victim of domestic violence from a founded or confirmed child abuse report for failure to protect children from exposure to or involvement in domestic violence instances. Failure to Meet the Emotional Needs of the Child: In allegations of failure to meet the emotional needs of the child necessary for normal development, inquire about the child's age, developmental and emotional needs, and observable development problems with the child. For example: ▪ The child is failing to thrive. ▪ The child has delays that appear to be due to parental inattention. ▪ The child appears to have emotional injury that seems to be due to behavior by a caretaker, such as domestic violence. Failure to Provide Proper Supervision: Note: Do not assess a parent who allows court-ordered visitation when the visiting parent has a

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	j. Whether a history of domestic abuse, as defined in section 236.2, exists. In determining whether a history of domestic abuse exists, the court's consideration shall include but is not limited to commencement of an action pursuant to section 236.3, the issuance of a protective order against the parent or the issuance of a court order or consent agreement pursuant to section 236.5, the issuance of an emergency order pursuant to section 236.6, the holding of a parent in contempt pursuant to section 664A.7, the response of a peace officer to the scene of alleged domestic abuse or the arrest of a parent following response to a report of alleged domestic abuse, or a conviction for domestic abuse assault pursuant to section 708.2A. **Iowa Code § 726.6 Child Endangerment** 1. A person who is the parent, guardian, or person having custody or control over a child or a minor under the age of eighteen with a mental or physical disability, or a person who is a member of the household in which a child or such a minor resides, commits child endangerment when the person does any of the following: e. Knowingly permits the continuing physical or sexual abuse of a child or minor. However, it is an affirmative defense to this subsection if the person had a reasonable apprehension that	child abuse or criminal history. The parent is complying with a court's order.

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	any action to stop the continuing abuse would result in substantial bodily harm to the person or the child or minor.	
KANSAS	**Kan. Stat. Ann. § 38-2201 Citation; construction of code; policy of state.** K.S.A. 2015 Supp. 38-2201 through 38-2283, and amendments thereto, shall be known as and may be cited as the revised Kansas code for care of children. (8) provide preventative and rehabilitative services, when appropriate, to abused and neglected children and their families so, if possible, the families can remain together without further threat to the children;	**Prevention and Protection Services Division of the Kansas Department for Children and Families "PPS Policy Procedure Manual" January 1, 2024.** 2746 Family Preservation Referral Criteria B. DCF Custody Maintenance at Home When a child(ren) is in custody placed at home and is not being served by a Foster Care/Reintegration/Adoption Child Welfare Case Management Provider, a referral may be made to Family Preservation Services. 5. Mother is experiencing perceived barriers to treatment, such as but not limited to: mental health, housing, domestic violence, health related concerns, or transportation issues. **Kansas Coalition Against Sexual and Domestic Violence "Domestic Violence Manual For Child Welfare Professionals – Desk Reference Guide"** This manual addresses situations where survivors of domestic violence are non-abusive and provide the primary source of care and support for the children, and abusive partners or batterers remain a risk to the safety of the children and the survivor. It does not address situations where a non-abusive, protective parent cannot be identified and both the batterer and survivor are a risk to the safety of the children. The primary focus of child protection intervention in

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		domestic violence cases is the ongoing safety of children. The best way to protect children in most domestic violence cases is to keep children safe and together with their protective parent, and to hold the batterer accountable for their abusive and violent behavior through interventions and case plan expectations.
KENTUCKY*	**K.R.S. § 403.270 Custodial issues - Best interests of child shall determine — Rebuttable presumption that joint custody and equally shared parenting time is in child's best interests — De facto custodian.** (2) The court shall determine custody in accordance with the best interests of the child and equal consideration shall be given to each parent and to any de facto custodian. Subject to KRS 403.315, there shall be a presumption, rebuttable by a preponderance of evidence, that joint custody and equally shared parenting time is in the best interest of the child. If a deviation from equal parenting time is warranted, the court shall construct a parenting time schedule which maximizes the time each parent or de facto custodian has with the child and is consistent with ensuring the child's welfare. The court shall consider all relevant factors including: (g) A finding by the court that domestic violence and abuse, as defined in KRS 403.720, has been committed by one (1) of the parties against a child of the parties or against	**Kentucky Department for Community Based Servies Standards of Practice Online Manual "C2.10 Assessments Involving Domestic Violence and Intimate Partner Violence" October 1, 2022.** Practice Guidance The SSW: • Conducts an in-depth assessment of the: o Danger posed to the child; o Safety of the child due to the high risk behaviors of the alleged violent offender; and o Physical, emotional, and developmental impact on the child. • Assesses the protective capacity of the non-offending caretaker/parent to ensure the child's safety; and • Should involve the victim in developing safety plans by doing the following: o Engaging the victim in a discussion about the options available to keep them and the children safe, including what has been tried before; o Exploring the benefits and disadvantages of specific options and creating individualized solutions for each family;

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	another party. The court shall determine the extent to which the domestic violence and abuse has affected the child and the child's relationship to each party, with due consideration given to efforts made by a party toward the completion of any domestic violence treatment, counseling, or program; **K.R.S. § 625.090 Grounds for involuntary termination of parental rights.** (2) No termination of parental rights shall be ordered unless the Circuit Court also finds by clear and convincing evidence the existence of one (1) or more of the following grounds: (b) That the parent has inflicted or allowed to be inflicted upon the child, by other than accidental means, serious physical injury; (c) That the parent has continuously or repeatedly inflicted or allowed to be inflicted upon the child, by other than accidental means, physical injury or emotional harm; (3) In determining the best interest of the child and the existence of a ground for termination, the Circuit Court shall consider the following factors: (b) Acts of abuse or neglect as defined in KRS 600.020(1) toward any child in the family; (d) The efforts and adjustments the parent has made in his circumstances, conduct, or conditions to make it in the child's best interest to return him to his home within a reasonable	○ Collecting and gathering important documents and various personal items that will be necessary for relocation of the victim and the children; ○ Determining who to call, where to go, and what to do when a violent situation begins or is occurring. • Provide victims of domestic violence with educational materials through ZEROV, Kentucky united against violence; • Refer to the CPS Reports with Risks Associated With Family and Intimate Partner Violence Tip Sheet for detailed guidance; and • Refer to SOP 7.4 CPS Prevention Planning for non-offending parent/caregiver prevention planning. **Kentucky Department for Community Based Servies Standards of Practice Online Manual "CPS Reports with Risks Associated With Family and Intimate Partner Violence Tip Sheet" October 2022.** CASE DISPOSITION: NON-OFFENDING PARENT/CAREGIVER Every effort should be made to help the non-offending parent/caregiver protect the child before more coercive measures such as citing the non-offending parent/caregiver for failure to protect are considered. Such measures should be used only as a last resort after all interventions aimed at holding the perpetrator accountable for stopping the violence have been implemented and all efforts to protect the child from

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	period of time, considering the age of the child; (e) The physical, emotional, and mental health of the child and the prospects for the improvement of the child's welfare if termination is ordered;	the abuse have been exhausted. If a failure to protect case is substantiated against the non-offending parent/caregiver, the alleged perpetrator should also be cited for endangering the child. When there are significant risks to the children associated with family and intimate partner violence in child protection cases, court orders should be obtained to ensure the following: • Keep the child(ren) safe; • Keep the non-offending parent/caregiver and child(ren) together whenever possible; • Hold the perpetrator accountable; • Identify the service needs of all family members, including all forms of assistance and help for the child, safety, support, and economic stability for the non-offending parent/caregiver and rehabilitation and accountability for the perpetrator; and • Create clear, detailed visitation guidelines, which focus on safe exchanges and safe environments for visits.
LOUISIANA*	**La. Civil Code Art. 134 Factors in determining child's best interest.** A. Except as provided in Paragraph B of this Article, the court shall consider all relevant factors in determining the best interest of the child, including: 1. The potential for the child to be abused, as defined by Children's Code Article 603, which shall be the primary consideration. 8. The history of substance abuse, violence, or criminal activity of any party.	**Louisianna Department of Children and Family Services Policies "Chapter 4: Section 4-710: Emergency Protective Action" August 1, 2022.** 1. Temporary Restraining Order/Protective Order A protective order may be considered prior to removing a child from the home, but such an order is only advisable when there has been a thorough assessment of the ability of the nonabusing parent to protect the child. If there is substantial doubt that the non-abusing parent can or will protect the child, if domestic violence is a concern that may prevent the

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	9. The mental and physical health of each party. Evidence that an abused parent suffers from the effects of past abuse by the other parent shall not be grounds for denying that parent custody. B. In cases involving a history of committing family violence, as defined in R.S. 9:362, or domestic abuse, as defined in R.S. 46:2132, including sexual abuse, as defined in R.S. 14:403(A)(4)(b), whether or not a party has sought relief under any applicable law, the court shall determine an award of custody or visitation in accordance with R.S. 9:341 and 364. The court may only find a history of committing family violence if the court finds that one incident of family violence has resulted in serious bodily injury or the court finds more than one incident of family violence. **La. R.S. § 9:341 Restriction on visitation.** A. Whenever the court finds by a preponderance of the evidence that a parent has subjected any of his or her children or stepchildren to family violence, as defined in R.S. 9:362, or domestic abuse, as defined in R.S. 46:2132, has subjected any other household member, as defined in R.S. 46:2132, to a history of family violence as defined in R.S. 9:364(A), or has willingly permitted such abuse to any of his or her	non-abusing parent from being able to protect the child, or there is concern that the parent had complicity in the abuse/neglect, removal of the child may be a more appropriate protective action if an in home or court ordered safety plan cannot be implemented. It is important to note that a Protective Order is time limited and cannot be considered as a permanent solution to addressing threats of danger. If there is a need for a Protective Order, the protective parent to secure legal custody either through Family Court or CINC proceedings prior to ending agency involvement.

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	children or stepchildren despite having the ability to prevent it, the court shall allow only supervised visitation between the abusive parent and the abused child or children until such parent proves by a preponderance of the evidence at a contradictory hearing that the abusive parent has successfully completed a court-monitored domestic abuse intervention program, as defined in R.S. 9:362, since the last incident of domestic violence or family abuse. At the hearing, the court shall consider evidence of the abusive parent's current mental health condition and the possibility the abusive parent will again subject his children, stepchildren, or other household member to family violence or domestic abuse, or willingly permit such abuse to any of his or her children or stepchildren despite having the ability to prevent it. The court shall order visitation only if the abusive parent proves by a preponderance of the evidence that visitation would be in the best interest of the child, considering the factors in Civil Code Article 134, and would not cause physical, emotional, or psychological damage to the child. Should visitation be allowed, the court shall order such restrictions, conditions, and safeguards necessary to minimize any risk of harm to the child, including continued supervision. All costs incurred in compliance with the	

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	provisions of this Section shall be borne by the abusive parent. **La. Ch.C. Art 606 Grounds; child in need of care.** A. Allegations that a child is in need of care must assert one or more of the following grounds: 1. The child is the victim of abuse perpetrated, aided, or tolerated by the parent or caretaker, by a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or by a person living in the same residence with the parent or caretaker as a spouse whether married or not, and his welfare is seriously endangered if he is left within the custody or control of that parent or caretaker.	
MAINE*	**19-A M.R.S. § 1653 Parental Rights and Responsibilities** 1. Legislative findings and purpose. The Legislature makes the following findings concerning relationships among family members in determining what is in the best interest of children. B. The Legislature finds that domestic abuse is a serious crime against the individual and society, producing an unhealthy and dangerous family environment, resulting in a pattern of escalating abuse, including violence, that frequently culminates in intrafamily homicide	**State of Maine Office of Child and Family Services Policy "Domestic Abuse and Violence" Latest Revision: May 14, 2024.** IV. Policy Domestic Abuse and Violence is one of the more complicated and dangerous situations child welfare professionals must address when seeking child safety. The primary focus of the Office of Child and Family Services (OCFS) intervention in domestic abuse and violence cases is the ongoing assessment of the risk posed to children by the presence of domestic abuse and violence. OCFS focus is child safety, domestic abuse offender accountability, and

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	and creating an atmosphere that is not conducive to healthy childhood development. 2. Parental rights and responsibilities; order. This subsection governs parental rights and responsibilities and court orders for parental rights and responsibilities. L. The existence of domestic abuse between the parents, in the past or currently, and how that abuse affects: (1) The child emotionally; (2) The safety of the child; and (3) The other factors listed in this subsection, which must be considered in light of the presence of past or current domestic abuse; M. The existence of any history of child abuse by a parent.	support for the adult victim. The preferred way to protect children in most domestic abuse and violence cases is to join with the adult victim in planning for their and their child(ren)'s safety. Child safety can often be improved by helping the adult victim to become safe and by supporting that parent's efforts to achieve safety. It is important to work closely with: Domestic violence resource centers, The criminal and civil justice systems, when appropriate, and Certified Domestic Violence Intervention Programs. It is also important to consider the safety of OCFS staff, service providers, and community members. V. Procedures Findings Findings cannot be reached regarding the adult victim in the following situations as outlined in the Child Abuse and Neglect Findings Policy: a. Neglect, High Severity i. That person failed to protect that child from experiencing high severity physical, sexual, emotional abuse and/or neglect caused by another person that could have been prevented. However, in domestic abuse and violence cases, this finding can only be reached for the adult victim of the offender when that person is a party to a child protection petition that has been filed that seeks to ensure child safety. b. Neglect, Low or Moderate Severity

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		i. That person failed to protect the child from experiencing low to moderate severity physical, sexual, emotional abuse and/or neglect caused by another person that could have been prevented. This finding does not apply in a domestic violence case where the person having failed to protect is the adult victim of the offender. c. Emotional Abuse, High Severity i. The person has exposed a child to a pattern of or at least one serious incident of domestic abuse and violence. Exposure to very serious physical violence equates to high severity impact. However, in a domestic abuse and violence case, this finding can only be reached for the adult victim of the offender when that person is a party to a child protection petition that has been filed that seeks to ensure child safety.
MARYLAND*	**Md. Rule 9-204.1 Parenting Plans.** (c) Best interest of the child. - In determining what decision-making authority and parenting time arrangement is in the best interest of the child, the parties may consider the following factors: (5) The child's physical and emotional security and protection from conflict and violence; (8) How to: (A) place the child's needs above the parties' needs; (B) protect the child from the negative effects of any conflict between the parties; and	**Maryland Department of Human Services "Intimate Partner Violence – Lethality Assessment" May 8, 2024.** ALIGNMENT WITH PRACTICE MODEL AND DESIRED OUTCOMES Adult services and child welfare workers play a crucial role in recognizing IPV. This policy supports the Integrated Practice Model (IPM) by promoting the use of the Lethality Screen to provide an integrated, individualized, and standardized approach to reducing the endangerment of children and vulnerable adults This policy also aligns with the core IPM values of respect and empowerment by prompting immediate action when

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	(C) maintain the child's relationship with the parties, siblings, other relatives, or other individuals who have or likely may have a significant relationship with the child; **Md. Family Law Code Ann. § 5-323. Grant of guardianship – Nonconsensual.** (d) Except as provided in subsection (c) of this section, in ruling on a petition for guardianship of a child, a juvenile court shall give primary consideration to the health and safety of the child and consideration to all other factors needed to determine whether terminating a parent's rights is in the child's best interests, including: (3) whether: (i) the parent has abused or neglected the child or a minor and the seriousness of the abuse or neglect; (iii) the parent subjected the child to: 1. chronic abuse; 2. chronic and life-threatening neglect; 3. sexual abuse; or 4. torture; (iv) the parent has been convicted, in any state or any court of the United States, of: 1. a crime of violence against: A. a minor offspring of the parent; B. the child; or C. another parent of the child;	an individual is screened in and encouraging client-centered support for persons who do not screen in. **Maryland Department of Human Services Social Services Administration "Child Protective Services Screening and Case Determination Process (This policy directive supersedes and replaces SSA-CW Policy#15-30)" November 15, 2017.** Substantial Risk of Harm – Reports of Domestic Violence The LDSS need not accept for formal investigation every child maltreatment report involving domestic violence but should generally proceed as follows: If the report suggests that no child in the home has been injured or placed at a substantial risk of being injured during the domestic violence, the screener should provide the caller with information regarding community resources specializing in domestic violence services; If the report suggests that a child in the home has been injured as a result of domestic violence, the screener should screen in the report for physical abuse; If the report suggests that a child in the home has not been injured during a domestic violence incident but has been placed at a substantial risk of harm, the screener should screen in the report for a Non-CPS response. If not reported, the screener should ask:

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	(f) If a juvenile court finds that an act or circumstance listed in subsection (d)(3)(iii), (iv), or (v) of this section exists, the juvenile court shall make a specific finding, based on facts in the record, whether return of the child to a parent's custody poses an unacceptable risk to the child's future safety.	Have the children intervened or been physically injured during a violent assault? Has the abuser made threats of homicide or suicide? Does the abuser have access to dangerous weapons or firearms? If the answer to any of the above questions is YES, the LDSS should accept the referral for investigation of either physical abuse, if a child has sustained an injury or, otherwise, Non-CPS; If the answer to all of the above questions is NO, and no child has been injured in the course of the domestic violence or placed at a direct risk of physical harm during the domestic violence, the screener may determine that the risk warrants accepting the case for assessment (CHESSIE will automatically assign as Non-CPS.) For example, the information presented may suggest that a child's repeated exposure to violence or the extreme nature of the violence has harmed the child.
MASSACHUSETTS*	**Mass. Gen Laws ch. 209c § 10 Custody Award; Consideration by Court.** (e) In issuing any temporary or permanent custody order, the probate and family court shall consider evidence of past or present abuse toward a parent or child as a factor contrary to the best interest of the child. For the purposes of this section, "abuse" shall mean the occurrence of one or more of the following acts between a parent and the other parent or between a parent and child: (a) attempting to cause or causing bodily injury; or (b) placing another in reasonable fear of	**Commonwealth of Massachusetts – Department of Children and Families "Family Assessment and Action Planning Policy" August 31, 2021.** D. Procedures: Completing the Initial Action Plan The first permanency plan for every child is either Permanency through Stabilization of Family or Permanency through Reunification of Family. Develop Separate Action Plans 4. In certain cases including but not limited to situations involving domestic violence in which the Action Plan includes information which may compromise the safety of a child or parent or custody situations in which parents have conflicting

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	imminent bodily injury. "Serious incident of abuse" shall mean the occurrence of one or more of the following acts between a parent and the other parent or between a parent and child: (a) attempting to cause or causing serious bodily injury; (b) placing another in reasonable fear of imminent serious bodily injury; or (c) causing another to engage involuntarily in sexual relations by force, threat or duress. For purposes of this section, "bodily injury" and "serious bodily injury" shall have the same meanings as provided in section 13K of chapter 265. For the purposes of this section, if the child was conceived during the commission of a rape and the parent was convicted of said rape, under sections 22 to 23B, inclusive, of chapter 265 or section 2, 3, 4 or 17 of chapter 272, said conviction shall be conclusive evidence of a serious incident of abuse by the convicted parent. A probate and family court's finding by a preponderance of the evidence, that a pattern or serious incident of abuse has occurred shall create a rebuttable presumption that it is not in the best interests of the child to be placed in sole custody, shared legal custody, or shared physical custody with the abusive parent. Such presumption may be rebutted by a preponderance of the evidence that such custody award is in the best interests of the	interests, separate Action Plans may be produced for each parent/caregiver. The social Worker, in consultation with the Supervisor, determines how these situations will be addressed. I. Parental/Caregiver Capacities C. Assess Parents/Caregivers about Domestic Violence Domestic violence exists along a continuum that can include verbal abuse, emotional and psychological abuse, physical abuse and/or sexual abuse. Each of these tactics may take different forms and be used at different levels. Not every domestic violence case requires state child welfare involvement, and not every 51A report identifying domestic violence is accurately defining the situation. The Department's primary function is to determine level of risk to and impact on children and to provide resources to help the family increase safety and mitigate risk. Definition of Domestic Violence: Domestic violence is a pattern of coercive controls that one partner exercises over another in an intimate relationship. While relationships involving domestic violence may differ in terms of the severity of abuse, control is the primary goal of offenders. Domestic violence is not defined by a single incident of violence. Make Safe Contact and Safety Plan When domestic violence is present, attention from outside sources can initially increase risk by challenging the offender's control. Therefore, safe contact with the non-offending parent/caregiver is crucial for the

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	child. For the purposes of this section, an "abusive parent" shall mean a parent who has committed a pattern of abuse or a serious incident of abuse. For the purposes of this section, the issuance of an order or orders under chapter 209A shall not in and of itself constitute a pattern or serious incident of abuse; nor shall an order or orders entered ex parte under said chapter 209A be admissible to show whether a pattern or serious incident of abuse has in fact occurred; provided, however, that an order or orders entered ex parte under said chapter 209A may be admissible for other purposes as the court may determine, other than showing whether a pattern or serious incident of abuse has in fact occurred; provided further, that the underlying facts upon which an order or orders under said chapter 209A was based may also form the basis for a finding by the probate and family court that a pattern or serious incident of abuse has occurred. If the court finds that a pattern or serious incident of abuse has occurred and issues a temporary or permanent custody order, the court shall within 90 days enter written findings of fact as to the effects of the abuse on the child, which findings demonstrate that such order is in the furtherance of the child's best interests and provides for the safety and well-being of the child.	Department to conduct a safe and effective assessment. By prioritizing safe contact, escalation may be limited and more accurate information gathered. Make every effort to have contact with the adult victim prior to contacting the offender. This allows private, safe conversations with the adult victim in order to mitigate risk, safety plan and discuss best approaches for engaging the offender. Safe contact is crucial at intake and should also be utilized during the assessment process and throughout the Department's involvement.

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	If ordering visitation to the abusive parent the court shall provide for the safety and well-being of the child, and the safety of the abused parent. The court may consider: (a) ordering an exchange of the child to occur in a protected setting or in the presence of an appropriate third party; (b) ordering visitation supervised by an appropriate third party, visitation center or agency; (c) ordering the abusive parent to attend and complete, to the satisfaction of the court, a certified batterer's treatment program as a condition of visitation; (d) ordering the abusive parent to abstain from possession or consumption of alcohol or controlled substances during the visitation and for 24 hours preceding visitation; (e) ordering the abusive parent to pay the costs of supervised visitation; (f) prohibiting overnight visitation; (g) requiring a bond from the abusive parent for the return and safety of the child; (h) ordering an investigation or appointment of a guardian ad litem or attorney for the child; and (i) imposing any other condition that is deemed necessary to provide for the safety and well-being of the child and the safety of the abused parent.	

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	Nothing in this section shall be construed to affect the right of the parties to a hearing under the rules of domestic relations procedure or to affect the discretion of the probate and family court in the conduct of such hearing.	
MICHIGAN	**MCL § 722.23 "Best interests of the child" defined.** Sec. 3 As used in this act, "best interests of the child" means the sum total of the following factors to be considered, evaluated, and determined by the court: (j) The willingness and ability of each of the parties to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent or the child and the parents. A court may not consider negatively for the purposes of this factor any reasonable action taken by a parent to protect a child or that parent from sexual assault or domestic violence by the child's other parent. (k) Domestic violence, regardless of whether the violence was directed against or witnessed by the child.	**State of Michigan Department of Health and Human Services "Children's Protective Services Policy Manual" April 1, 2025.** CPS Legal Requirement and Definitions Non-offending Caretaker In domestic violence cases, the non-offending caretaker/adult survivor is defined as the adult living in the home who has NOT been found to be abusive to the children. In all other CA/N cases, the non-offending caretaker is any other adult residing in the home who has not been found to be abusive or neglectful. CPS Investigation – General Instructions Difficulty Making Contact/Unable to Locate Alleged Perpetrator(s) - Refuses to Cooperate/Unable to Locate Case managers must make attempts to interview the alleged perpetrator(s). When a child(ren) is at imminent risk of harm and the case manager is unable to locate the alleged perpetrator(s), or the alleged perpetrator(s) is not willing to cooperate, the case manager must take steps to ensure the alleged perpetrator(s) does not have contact with the child(ren). Case managers must safety plan with a non-offending parent or

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		caregiver to ensure child safety, when able to do so. If there is imminent risk of harm to the child(ren), consider filing a petition asking the court to remove the perpetrator(s) from the home. For information on filing a petition, see PSM 715-3, Family Court: Petitions, Hearings and Court Orders. CPS Intake Special Cases Domestic Violence A CPS referral in which the only allegation is domestic violence is not a sufficient basis for assigning the referral for investigation. To be assigned for investigation, the referral must also include information indicating the domestic violence has resulted in harm, likely harm, or threatened harm to the child(ren). Consider the potential adverse impacts, including trauma or mental harm, when making an assignment decision. Assignment should also be considered if the alleged perpetrator has engaged in any activity that would cause a reasonable person to feel terrorized, intimidated, threatened, or harassed, or has caused or threatened to cause physical or mental harm. Issues that may assist in determining whether there is threatened harm in cases involving DV are: • A weapon was used or threatened to be used in the DV incident. • An animal has been tortured, deliberately injured, or killed by the perpetrator.

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		• A parent or other adult is found in the home in violation of a child protection court order or personal protection order. • There are reported behavioral changes in the child (for example, a child's teacher describes how the child used to be an involved and highly functioning student, and now is withdrawn, doing poorly in coursework, or acting out with violence). • Reported increase in frequency or severity of DV. • Threats of violence against the child. • Proximity and intensity of the incident in relation to the child. For information on domestic violence cases; see, the Domestic Violence sections in PSM 713-08, Special Investigative Situations, and PSM 714-1, Post Investigative Services. **State of Michigan Department of Health and Human Services "Special Investigative Situations" May 1, 2025.** Domestic Violence The presence of domestic violence in a home does not support confirmation of abuse and/or neglect without identified harm or harm is highly probable to the child. The factors below, in addition to all other information and evidence, must be considered prior to reaching a disposition. For guidance regarding cases involving incidents of alleged or previously confirmed domestic violence, case managers should refer to the MiTEAM Manual Appendix A: Domestic Violence Guide for Caseworkers.

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MINNESOTA*	**Minn. Stat. § 518.17 Custody and Support of Children on Judgment** Subdivision 1. *The best interests of the child.* (a) In evaluating the best interests of the child for purposes of determining issues of custody and parenting time, the court must consider and evaluate all relevant factors, including: (4) whether domestic abuse, as defined in section 518B.01, has occurred in the parents' or either parent's household or relationship; the nature and context of the domestic abuse; and the implications of the domestic abuse for parenting and for the child's safety, well-being, and developmental needs; (b)(9) The court shall use a rebuttable presumption that upon request of either or both parties, joint legal custody is in the best interests of the child. However, the court shall use a rebuttable presumption that joint legal custody or joint physical custody is not in the best interests of the child if domestic abuse, as defined in section 518B.01, has occurred between the parents. In determining whether the presumption is rebutted, the court shall consider the nature and context of the domestic abuse and the implications of the domestic abuse for parenting and for the child's safety, well-being, and developmental needs. Disagreement alone over whether to grant sole or joint custody does not constitute an inability of parents to cooperate in the rearing of their	**Minnesota Department of Human Services "Minnesota's Best Practice Guide for the Co-Occurrence of Child Maltreatment and Domestic Violence" September 2021** III. B. Child Protection Intake and Screening In reports of children present during an incident of reported domestic violence, the screening and intake process is the point at which it must be determined whether a child was "involved in or otherwise situated in a location that puts them at risk during incidents of domestic violence." Children who are present in a home when an assault occurs is not sufficient; rather, it is necessary there be "an allegation of child maltreatment that meets criteria for assessment or investigation before responding under a child protection response." [Minnesota Child Maltreatment Intake, Screening and Response Path Guidelines] Allegations of child maltreatment that co-occurs with domestic violence must be made against offenders of violence, not against victims. As with all child maltreatment reports, caseworkers must first ascertain whether offenders of violence are within the scope of the Maltreatment of Minors Act, depending on type of abuse alleged and relationship between child victims and offenders. Child protection agency staff should also be familiar with resources for victims of domestic violence and be ready to make appropriate referrals to organizations that specialize in domestic violence. See Appendix A. Child protection agency staff is

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	children as referenced in paragraph (a), clause (12).	encouraged to develop working relationships with their local or regional domestic violence programs, and jointly develop a process for referring families experiencing domestic violence for services. V. Child welfare response to co-occurring domestic violence and child maltreatment. A. Child welfare assessments If receiving reports that adult parents/caregivers are victims of domestic violence, but no maltreatment directed against children, it is best practice they are referred for a voluntary child welfare assessment. An assessment is a way for agencies to assess family strengths and needs; determine what services may be needed; and offer those services on a voluntary basis. Referrals may be made to the Parent Support Outreach Program (PSOP), or children's mental health, if appropriate. Child welfare services vary statewide, depending on an agency. During assessments, caseworkers must inquire about American Indian heritage, following ICWA and MIFPA guidelines throughout a case. VII. Prevention and building resiliency Research consistently confirms that the most essential protective factor for children exposed to domestic violence is an enduring relationship with a supportive, caring adult, most frequently with the abused parent. In terms of child welfare practice, this research demonstrates that the best, most protective strategy to prevent long-term effects of

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		trauma for children in homes experiencing domestic violence is keeping them together with their abused parent, while supporting that abused parent and holding abuser accountable. **Minnesota Department of Human Services "Minnesota's Child Maltreatment Intake, Screening and Response Path Guidelines" October 2024** Child Maltreatment Allegation types: Threatened Injury: Domestic Violence: In situations involving domestic violence against a parent/caregiver, and child maltreatment against children, a report of child maltreatment must meet the statutory threshold for physical abuse, mental injury, threatened injury, sexual abuse or neglect of a child to be screened in (see previous sections). When screening reports of domestic violence, consider the totality of circumstances, including vulnerability of children. In most cases, children must be involved in or otherwise situated in a location that puts them at risk of injury during incidents of domestic violence. Children witnessing or being exposed to domestic violence against a parent or caregiver is not by itself sufficient to screen in as child maltreatment. Mere exposure to acts of domestic violence committed against children's parent/caregiver does not constitute child maltreatment.

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		There must be an allegation of child maltreatment meeting criteria for assessment or investigation before responding under a child protection response. For instances of domestic violence, allegations concerning a child protection response are made against perpetrators of violence rather than abused parents or caregivers. If domestic violence perpetrators commit an act of child maltreatment, or if children are involved in or directly at risk of injury during an assault against children's parent/caregiver, a report may be screened in with domestic violence perpetrator named as alleged offender. As with all child maltreatment reports, caseworkers must first ascertain whether offenders of violence are within the scope of the Maltreatment of Minors Act, depending on type of abuse alleged and relationship between child victims and offenders (see previous sections).
MISSISSIPPI*	**Miss. Code Ann. § 97-5-39 Contributing to the neglect or delinquency of a child; felonious abuse and/or battery of a child.** (1)(a) Except as otherwise provided in this section, any parent, guardian or other person who intentionally, knowingly or recklessly commits any act or omits the performance of any duty, which act or omission contributes to or tends to contribute to the neglect or delinquency of any child or which act or omission results in the abuse of any child, as defined in Section 43-21-105(m) of the Youth Court Law, or who knowingly aids any child in	**Mississippi Department of Child Protection Services "Intake Policies & Procedures" October 15, 2020.** B. Federal Laws 1) Child Abuse Prevention and Treatment Act (CAPTA) A description of policies and procedures: promoting and enhancing collaboration among child protective services, domestic violence, substance abuse, and other agencies in investigations, interventions and service delivery to children and families affected by child abuse or neglect

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	escaping or absenting himself from the guardianship or custody of any person, agency or institution, or knowingly harbors or conceals, or aids in harboring or concealing, any child who has absented himself without permission from the guardianship or custody of any person, agency or institution to which the child shall have been committed by the youth court shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed One Thousand Dollars ($1,000.00), or by imprisonment not to exceed one (1) year in jail, or by both such fine and imprisonment. (e) A parent, legal guardian or other person who knowingly permits the continuing physical or sexual abuse of a child is guilty of neglect of a child and may be sentenced to imprisonment in the custody of the Department of Corrections for not more than ten (10) years or to payment of a fine of not more than Ten Thousand Dollars ($10,000.00), or both.	(including children exposed to domestic violence) (section 106(b)(2)(D)(v));
MISSOURI*	**§ 452.375 R.S.Mo. Custody — definitions — factors determining custody — prohibited, when — public policy of state — custody options plan, when required — findings required, when — exchange of information and right to certain records, failure to disclose — fees, costs assessed, when — joint custody not to preclude child support —**	**Missouri Department of Social Services, "Child Welfare Manual," (May 1, 2019)** Section 1: Chapter 5: Understanding and Assessing Child Safety 5.3 Components of Assessing Safety Structured Decision Making (SDM) Safety Threats

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	support, how determined — domestic violence or abuse, specific findings 2. The court shall determine custody in accordance with the best interests of the child. There shall be a rebuttable presumption that an award of equal or approximately equal parenting time to each parent is in the best interests of the child. Such presumption is rebuttable only by a preponderance of the evidence in accordance with all relevant factors, including, but not limited to, the factors contained in subdivisions (1) to (8) of this subsection. The presumption may be rebutted if the court finds that the parents have reached an agreement on all issues related to custody, or if the court finds that a pattern of domestic violence has occurred as set out in subdivision (6) of this subsection. When the parties have not reached an agreement on all issues related to custody, the court shall consider all relevant factors and enter written findings of fact and conclusions of law, including, but not limited to, the following: (1) The wishes of the child's parents as to custody and the proposed parenting plan submitted by both parties; (2) The needs of the child for a frequent, continuing and meaningful relationship with both parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child;	7. Domestic violence exists in the household and poses an imminent danger of physical and/or emotional harm to the child. Evidence exists of domestic violence in the household, AND the alleged perpetrator's behavior creates a danger for the child. Domestic violence perpetrators are caregivers who engage in a pattern of coercive control against one or more intimate partners. This pattern of behavior may include physical or emotional harm or financial control. The pattern may continue after the end of the relationship or when the individuals involved no longer live together. The alleged perpetrator's actions often directly involve, target, and impact and undermine protective caregivers and children in the household. NOTE: Do not include arguments that do not escalate beyond verbal encounters and are not otherwise characterized by threatening or controlling behaviors. Do not include violence between any adult household member and a minor child. 10. Caregiver is unable OR unwilling to protect the child from serious harm or threatened harm by others. The caregiver is not able to protect the child from serious harm or threatened harm from others; AND, as a result, the child is in imminent danger of physical abuse, neglect, sexual abuse, or sexual exploitation by someone with access to the child. Examples include but are not limited to the following:

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	(3) The interaction and interrelationship of the child with parents, siblings, and any other person who may significantly affect the child's best interests; (4) Which parent is more likely to allow the child frequent, continuing and meaningful contact with the other parent; (5) The child's adjustment to the child's home, school, and community. The fact that a parent sends his or her child or children to a home school or FPE school shall not be the sole factor that a court considers in determining custody of such child or children; (6) The mental and physical health of all individuals involved, including any history of abuse of any individuals involved. If the court finds that a pattern of domestic violence as defined in section 455.010 has occurred, and, if the court also finds that awarding custody to the abusive parent is in the best interest of the child, then the court shall enter written findings of fact and conclusions of law. Custody and visitation rights shall be ordered in a manner that best protects the child and any other child or children for whom the parent has custodial or visitation rights, and the parent or other family or household member who is the victim of domestic violence from any further harm; (7) The intention of either parent to relocate the principal residence of the child; and	- An individual with known violent criminal behavior or sexual abuse history resides in the home or has access to the child(ren), AND the caregiver has no clear plan to keep the child safe. - The caregiver regularly takes the child to dangerous locations where drugs are manufactured or regularly administered (e.g., meth labs or drug houses) or to locations used for sex trafficking or pornography AND has no clear plan to keep the child safe. Note: In situations where domestic violence is present and the perpetrator's actions and/or behavior have a direct effect on the protective caregiver's ability to provide the child with basic care and protection, select the domestic violence safety threat rather than this item. Section 5: Chapter 2: Subsection 6: Documentation of Information Regarding Intimate Partner The disclosure and documentation of intimate partner violence may dramatically increase the risk of harm to the child and adult victim. Therefore, any specific information disclosed by the child or adult victim that is requested to be kept in confidence shall be. However, it is imperative to share with the family up front that all issues compromising the safety of the child will be addressed openly. Consultation with a supervisor on making this distinction is recommended. Any reference to intimate partner violence in the case narrative or

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	(8) The unobstructed input of a child, free of coercion and manipulation, as to the child's custodial arrangement. 12. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, both parents shall have access to records and information pertaining to a minor child including, but not limited to, medical, dental, and school records. If the parent without custody has been granted restricted or supervised visitation because the court has found that the parent with custody or any child has been the victim of domestic violence, as defined in section 455.010, by the parent without custody, the court may order that the reports and records made available pursuant to this subsection not include the address of the parent with custody or the child. A court shall order that the reports and records made available under this subsection not include the address of the parent with custody if the parent with custody is a participant in the address confidentiality program under section 589.663. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, any judgment of dissolution or other applicable court order shall specifically allow both parents access to such records and reports. 15. If the court finds that domestic violence or abuse as defined in section 455.010 has	narrative summaries is not protected and will be released. Staff should be cautious of including this information in any section other than the intimate partner violence section. Documentation of instances (including addresses) of intimate partner violence and any collateral information to back up the allegations (order of protection, police reports, witness statements, etc.) shall be kept in the intimate partner violence section of the file that will be marked by a red cover page. This section will not be released to the intimate partner violence offender. If this information must be shared per court order, the adult victim should be notified in advance so that he/she may consider safety plans.

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	occurred, the court shall make specific findings of fact to show that the custody or visitation arrangement ordered by the court best protects the child and the parent or other family or household member who is the victim of domestic violence, as defined in section 455.010, and any other children for whom such parent has custodial or visitation rights from any further harm. **§ 452.40 R.S.Mo. Visitation rights, awarded when — history of domestic violence, consideration of — prohibited, when — modification of, when — supervised visitation defined — noncompliance with order, effect of — family access motions, procedure, penalty for violation — attorney fees and costs assessed, when** (1) A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger the child's physical health or impair his or her emotional development. The court shall enter an order specifically detailing the visitation rights of the parent without physical custody rights to the child and any other children for whom such parent has custodial or visitation rights. In determining the granting of visitation rights, the court shall consider evidence of domestic violence. If the court finds that domestic violence has	

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	occurred, the court may find that granting visitation to the abusive party is in the best interests of the child. (3) The court shall consider the parent's history of inflicting, or tendency to inflict, physical harm, bodily injury, assault, or the fear of physical harm, bodily injury, or assault on other persons and shall grant visitation in a manner that best protects the child and the parent or other family or household member who is the victim of domestic violence, and any other children for whom the parent has custodial or visitation rights from any further harm. (4) The court, if requested by a party, shall make specific findings of fact to show that the visitation arrangements made by the court best protect the child or the parent or other family or household member who is the victim of domestic violence, or any other child for whom the parent has custodial or visitation rights from any further harm.	
MONTANA	§**40-4-212, MCA** (1) The court shall determine the parenting plan in accordance with the best interest of the child. The court shall consider all relevant parenting factors, which may include but are not limited to:	**Montana Department of Public Health & Human Services Child & Family Services Division "Montana 2021-2025 Title IV-E Prevention Plan" (2020)** Introduction: CFSD has increased focus on maintaining children in their home whenever possible, while still ensuring for their safety.

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	(f) physical abuse or threat of physical abuse by one parent against the other parent or the child; (l) whether the child has frequent and continuing contact with both parents, which is considered to be in the child's best interests unless the court determines, after a hearing, that contact with a parent would be detrimental to the child's best interests. In making that determination, the court shall consider evidence of physical abuse or threat of physical abuse by one parent against the other parent or the child, including but not limited to whether a parent or other person residing in that parent's household has been convicted of any of the crimes enumerated in 40-4-219(8)(b). §**41-2-102, MCA – Definitions** **5)** (a) "Psychological abuse or neglect" means severe maltreatment, through acts or omissions, that is injurious to the child's intellectual or psychological capacity to function and that is identified as psychological abuse or neglect by a licensed psychologist, a licensed professional counselor, a licensed clinical social worker, a licensed psychiatrist, a licensed pediatrician, or a licensed advanced practice registered nurse with a focused practice in psychiatry.	Coordination: Below is a description of the flexible services provided using title IV-B, subpart 2 funding. These services were made available as necessary to non-family and kinship foster care providers and focus on in-home services and a strength-based approach to building on a family's focused goals and abilities designed to ensure the safety of children. Montana's robust array of family support and family preservation services provided through the Department includes, but is not limited to, the following: - Assistance to address domestic violence Prevention Candidate Definition Each of the four factors below must be met in order to establish candidacy First: The child, parent/s or caregiver/s have come to the attention of CFSD or tribal agencies through a report to Centralized Intake. Second: (a) the allegation of abuse or neglect did not meet the statutory definition of abuse or neglect, but the family needs services to prevent imminent risk of entering foster care; or (b) the report requires an investigation, and the child(ren) can remain in the parent's home safely with appropriate prevention services Third: One of the following circumstances or characteristics is present: - Children who live in a household where substance abuse, domestic violence or

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	(b) The term includes but is not limited to the commission of acts of violence against another person residing in the child's home. (c) The term may not be construed to hold a victim responsible for failing to prevent the crime against the victim. §**41-3-301, MCA – Emergency protective services.** (2) If a child protection specialist, a peace officer, or the county attorney determines in an investigation of abuse or neglect of a child that the child is in danger because of the occurrence of partner or family member assault, as provided for in 45-5-206, or strangulation of a partner or family member, as provided for in 45-5-215, against an adult member of the household or that the child needs protection as a result of the occurrence of partner or family member assault or strangulation of a partner or family member against an adult member of the household, the department shall take appropriate steps for the protection of the child, which may include: (a) making reasonable efforts to protect the child and prevent the removal of the child from the parent or guardian who is a victim of alleged partner or family member assault or strangulation of a partner or family member; (b) making reasonable efforts to remove the person who allegedly committed the partner or	mental health impacts the daily functioning of the caregivers and/or children Fourth: The parent/s or caregiver/s must agree to engage in the prevention plan. For the purpose of this plan, caregivers include individuals that are related by birth, marriage or unrelated but have an emotionally significant relationship with the child that takes on the characteristics of a family relationship. **Montana Department of Public Health & Human Services Child & Family Services Division "Domestic Violence Protocol Summary"** Guiding Principle: The preferred way to protect children in most cases involving partner or family member violence/domestic violence is two-pronged: joining with non-offending parents in safety planning, empowering them to protect both themselves and their children; and working with perpetrators in a manner that holds them accountable for their abusive behavior with the aim of improving their ability to parent. Investigation: The Child Protection Specialist should pay particular attention to determining which parent is the predominant initiator of the abuse in order to appropriately assess the dangerousness of the abusive parent, the safety of the children and to preserve the family unit as much as possible.

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	family member assault or strangulation of a partner or family member from the child's residence if it is determined that the child or another family or household member is in danger of partner or family member assault or strangulation of a partner or family member; and (c) providing services to help protect the child from being placed with or having unsupervised visitation with the person alleged to have committed partner or family member assault or strangulation of a partner or family member until the department determines that the alleged offender has met conditions considered necessary to protect the safety of the child. (3) If the department determines that an adult member of the household is the victim of partner or family member assault or strangulation of a partner or family member, the department shall provide the adult victim with a referral to a domestic violence program. §**41-3-423, MCA – Reasonable efforts required to prevent removal of child or to return – exemption – findings – permanency plan.** (1)(a) The department shall make reasonable efforts to prevent the necessity of removal of a child from the child's home and to reunify families that have been separated by the state.	Safety Planning: If the Child Protection Specialist determines that the children are not safe in the home, a safety plan will be developed with the non-offending parent. Where possible the Child Protection Specialist will also develop a Voluntary Protective Services Agreement or Court Ordered Treatment Plan with the offending parent. (See Appendix B, "Working With the Offending Parent.") The Child Protection Specialist should be sure to ask the non-offending parent what kinds of strategies s/he has utilized in the past to address the partner or family member assault/domestic violence that have been successful and how this can be built upon when developing the current safety plan. The Child Protection Specialist should make an effort to ensure that unsupervised visitation with the offending parent does not take place.

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NEBRASKA	**Neb. Rev. Stat. § 43-2921. Legislative findings.** Given the potential profound effects on children from witnessing child abuse or neglect or domestic intimate partner abuse, as well as being directly abused, the courts shall recognize the duty and responsibility to keep the child or children safe when presented with a preponderance of the evidence of child abuse or neglect or domestic intimate partner abuse, including evidence of a child being used by the abuser to establish or maintain power and control over the victim. In domestic intimate partner abuse cases, the best interests of each child are often served by keeping the child and the victimized partner safe and not allowing the abuser to continue the abuse. When child abuse or neglect, domestic intimate partner abuse, or unresolved parental conflict prevents the best interests of the child from being served in the parenting arrangement, then the safety and welfare of the child is paramount in the resolution of those conflicts. **Neb. Rev. Stat. § 28-713.02. Non-court-involved cases; right of parent; caregiver authority; department; powers and duties.** (1) In all non-court-involved cases in which a child lives temporarily with a kin caregiver or a relative caregiver until reunification can be safely achieved:	**Nebraska Department of Health and Human Services "HCBS Provider Policy Manual" (Updated October 1, 2025)** 3.5 Safety Plans This section is only used to record risks related to health conditions on the Family Support Waiver because rights restrictions are not permitted. A safety plan addresses any identified risks, including those related to health conditions, and makes sure those who provide direct support know the participant's risks and supports. A safety plan is not a habilitation program, habilitative data is not collected, and a provider cannot use it in place of a habilitation program. When a provider uses a rights restriction to address an identified risk, they must develop a safety plan. Safety plans are to be reviewed and updated annually. A. A safety plan must include: 1. A summary of all identified risks for the participant, including those not addressed with rights restrictions, including any known triggers or warning signs; 2. A detailed description of all supports, strategies, and equipment used to address the identified risks, including any rights restrictions and non-restrictive supports; 3. A description of supervision needs, including alone time both within and outside the residence; and 4. Specific instructions for when and how the provider uses all supports, strategies, and equipment,

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	(a) A parent shall have the right to have his or her child returned to such parent's home upon demand unless the child is seriously endangered by the child's surroundings and removal is necessary for the child's protection; and	including descriptions of when the use of a rights restriction starts and ends. B. The safety plan must match the PCP team's decisions about needed supports, including when and how the provider utilizes a rights restriction. C. When the PCP team determines a participant needs a safety plan, the provider is responsible for developing the safety plan. The safety plan cannot include a support or rights restriction not agreed upon and approved by the PCP team and HRLC.
NEVADA*	**Nev. Rev. Stat. Ann. § 125C0035 – Best interests of child: Joint physical custody; preferences; presumptions when court determines parent or person seeking custody is perpetrator of domestic violence or has committed act of abduction against child or any other child.** 4.In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things: (k) Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child. 5. Except as otherwise provided in subsection 6 or NRS 125C.210, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical	**Department of Health and Human Services "Policy Distribution: 0513 Investigation Findings and Closure Policy" (September 22, 2021)** Allegation Findings 1. Decision to Substantiate or Unsubstantiate b. Evidence for consideration when making the decisions to substantiate or unsubstantiate: (2) Indirect Evidence: Indirect evidence is evidence based on inference and not on personal knowledge or observation of the alleged maltreatment. Examples of indirect or circumstantial evidence include, but are not limited to: (b) Caregivers are denying domestic violence is occurring; however, signs of domestic violence are observed, such as injury to the caregiver(s), fearful behavior, or destruction of property at the residence, inferring that domestic violence is occurring. **Department of Health and Human Services "Policy Distribution: 0204 Permanency and Case Planning" (June 9, 2022)**

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	custody has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that sole or joint physical custody of the child by the perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth: (a) Findings of fact that support the determination that one or more acts of domestic violence occurred; and (b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the child. 6. If after an evidentiary hearing held pursuant to subsection 5 the court determines that each party has engaged in acts of domestic violence, it shall, if possible, then determine which person was the primary physical aggressor. In determining which party was the primary physical aggressor for the purposes of this section, the court shall consider: (a) All prior acts of domestic violence involving either party; (b) The relative severity of the injuries, if any, inflicted upon the persons involved in those prior acts of domestic violence; (c) The likelihood of future injury;	Concurrent Planning: 2. Factors to Consider: If the Child Welfare Agency determines the risk posed to the child's safety by her/his family remains high and the progress towards reunification is minimal, a concurrent goal for permanency must be considered and evaluated. When assessing whether to utilize concurrent planning, the Agency may consider the following factors to assist with the decision: g. Demonstrated history of domestic violence. **Division of Child and Family Services "Family Programs Office: Statewide Policy: 0505 Family First Prevention Services" (May 31, 2023)** Defining Candidate for Foster Care 1. A child who is determined to be a candidate for foster care may be eligible for FF prevention services. A child in imminent risk of entering foster care is a child who: b. Has one or more negative family conditions listed below that does not meet present or impending danger criteria, but suggests an increased likelihood of entering foster care: iii. Domestic violence or intimate partner violence in the home; **Department of Health and Human Services "Policy Distribution: 0510 Nevada Safety Assessments" (January 9, 2024)** 4. Formal Safety Assessments

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	(d) Whether, during the prior acts, one of the parties acted in self-defense; and (e) Any other factors which the court deems relevant to the determination. In such a case, if it is not possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies to both parties. If it is possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies only to the party determined by the court to be the primary physical aggressor. 10. As used in this section: (b) "Domestic violence" means the commission of any act described in NRS 33.018."	e. Protective Capacity Family Assessment (PCFA): This is an interpersonal, interactive assessment that engages caregivers in a partnership to clarify what must change to enhance Caregiver Protective Capacities and to inform case planning. i. Occurs when the permanency caseworker receives the case and must be concluded no later than 60 days after the removal of the child(ren) or the decision to provide services to the child and family. ii. For further information refer to 0204 Permanency and Case Planning Policy and 0211 Protective Capacity Family Assessment Policy. iii. The Safety Assessment window in UNITY must be completed at the same time as the PCFA to indicate decisions regarding impending danger (see below).
NEW HAMPSHIRE*	**RSA 461:A6 – Determination of Parental Rights and Responsibilities; Best Interest.** I. In determining parental rights and responsibilities, the court shall be guided by the best interests of the child, and shall consider the following factors: (j) Any evidence of abuse, as defined in RSA 173-B:1, I or RSA 169-C:3, II, and the impact of the abuse on the child and on the relationship between the child and the abusing parent.	**New Hampshire Division for Children, Youth, & Families "1210 Interventions for Children and Families" (May 2008)** II. When Domestic Violence is occurring or is the cause of the child maltreatment, the CPSW must refer the victim to the Domestic Violence Specialist located within the district office. When documenting any information specific to the children's or alleged victim of domestic violence safety, relative to identified domestic violence, the CPSW must not include locations of potential "safe places" that the

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	IV. If the court finds that a parent has been convicted of sexual assault or there has been a finding by a court of competent jurisdiction of sexual abuse against such parent's minor child or minor stepchild, the court may prohibit contact between such parent and the victim of the abuse and any sibling or step-sibling of the victim. The court shall make orders that best protect the victim of the abuse and the siblings and step-siblings of such victim. (a) If a parent makes a good faith allegation based on a reasonable belief supported by facts that the parent's child is a victim of physical abuse or neglect or sexual abuse perpetrated by the other parent and if the parent making the allegation acts lawfully and in good faith in accordance with such belief to protect the child or seek treatment for the child, the parent making the allegation shall not be deprived of parenting time, or contact with the child based on reasonable actions taken in accordance with that belief. **RSA 169-C:6-b – Child's Welfare and Findings Regarding Removal.** I. The court shall, in its first court ruling that sanctions, even temporarily, the removal of a child from the home, determine whether continuation in the home is contrary to the child's welfare.	child and non-offending parent might use in a crisis situation. **New Hampshire Department of Health & Human Services Division for Children, Youth, & Families "DCYF Standard Operating Procedure: 1150.3 Abuse Allegation Types" (July 2022)** I. Physical Abuse. Credible reports including the following allegations should be considered physical abuse: E. Exposure to Domestic Violence (DV); 1. A report alleges caregiver action or inaction when: (a) A caregiver or other adult household member is physically or sexually violence toward another caregiver or other adult household member; and (a) A child is present and physically harmed; or (b) A child is present and injury is unknown but possible; (2) If children are present but not physically harmed (or likely physically harmed), assume psychological harm and identify the report under psychological abuse; 3. This allegation can only be accepted as a report for physical or psychological abuse, and not neglect; 4. The person committing the DV is identified as the alleged perpetrator (the victim of the DV will not be entered as a perpetrator); **New Hampshire Department of Health & Human Services Division for Children, Youth, &**

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	II. The court shall within 60 days of a child's removal from the home, determine and issue written findings as to whether reasonable efforts were made or were not required to prevent the child's removal. In determining whether reasonable efforts were made to prevent the child's removal, the court shall consider whether services to the family have been accessible, available, and appropriate. **RSA 169-C:12-f – Rebuttable Presumption of Harm.** III. [Paragraph III is effective January 1, 2021.] Evidence of a parent's, guardian's, or custodian's exposure of a child to: (a) Physical violence directed at a sibling, the other parent, or another person living in the home; or (b) Psychological maltreatment directed at the child, a sibling, the other parent, or another person living in the home. IV. The rebuttable presumption of harm established in paragraph III shall not apply to victims of domestic violence who are subject to an abuse or neglect petition filed pursuant to this chapter as a result of an incident or incidents in which that parent, guardian, or caregiver was the victim. **RSA 169-C:19-e – Custody Hearing for Parent not Charged with Abuse or Neglect.**	**Families "DCYF Standard Operating Procedure: 1150.4 Neglect Allegation Types" (July 2022)** II. Parent or guardian actions or inactions: F. Endangering the welfare of a child (excluding domestic violence). A credible report alleges a child is not injured, however, the caregiver disregards child safety while engaging in dangerous actions near child in such a way that the child is likely to be physically injured and this is a pattern or a single severe event; **New Hampshire Department of Health & Human Services Division for Children, Youth, & Families "DCYF Standard Operating Procedure: 1172.4 Interviewing Parents/Guardians" (August 2022)** II. The CPSW review the referral and begins to gather information and plan the Assessment. This includes: III. If there are concerns for domestic violence (DV): A. The optimal interview sequence is: 1. Survivors; 2. Children; 3. Other household members; and then 4. Alleged perpetrators; B. The survivor and abuse should be interviewed separately; 1. If separate interviews cannot be conducted, domestic violence should not be discussed until the CPSW can meet with the survivor separately; and

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	I. There shall be a rebuttable presumption that a parent who has not been charged with abuse or neglect is fit to perform his or her parental duties. This presumption may be challenged by the state with a full hearing in the circuit court regarding such parent's ability to obtain custody. At the hearing, the parent shall be provided the opportunity to present evidence pertaining to his or her ability to provide care for the child and shall be awarded custody unless the state demonstrates, by a preponderance of the evidence, that he or she is unfit to perform his or her parental duties. The court shall make written findings of fact supporting its decision.	C. DV survivors are provided with information about the DV crisis center, including the telephone number, but not in the presence of the abuser. IV. If there is a disclosure of domestic violence, the CPSW asks (when it is safe to do so): A. What types(s) of abuse occurs; B. How often the abuse occurs; C. The severity of the abuse; and D. Changes in patters or abuse.
NEW JERSEY*	**§ 9:2-4. Custody of child; rights of both parents considered** c. Any other custody arrangement as the court may determine to be in the best interests of the child. In making an award of custody, the court shall consider but not be limited to the following factors: … the parents' willingness to accept custody and any history of unwillingness to allow parenting time not based on substantiated abuse;…the history of domestic violence, if any; the safety of the child and the safety of either parent from physical abuse by the other parent;… A parent shall not be deemed unfit	**New Jersey Department of Children and Families "New Jersey Department of Children and Families Policy Manual: VIII-B-1-100: Domestic Violence" (Revised May 15, 2023)** J. Decision Making (Immediate Action Required) 1) High risk situations that may require the immediate relocation of the nonoffending parent and child to a safe place may warrant advocacy from a domestic violence agency if the child or non-offending parent feels in danger, or if the information provided indicates: a) The offending parent has used or threatened to use a weapon b) The offending parent is violent outside the relationship

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	unless the parents' conduct has a substantial adverse effect on the child. **§ 9:6-8.75. "New Jersey Task Force on Child Abuse and Neglect"** c. (1) The task force shall establish a Staffing and Oversight Review Subcommittee to review the performance and staffing levels of the Division of Child Protection and Permanency in order to develop recommendations regarding the department's performance, staffing levels, and the most effective methods of recruiting, hiring, and retaining staff within the division. The subcommittee shall also review, analyze, and make recommendations regarding the department's performance in: (e) providing comprehensive, culturally responsive services to address the identified needs of the children, youth, and families the department serves, including but not limited to: services for youth age 18 to 21; services for LGBTQI+ youth; mental health, and domestic violence services for birth parents whose families are involved with the child welfare system; preventive home visitation programs; trauma-informed care; and an adequate Statewide network of Family Success Centers;	c) There have been previous episodes of strangulation d) The non-offending parent is pregnant e) A child in the home is not the biological or adoptive child of the alleged offending parent f) There was a recent separation or threatened separation g) The offending parent abuses alcohol, illegal drugs, prescribed medications, or other substances h) The offending parent has threatened to kill i) Frequency or severity of the violence has increased j) The offending parent has contemplated or threatened suicide k) The offending parent has injured or killed pets, or l) The offending parent demonstrates excessive control, isolation and sense of possessiveness. 2) It may be too dangerous for the non-offending parent to leave the home or seek a restraining order because some offending parents increase their use of violence at the point of separation or when formal legal intervention occurs. The CP&P Worker shall assist the non-offending parent in contacting a domestic violence agency for safety planning and enhanced advocacy. Removal of the child(ren) from the family home shall be considered in cases when a Safety Protection Plan , CP&P Form 22-22, cannot alleviate safety concerns for the child(ren). M) Out-of-Home Placement

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		1) Whenever possible, the child remains in the care of the non-offending parent when domestic violence is present, in order to secure safety, stability, and well-being. Removal of the child from the non-offending parent is a last resort and is done only after reasonable efforts to prevent placement have been made. 2) When the Worker, Supervisor, and Casework Supervisor have determined that an In-Home Safety Protection Plan, CP&P Form 22-22, is not feasible and out-of-home placement is required to protect the child, even with the child's removal from the home, every attempt is made to engage the family members in domestic violence support services. 3) When reunification as a family unit is not appropriate, separately work with each parent towards the permanency planning case goal of reunification with the non-offending parent. **New Jersey Department of Children and Families "New Jersey Department of Children and Families Policy Manual: VIII-B-1-200: Guiding Principles when Domestic Violence and Child Abuse Co-Occur" (Revised April 25, 2011)** Guiding Principles 1. The health and safety of each child is paramount. Put safety first. Children must not remain in homes that are unsafe nor return home without safety measures in place.

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NEW MEXICO	**NMSA § 40-4-9.1 Joint custody; standards for determination; parenting plan.** B. In determining whether a joint custody order is in the best interests of the child, in addition to the factors provided in Section 40-4-9 NMSA 1978, the court shall consider the following factors: (9) whether a judicial adjudication has been made in a prior or the present proceeding that either parent or other person seeking custody has engaged in one or more acts of domestic abuse against the child, a parent of the child or other household member. If a determination is made that domestic abuse has occurred, the court shall set forth findings that the custody or visitation ordered by the court adequately protects the child, the abused parent or other household member.	**New Mexico Child Youth & Families Department "Social Services: Child Protective Services: Home-Based Prevention Services (8.10.6 NMAC)" (July 2021)** 2. Level II Criteria: iii) At least one risk factor must be present at a level that affects the adequacy of the care of a child and is likely to continue to present maltreatment risk in the future. The In-Home Services Supervisor will analyze all presented information to determine if a risk factor is present based on information provided by the referral source. When the referral source is PSD (such as from investigations), it must be determined the child has been deemed to be safe and at high risk of maltreatment or safe with a plan by the PSD investigator. The following are family characteristics related to Risk Assessment: Household has domestic violence history; 8. Use of Community Resources The community shares the responsibility of keeping children safe and protecting them from abuse and neglect. Home-Based Prevention Services cases are supported by community collaboration and utilization of community resources, which include individuals, groups, agencies, or organizations. The I-HS Practitioner prioritizes the use of family and community services over direct services whenever possible and appropriate. [03-15-2005; 10-30-2008; 03-15-2016; 07-01- 2021]

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		8.1 Identification of Community Resources: Some examples of community resources may include: 11. community support organizations such as clothing banks, food banks, and domestic violence shelters;
NEW YORK	**NY CLS Family Ct Act § 1052 Disposition on Adjudication** (b) (i) The order of the court shall state the grounds for any disposition made under this section. If the court places the child in accord with section one thousand fifty-five of this part, the court in its order shall determine: (A) whether continuation in the child's home would be contrary to the best interests of the child and where appropriate, that reasonable efforts were made prior to the date of the dispositional hearing held pursuant to this article to prevent or eliminate the need for removal of the child from his or her home and if the child was removed from the home prior to the date of such hearing, that such removal was in the child's best interests and, where appropriate, reasonable efforts were made to make it possible for the child to safely return home. If the court determines that reasonable efforts to prevent or eliminate the need for removal of the child from the home were not made but that the lack of such efforts was appropriate under the circumstances, the court order shall include such a finding, or if the	**New York State Child Protective Services "New York State Child Protective Services Manual: Chapter 6: Child Protective Services Investigations" (January 2025)** D. Preliminary and ongoing safety assessments 3. Safety Factors Safety Factor Definitions and Expanded Definitions 4. Child(ren) has experienced or is likely to experience physical or psychological harm because of domestic violence in the household. Examples of direct threats to child(ren): • Observed or alleged batterer is confronting and/or stalking the caretaker/victim and child(ren) and has threatened to kill, injure, or abduct either or both. • Observed or alleged batterer has had recent violent outbursts that have resulted in injury or threat of injury to the child(ren) or the other caretaker/ victim. • Parent/Caretaker/victim is forced, to participate in or witness serious abuse or maltreatment of the child(ren). • Child(ren) is forced, to participate in or witness abuse of the caretaker/victim. Other examples of Domestic Violence: • Caretaker/victim appears unable to provide basic care and/or supervision for the child because of fear,

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	permanency plan for the child is adoption, guardianship or another permanent living arrangement other than reunification with the parent or parents of the child, the court order shall include a finding that reasonable efforts, including consideration of appropriate in-state and out-of-state placements, are being made to make and finalize such alternate permanent placement. For the purpose of this section, reasonable efforts to prevent or eliminate the need for removing the child from the home of the child or to make it possible for the child to return safely to the home of the child shall not be required where, upon motion with notice by the social services official, the court determines that: (5) the parent of such child has been convicted in any other jurisdiction of an offense which includes all of the essential elements of any crime specified in clause two, three or four of this subparagraph, and the victim of such offense was the child or another child of the parent; (ii) The court shall also consider and determine whether the need for placement of the child would be eliminated by the issuance of an order of protection, as provided for in paragraph (iv) of subdivision (a) of this section, directing the removal of a person or persons from the child's residence. Such	intimidation, injury, incapacitation, forced isolation, fear or other controlling behavior of the observed or alleged batterer. N. Domestic Violence 3. CPS Interventions when there is domestic violence When domestic violence is present in a child abuse or maltreatment case, CPS must consider the existence of such violence to develop intervention strategies that will adequately protect the child(ren) in the home. The DV offender's use of coercive control and physical violence may impact the non-offending parent's ability to parent and protect the child(ren) in the home from those behavior choices. Consequently, CPS may need to use intervention strategies for families afflicted by domestic violence that are different from the intervention strategies used in cases where domestic violence is not a factor. The intervention plan should be designed to eliminate the abuse or maltreatment of the children and include services aimed at addressing the conditions, including violence against the adult victims, that are jeopardizing the safety of the child(ren). Intervention plans must consider the DV offender's behaviors, and the non-offending parent's protective capacity in the context of those behaviors, to gain a clear understanding of the choices that the non-offending parent makes on behalf of themself

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	determination shall consider the occurrence, if any, of domestic violence in the child's residence. **NY CLS Dom Rel § 240 Custody and child support; orders of protection.** 1. (a) Where either party to an action concerning custody of or a right to visitation with a child alleges in a sworn petition or complaint or sworn answer, cross-petition, counterclaim or other sworn responsive pleading that the other party has committed an act of domestic violence against the party making the allegation or a family or household member of either party, as such family or household member is defined in article eight of the family court act, and such allegations are proven by a preponderance of the evidence, the court must consider the effect of such domestic violence upon the best interests of the child, together with such other facts and circumstances as the court deems relevant in making a direction pursuant to this section and state on the record how such findings, facts and circumstances factored into the direction. If a parent makes a good faith allegation based on a reasonable belief supported by facts that the child is the victim of child abuse, child neglect, or the effects of domestic violence, and if that parent acts lawfully and in good faith in response to that reasonable belief to	and the child(ren) in the home. It is best practice to explore with the non-offending parent any strategies they used to protect the children prior to child protective involvement. CPS intervention strategy should strive to both protect the child(ren) and to protect and assist the abused adult. It is important for CPS to realize that the non-offending parent's strategies may not make logical sense to CPS or be what CPS think should be done but should not be rejected outright because of that. CPS needs to maintain an open dialogue with the non-offending parent as a safety plan is developed. The non-offending parent is the expert in the situation and their knowledge of the offender's coercive behaviors and patterns of violence are critical to formulating a safety plan that helps keep the children safe. 4. CPS determination decisions in relation to domestic violence To make a determination that a parent or person legally responsible abused or maltreated their child, including in situations involving domestic violence: • There must be impairment or immediate danger of impairment of a child's condition; and • The parent must have failed to exercise a minimum degree of care; and • There must be a link or causal connection between the failure to exercise a minimum degree of care and the impairment or the imminent danger of impairment of the child's condition. The investigation of a report of suspected abuse or

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	protect the child or seek treatment for the child, then that parent shall not be deprived of custody, visitation or contact with the child, or restricted in custody, visitation or contact, based solely on that belief or the reasonable actions taken based on that belief. If an allegation that a child is abused is supported by a preponderance of the evidence, then the court shall consider such evidence of abuse in determining the visitation arrangement that is in the best interest of the child, and the court shall not place a child in the custody of a parent who presents a substantial risk of harm to that child, and shall state on the record how such findings were factored into the determination. Where a proceeding filed pursuant to article ten or ten-A of the family court act is pending at the same time as a proceeding brought in the supreme court involving the custody of, or right to visitation with, any child of a marriage, the court presiding over the proceeding under article ten or ten-A of the family court act may jointly hear the dispositional hearing on the petition under article ten or the permanency hearing under article ten-A of the family court act and, upon referral from the supreme court, the hearing to resolve the matter of custody or visitation in the proceeding pending in the supreme court; provided however, the court	maltreatment involving a family with domestic violence issues must be conducted using the same standards and legal definitions as any other report of suspected child abuse and maltreatment. Nicholson, et al. v. Scoppetta, et al.28 F 34 In the 2004 New York State Court of Appeals decision of Nicholson, et al. v. Scoppetta, et al.29 F 35 (See Chapter 14, Appendices), the Court stated that when the sole allegation of neglect (i.e., maltreatment) is that the parent or other person legally responsible for a child allows the child to witness domestic violence against a child's caretaker, this alone does not constitute maltreatment and a report against a non-offending parent should not be indicated on this basis. The Court stated that for a finding of neglect, the following conditions must apply: there must be impairment of a child's condition, or imminent danger that the child will become impaired, and there must be a failure to provide a minimum degree of care, and these two circumstances must be connected.

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	must determine custody or visitation in accordance with the terms of this section.	
NORTH CAROLINA*	**N.C. Gen. Stat. § 50-13.2. Who entitled to custody; terms of custody; visitation rights of grandparents; taking child out of State; consideration of parent's military service.** (a) An order for custody of a minor child entered pursuant to this section shall award the custody of such child to such person, agency, organization or institution as will best promote the interest and welfare of the child. In making the determination, the court shall consider all relevant factors including acts of domestic violence between the parties, the safety of the child, and the safety of either party from domestic violence by the other party. An order for custody must include written findings of fact that reflect the consideration of each of these factors and that support the determination of what is in the best interest of the child. Between the parents, whether natural or adoptive, no presumption shall apply as to who will better promote the interest and welfare of the child. Joint custody to the parents shall be considered upon the request of either parent. (b) An order for custody of a minor child may grant joint custody to the parents, exclusive custody to one person, agency, organization, or institution, or grant custody to two or more persons, agencies, organizations, or	**North Carolina Department of Health and Human Services "CPS Family and Investigative Assessments Policy, Protocol, and Guidance" (November 2025)** Checking Agency Records Protocol – What you must do DOMESTIC VIOLENCE Assessments with allegations of domestic violence, require activities that must occur prior to the initial contact with the family and include but are not limited to: ● Contact the Administrative Office of the Courts (or county Clerk of Superior Court) and/or complete a search of VCAP to determine if a domestic violence protective order exists; and ● Contact local law enforcement agencies and/or conduct a criminal record check on the alleged perpetrator of domestic violence. Initiation ASSESSMENTS WITH ALLEGATIONS OF DOMESTIC VIOLENCE CPS Assessments must be initiated by first contacting the non-offending parent/adult victim outside of the presence of the alleged perpetrator. The children must not be interviewed in the presence of the alleged perpetrator. The Children's Domestic Violence Assessment Tool (DSS-5237) contains scaled assessment questions and should be used to support the determination of

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	institutions. Any order for custody shall include such terms, including visitation, as will best promote the interest and welfare of the child. If the court finds that domestic violence has occurred, the court shall enter such orders that best protect the children and party who were the victims of domestic violence, in accordance with the provisions of G.S. 50B-3(a1)(1), (2), and (3). If a party is absent or relocates with or without the children because of an act of domestic violence, the absence or relocation shall not be a factor that weighs against the party in determining custody or visitation. Absent an order of the court to the contrary, each parent shall have equal access to the records of the minor child involving the health, education, and welfare of the child.	the safety and risk factors on assessments with allegations of domestic violence. Every child reacts differently when exposed to domestic violence. Some children develop debilitating conditions while others show no negative effects. As a result, it is important to interview the children regarding their involvement and/or exposure to domestic violence, as well as their general safety and well-being. It is important to recognize that older children are more likely to minimize reports of parental fighting. Younger children may be more spontaneous and less guarded with the information they share. Investigative Assessments of abuse with DV allegations should consider the safety of the nonoffending parent and the child(ren) when initiating. Safety Planning Protocol – What you must do SAFETY PLANNING IN ASSESSMENTS WITH ALLEGATIONS OF DOMESTIC VIOLENCE After the initial interview with the non-offending parent/adult victim, if domestic violence is identified as a safety and risk factor, a Safety Assessment must be completed. The development of a Temporary Parental Safety Agreement must also be created, and a decision made about sharing the agreement with the alleged perpetrator of domestic violence. Subsequently, a separate Safety Assessment must be completed with the alleged perpetrator during their

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		interview. Planning a safety agreement for the children's safety with the alleged perpetrator must include the specific actions that they will take to stop the violence and ensure that the children are safe. Case-specific circumstances may necessitate the completion of an additional Safety Assessment and development of a safety agreement after the interview with the child(ren) alleged to be victims of abuse, neglect, and/or dependency. Guidance – How you should do it ASSESSMENTS WITH ALLEGATIONS OF DOMESTIC VIOLENCE Prior to a county child welfare services agency filing a petition, the following should be considered: ● A CPS Assessment involving domestic violence does not warrant an automatic custody removal to ensure safety. ● Placement of children, even in the best placements, causes emotional damage by adding to the children's experiences of grief, loss, anxiety, and/or fear caused by the separation from their families and their home. Children living in a chaotic or violent environment, may have developed skills to cope with that environment. Therefore, removal should not be considered until reasonable efforts are made to meet children's needs for safety and nurturing in their own homes unless no efforts are possible because children are at imminent risk of harm.

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		Notifications Guidance – How you should do it DECISION MAKING IN DOMESTIC VIOLENCE ASSESSMENTS For CPS assessments with allegations of domestic violence, every effort should be made to hold the perpetrator of domestic violence accountable for the violence and to only hold the nonoffending parent/adult victim accountable for the actions they did or did not take to protect the children. Documentation should reflect the non-offending parent/adult victim's response to offers of help They should be held responsible for failing to protect the children. When domestic violence is the only factor in a family situation, it is not acceptable to substantiate abuse or neglect on the nonoffending parent/adult victim solely for the actions of the perpetrator of domestic violence who caused the situation. If, however, the non-offending parent/adult victim has abused and/or neglected the child, such a case decision is appropriate. **North Carolina Department of Health and Human Services "CPS Intake Policy, Protocol, and Guidance" (October 2025)** Maltreatment Type Screening Tools Reports Involving Domestic Violence and Substance Abuse Domestic violence and substance abuse are not intrinsically considered child maltreatment. However, the impact of parent/caretaker domestic

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		violence and/or substance abuse can result in the neglect of a child due to the injurious environment created. For reports alleging domestic violence and substance abuse, please consult the Domestic Violence and Substance Abuse Maltreatment Screening Tools.
NORTH DAKOTA*	**N.D. Cent. Code § 14-09-06.2 Best Interest and welfare of child – Court considerations – Factors.** 1. For the purpose of parental rights and responsibilities, the best interests and welfare of the child is determined by the court's consideration and evaluation of all factors affecting the best interests and welfare of the child. These factors include all of the following when applicable: j. Evidence of domestic violence. In determining parental rights and responsibilities, the court shall consider evidence of domestic violence. If the court finds credible evidence that domestic violence has occurred, and there exists one incident of domestic violence which resulted in serious bodily injury or involved the use of a dangerous weapon or there exists a pattern of domestic violence within a reasonable time proximate to the proceeding, this combination creates a rebuttable presumption that a parent who has perpetrated domestic violence may not be awarded residential responsibility for the child. This presumption may be overcome	**North Dakota Department of Human Services "Child Protection Services Manual – Service Chapter 640"** Domestic Violence – Assessment Process 640-30 (Revised 5/1/06 ML #2977) The primary objective of child protection services, where there are concerns of domestic violence, remains the assessment of safety and risk of future maltreatment of children. Service planning in child welfare typically focuses on providing services to reduce the risk of child maltreatment and to strengthen parenting ability. Service planning in domestic violence/ child maltreatment cases also will require focusing actively on the safety of the adult victim and the responsibility of the offender to stop abusive behavior in order to keep children safe. Domestic Violence - Analyzing a Report 640-30-15 (Revised 5/1/06 ML #2977) If the elements below are reported and there are NOT child safety issues in the report, consider doing an administrative assessment. • If there are concerns or disclosure of verbal arguing, pushing, or shoving but no physical injury; • If caregivers are separated and the non-offending

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	only by clear and convincing evidence that the best interests of the child require that parent have residential responsibility. The court shall cite specific findings of fact to show that the residential responsibility best protects the child and the parent or other family or household member who is the victim of domestic violence. If necessary to protect the welfare of the child, residential responsibility for a child may be awarded to a suitable third person, provided that the person would not allow access to a violent parent except as ordered by the court. If the court awards residential responsibility to a third person, the court shall give priority to the child's nearest suitable adult relative. The fact that the abused parent suffers from the effects of the abuse may not be grounds for denying that parent residential responsibility. As used in this subdivision, "domestic violence" means domestic violence as defined in section 14-07.1-01. A court may consider, but is not bound by, a finding of domestic violence in another proceeding under chapter 14-07.1. **N.D. Cent. Code § 14-09-29. Parental rights and responsibilities — Best interests and welfare of child.** 4. In any proceeding dealing with parental rights and responsibilities in which a parent is found to have perpetrated domestic violence,	caregiver is protecting the child from future violence; and • The child has not been exposed to violence. If there are other child safety issues in the report, proceed with the assessment as in any other case. Domestic Violence - Safety Planning 640-30-25 (Revised 5/1/06 ML #2977) If the non-offending caregiver is uncooperative or resistant, or denies or minimizes the abuse, do not attempt to force a disclosure. Reiterate concern for the safety of the children and caregiver. Continue efforts to educate about local services offered to victims of domestic violence. Be aware that outside intervention can increase safety concerns or risk, so non-offending caregivers should always be informed in advance of any plans for a response (e.g., police or Social Workers coming to the home, calls, or meetings with Social Workers)….If the non-offending caregiver is openly asking for help, work with this parent to define the appropriate resources for the family's needs including the use of shelters, family support programs, abused adult programs, legal services, mental health services, financial aide programs, housing advocacy programs, and social services resources that will enable the parent and child(ren) to remain in a safe environment. (page 437-438) Decision Making 640-30-50 After interviews are completed and collateral contacts are made, the next step is to make a decision whether services are required for the protection of the

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	and there exists one incident of domestic violence which resulted in serious bodily injury or involved the use of a dangerous weapon or there exists a pattern of domestic violence within a reasonable time proximate to the proceeding, all court costs, attorney's fees, evaluation fees, and expert witness fees must be paid by the perpetrator of the domestic violence unless those costs would place an undue financial hardship on that parent.	children. If placement of the children is warranted, either because voluntary services fail to reduce risk, or the concern for safety is initially too high to maintain them in the home, use the assessment of risk criteria (640-30-45) to assist in making a decision whether services are required and whether to petition for custody…If the non-offending caregiver is remaining with the offender, consider the following: • Will the children be safe if they remain in the home? • In an emergency, what works best to keep them safe? • Who can the non-offending caregiver call in a crisis? • Would the non-offending caregiver call the police if the violence started again? Is there a phone in the house? Could the non-offending caregiver work out a signal with the children or neighbors to call the police or get help? • If the family needs to flee temporarily, where can they go? Domestic Violence - Service Planning 640-30-55 (Revised 5/1/06 ML #2977) The following are a variety of options to consider when planning for services with families where domestic violence is present: • Planning for the safety of the children with the non-offending caregiver is the first/best option, unless the risk to the children is so high they cannot

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		be maintained in the home with preventative services.
NORTHERN MARIANA ISLANDS*	**N. Mar. I. Code § 1931 Presumptions Concerning Custody.** In every proceeding where there is at issue a dispute as to the custody of a child a determination by the court that domestic or family violence has occurred raises a rebuttable presumption that it is detrimental to the child and not in the best interest of the child to be placed in sole custody, joint legal custody, or joint physical custody with the perpetrator of family violence. **N. Mar. I. Code § 1932 Factors in Determining Custody and Visitation.** (a) In addition to other factors that the Superior Court must consider in a proceeding in which the custody of a child or visitation by a parent is at issue and in which the court has made a finding of domestic or family violence: (1) The Superior Court shall consider as primary the safety and well-being of the child or children and of the parent who is the victim of domestic or family violence; and (2) The court shall consider the perpetrator's history of causing physical harm, bodily injury, assault, or causing reasonable fear of physical harm, bodily injury, or assault to another person. (b) If a parent is absent or has relocated because of	None found.

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	an act of domestic or family violence by the other parent, the absence or relocation is not a factor that weighs against the parent in determining custody or visitation.	
OHIO*	**Ohio Rev. Code Ann. § 2151.414 Hearing on motion for permanent custody; notice; determinations necessary for granting motion.** (E) In determining at a hearing held pursuant to division (A) of this section or for the purposes of division (A)(4) of section 2151.353 of the Revised Code whether a child cannot be placed with either parent within a reasonable period of time or should not be placed with the parents, the court shall consider all relevant evidence. If the court determines, by clear and convincing evidence, at a hearing held pursuant to division (A) of this section or for the purposes of division (A)(4) of section 2151.353 of the Revised Code that one or more of the following exist as to each of the child's parents, the court shall enter a finding that the child cannot be placed with either parent within a reasonable time or should not be placed with either parent: (3) The parent committed any abuse as described in section 2151.031 of the Revised Code against the child, caused the child to suffer any neglect as described in section 2151.03 of the Revised Code, or allowed the	**Ohio Department of Job and Family Services "Ohio Child Protective Services Screening Guidelines"** Domestic Violence/Intimate Partner Violence Domestic Violence (DV)/Intimate Partner Violence (IPV) has the following areas to consider: • Physical Abuse • Neglect • Emotional Maltreatment Physical Abuse DV/IPV Examples Screen In • Child received injury as a result of incident of DV/IPV. • Child witnessed an incident of DV/IPV. Consideration of intensity of incident and potential for serious harm should be taken into account. Refer to neglect or emotional maltreatment guidelines for further consideration. • Weapon or threat of a weapon involved in incident of DV/IPV Screen Out • Verbal argument • Child is not present for incident and is not aware of the incident or aware of injury sustained from

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	child to suffer any neglect as described in section 2151.03 of the Revised Code between the date that the original complaint alleging abuse or neglect was filed and the date of the filing of the motion for permanent custody; (14) The parent for any reason is unwilling to provide food, clothing, shelter, and other basic necessities for the child or to prevent the child from suffering physical, emotional, or sexual abuse or physical, emotional, or mental neglect. (15) The parent has committed abuse as described in section 2151.031 of the Revised Code against the child or caused or allowed the child to suffer neglect as described in section 2151.03 of the Revised Code, and the court determines that the seriousness, nature, or likelihood of recurrence of the abuse or neglect makes the child's placement with the child's parent a threat to the child's safety.	incident. If the child is aware or the DV/IPV is interfering with the child's basic needs refer to neglect or emotional maltreatment guidelines for consideration. Neglect DV/IPV Related ORC and OAC Rules and Definitions: A DV/IPV incident(s) are considered neglect when an incident or pattern of incidents interferes with a caretakers' ability to provide for the basic needs of their children. These DV/IPV incidents or patterns could include: • Coercive or controlling behaviors of the batterer over the survivor (caretaker) • Physical harm to the survivor (caretaker) For ORC, see Neglect Screening Guidelines Neglect DV/IPV Screen In • Alleged perpetrator/batterer prohibits the survivor from transporting the child to school, medical appointments or accessing financial means to provide food or hygiene items for the child and is not providing these needs as well. • Survivor's injury interferes with his/her ability to provide for the basic needs and daily care of the child and the alleged perpetrator/batterer is not providing these needs as well. • Pattern of DV/IPV in the household interferes with the caretakers' ability to meet child's physical, emotional and safety needs.

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		Screen Out • Verbal arguments and/or isolated DV/IPV incident in which children were not present and no impact on caretaker's ability to meet child's basic needs. Note: Allegations in which the child's basic needs are being met by either the survivor or the batterer, refer to emotional maltreatment guidelines for consideration. Emotional Maltreatment DV/IPV Examples Screen In • Child received mental injury as a result of the DV/IPV incident. o Night terrors and bedwetting o Disruption of normal routine o Child reports fear due to the DV/IPV incident o Cowering o Child displaying violent behaviors towards others and/or animals • Child witnessed or has been exposed to repeated DV/IPV incidents. • Child witnessed DV/IPV incident that resulted in the death or serious harm of a family member that required hospitalization. • Threat of killing family member or pet during the DV/IPV incident Screen Out • Verbal argument

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		• Child is not present for DV/IPV incident and is not aware of the incident or aware of injury sustained from incident.
OKLAHOMA*	**43 Okl. St. § 109. Best Interest of Child Considered in Awarding Custody or Appointing Guardian – Joint Custody – Plan – Arbitration.** I. 1. In every proceeding in which there is a dispute as to the custody of a minor child, a determination by the court that domestic violence, stalking, or harassment has occurred raises a rebuttable presumption that sole custody, joint legal or physical custody, or any shared parenting plan with the perpetrator of domestic violence, harassing or stalking behavior is detrimental and not in the best interest of the child, and it is in the best interest of the child to reside with the parent who is not a perpetrator of domestic violence, harassing or stalking behavior. 2. For the purpose of this subsection: a. "child abuse" shall have the same meaning as "abuse" as defined pursuant to the Oklahoma Children's Code in Section 1-1-105 of Title 10A of the Oklahoma Statutes, b. "domestic violence" means the threat of the infliction of physical injury, any act of physical harm or the creation of a reasonable fear thereof, or the intentional infliction of emotional distress by a parent or a present or former member of the household of the child,	**Oklahoma Department of Human Services "Safety Guidebook: a guide for all programs to assist in making sound safety decision" (December 31, 2024)** Definitions and substantiation protocol (16) **"Failure to protect"** means failure to take reasonable action to remedy or prevent child abuse or neglect, and includes the conduct of a non-abusing parent or guardian who knows the identity of the abuser or the person neglecting the child, but lies, conceals, or fails to report the child abuse or neglect, or otherwise take reasonable action to end the abuse or neglect. Enhancing Protective Capacities There may be times where the safety threat is no longer active and/or the protective capacities of the other PRFC [sic] (person(s) responsible for the child's (PRFC)'s health, safety, or welfare.)

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	against the child or another member of the household including coercive control by a parent involving physical, sexual, psychological, emotional, economic or financial abuse, c. "harassment" means a knowing and willful course or pattern of conduct by a parent directed at another parent which seriously alarms or is a nuisance to the person, and which serves no legitimate purpose including, but not limited to, harassing or obscene telephone calls or conduct that would cause a reasonable person to have a fear of death or bodily injury, and d. "stalking" means the willful course of conduct by a parent who repeatedly follows or harasses another person as defined in Section 1173 of Title 21 of the Oklahoma Statutes. 3. If a parent is absent or relocates as a result of an act of domestic violence by the other parent, the absence or relocation shall not be a factor that weighs against the parent in determining custody or visitation. 4. The court shall consider, as a primary factor, the safety and well-being of the child who is the victim of child abuse and of the parent who is the victim of domestic violence, harassment, or stalking behavior, in addition to other facts regarding the best interest of the child. 5. The court shall consider the history of the parent causing physical harm, bodily injury,	

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	assault, verbal threats, stalking, or harassing behavior, or the fear of physical harm, bodily injury, or assault to another person including the minor child, in determining issues regarding custody and visitation. **10A Okl. St. § 1-4-904 Termination of Parental Rights in Case Involving Petition for Deprived Status of Child** B. The court may terminate the rights of a parent to a child based upon the following legal grounds: 9. A finding that the parent has abused or neglected any child or failed to protect any child from abuse or neglect that is heinous or shocking; 10. A finding that the parent has previously abused or neglected the child or a sibling of the child or failed to protect the child or a sibling of the child from abuse or neglect and the child or a sibling of the child has been subjected to subsequent abuse; 12. A finding that the parent whose rights are sought to be terminated is incarcerated, and the continuation of parental rights would result in harm to the child based on consideration of the following factors, among others: e. any evidence of abuse or neglect or failure to protect from abuse or neglect of the child or siblings of the child by the parent,	

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OREGON	**Or. Rev. Stat. § 107.137 Factors considered in determining custody of child.** 1. Except as provided in subsection (6) of this section, in determining custody of a minor child under ORS 107.105 or 107.135, the court shall give primary consideration to the best interests and welfare of the child. In determining the best interests and welfare of the child, the court shall consider the following relevant factors: (d) The abuse of one parent by the other; (f) The willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child. However, the court may not consider such willingness and ability if one parent shows that the other parent has sexually assaulted or engaged in a pattern of behavior of abuse against the parent or a child and that a continuing relationship with the other parent will endanger the health or safety of either parent or the child. (2) The best interests and welfare of the child in a custody matter may not be determined by isolating any one of the relevant factors referred to in subsection (1) of this section, or any other relevant factor, and relying on it to the exclusion of other factors. However, if a parent has committed abuse as defined in ORS 107.705, other than as described in subsection (6) of this section, there is a rebuttable	**Oregon Department of Human Services "Child Welfare Practices for Cases with Domestic Violence" (June 2016)** Section IV. Child Welfare Practice Applications The Department's role in domestic violence cases If the adult victim does not pose a safety threat to the child, but there is no way to protect the children from the batterer's use of coercive control without court involvement, use language that does not blame the victim for the domestic violence. An example might be: • The mother was subjected to domestic violence by the father/her domestic associate and the mother is unable to protect the child from exposure to father's/her domestic associate's violence." • The following are inappropriate and ineffective responses to domestic violence: » Labeling the adult victim as the perpetrator of neglect due to a "failure to protect"; » Telling the adult victim that the children will be removed if the violence happens again; » Placing children away from the non-offending parent, except as a last resort; » Restricting visitation of the non-offending parent; » Requiring restraining orders; and/or » Requiring domestic violence services for the non-offending parent. The above actions can reinforce the batterer's message to the adult victim that the adult victim is at fault and a bad parent. The Department's message to

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	presumption that it is not in the best interests and welfare of the child to award sole or joint custody of the child to the parent who committed the abuse.	adult victims should be that we can work together to help them protect themselves and their children. PCA with the adult victim The requirement for a protective capacity assessment with the victim does not mean that we are blaming the adult victim for the situation. The children's safety is the focus. Whenever a parent is unable to protect the children from a present danger safety threat or impending danger safety threat, the Department must be involved until the behavior, condition or circumstance is managed or no longer exists. The focus isn't on blaming the non-offending parent for not being protective; the focus is on identifying what can be done to increase the parental capacity to safely parent the child. These capacities, once identified, are the basis of the protective capacities that will be used to effect change. In other words, we could document the full spectrum of the non-offending parent's efforts to promote the safety and wellbeing of the children. Document those as protective capacities and build on those actions. We can also identify and document what the batterer has done to interfere with the non-offending parent's ability to safely parent, and what needs to happen to remediate that interference and regain child safety. When identifying the non-offending parent's strengths and potential actions: • Do not rely on law enforcement, restraining orders, or forcing the batterer to leave the home/family.

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		• Avoid the double standard around mothers and fathers. Mothering behaviors that we, as a culture, often take for granted are examples of the non-offending parent's promotion of the children's safety and well-being. • Identify prior traditional and non-traditional safety planning. • Identify day-to-day care of the children. • Document the positive impact this day-to-day care has had on the children. Establish expected outcomes For the adult victim, determine expected outcomes that are realistic. For example, an expected outcome that the adult victim will live free of violence is not realistic as an outcome. The adult victim has no control over whether the batterer is violent. We cannot limit contact between adults. Therefore, an outcome that requires the adult victim to have no contact with the batterer is not appropriate. An outcome requiring that the non-offending parent not allow the batterer to have contact with the children also is not appropriate. The adult victim may not have any control over whether or not the batterer makes contact. Additionally, there may be civil court orders that give the batterer access to the children. The responsibility for safe and appropriate contact with the children lies with the batterer. Appropriate outcomes for the non-offending parent are those that demonstrate adequate skill in fulfilling

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		caregiver responsibilities. Examples include that the nonoffending parent will: • Have an appropriate plan and arrangements for child safety if there is contact from the batterer; • Access civil court resources that restrict contact, if appropriate; or • Mitigate the impact of the batterer's violence on the child by involving the child in counseling
PENNSYLVANIA	**23 Pa.C.S § 5328 Factors to consider when awarding custody.** (a) Factors. In ordering any form of custody, the court shall determine the best interest of the child by considering all relevant factors, giving substantial weighted consideration to the factors specified under paragraphs (1), (2), (2.1) and (2.2) which affect the safety of the child, including the following: (2) The present and past abuse committed by a party or member of the party's household, which may include past or current protection from abuse or sexual violence protection orders where there has been a finding of abuse. (2.1) The information set forth in section 5329.1(a) (relating to consideration of child abuse and involvement with protective services). (2.2) Violent or assaultive behavior committed by a party. (2.3) The level of cooperation and conflict between the parties, including:	**Pennsylvania Department of Human Services "2025-2029 Child and Family Services Plan" (2025-2029)** V. Services Placement Services – Kinship Care In 2015, PA enacted and implemented Act 92, which amended the Kinship Care and Family Finding Section of the Human Services Code (Article XIII) to include the expansion of relative notification and the definition of a sibling. The Act expanded PA's requirements to ensure CCYA identify and notify all grandparents and other adult relatives to the fifth degree of consanguinity or affinity to the parent or stepparent of a dependent child and each parent who has legal custody of a sibling of a dependent child within 30 days of the children's removal from the child's home when temporary legal and physical custody has been transferred to the county agency, except in situations of family or domestic violence. MaryLee Allen Promoting Safe and Stable Families Family Reunification

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	(i) which party is more likely to encourage and permit frequent and continuing contact between the child and the other party or parties if contact is consistent with the safety needs of the child; and (ii) the attempts by a party to turn the child against the other party, except in cases of abuse where reasonable safety measures are necessary to protect the safety of the child. A party's good faith and reasonable effort to protect the safety of a child or self shall not be considered evidence of unwillingness or inability to cooperate with the other party. A party's reasonable concerns for the safety of the child and the party's reasonable efforts to protect the child shall not be considered attempts to turn the child against the other party. A child's deficient or negative relationship with a party shall not be presumed to be caused by the other party. (a.1) Exception. A factor under subsection (a) shall not be adversely weighed against a party if the circumstances related to the factor were in response to abuse or necessary to protect the child or the abused party from harm and the party alleging abuse does not pose a risk to the safety of the child at the time of the custody hearing. Temporary housing instability as a result of abuse shall not be considered against the party alleging abuse.	CCYAs in PA provide family reunification services. Counties support families by providing reunification services to parents and their children while in foster care, and ongoing services upon reunification to assist families in maintaining progress made and prevent re-entry. Family reunification services are funded by Title IV-B, subpart 2, state and local funds. Family reunification services may include but not limited to, individual, group and family counseling, assistance to address domestic violence, mental health services, visitation by parents and siblings, and peer-to-peer support. **Commonwealth of Pennsylvania Department of Public Welfare "Pennsylvania Standards for Child Welfare Practice" (January 2000)** IV. Standard Development Process Development of Lenses To leave a child in an unsafe environment is always unacceptable, but safety must be maximized along with enhanced permanence and well-being. Child welfare is a constant balancing act of options and choices. Similarly domestic violence and drug or alcohol abuse (as well as other crucial issues), can not be ignored by the child welfare worker. The presenting problem of child abuse or neglect may be only the latest expression of a family dynamic that affects the ability of all its members to function, to change, and to survive. The worker must incorporate an understanding and, in some instances, services to

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	23 Pa.C.S § 6303 Definitions (b.1) Child abuse. The term "child abuse" shall mean intentionally, knowingly or recklessly doing any of the following: (1) Causing bodily injury to a child through any recent act or failure to act. (3) Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act. (4) Causing sexual abuse or exploitation of a child through any act or failure to act. (5) Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act. (6) Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act. (7) Causing serious physical neglect of a child. (9) Causing the death of the child through any act or failure to act. (c) Restatement of culpability. Conduct that causes injury or harm to a child or creates a risk of injury or harm to a child shall not be considered child abuse if there is no evidence that the person acted intentionally, knowingly or recklessly when causing the injury or harm to the child or creating a risk of injury or harm to the child.	meet the core issues as well as the child welfare issues.
PUERTO RICO*	**8 L.P.R.A. § 447I. Remedies – Abuse and Neglect.**	None found.

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	In any judicial proceeding on abuse and/or neglect initiated under this chapter, the court may order any of the following remedies: (a) To provide support services, keeping the minor at home under the protective supervision of the Department and under whatever conditions the court deems convenient, for a period that initially shall not be longer than six (6) months and which may be extended for just cause for up to a maximum of one (1) year, subject to the determination of the court. (b) To deprive the father, mother, or the person responsible for the temporary custody of the minor, for a period that initially shall not be longer than six (6) months and which may be extended for just cause for up to a maximum of one (1) year, subject to the conditions that the court may deem convenient. In such cases, temporary custody of the minor may be awarded to any of the following: (1) A member of the family of the minor. (2) The Department, in which case physical custody may be awarded to a person designated by the Department. (c) To award the physical custody of the minor in pursuing his/her best interests, to the person or institution that the court deems convenient, provided it is licensed or certified by the Department. Foster parents or operators of establishments where the minors are to be placed under this chapter, shall receive medical	

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	and educational information at the time of placement. Said information shall be revised and updated periodically. (d) To deprive both parents of patria potestas, jointly, separately or only one of them, in those cases in which one of the grounds provided for in body of laws for withdrawing, restricting or suspending patria potestas, is proven. **(e)** Any other determination needed for the protection of the best interests of the minor. **8 L.P.R.A. § 444b. Department of the Family – Support and protective services.** The Department shall offer, provide, and coordinate support services to families in order to promote and reinforce values, knowledge, attitudes, and behavior in the pursuit of a peaceful and violent free environment to live and raise children in harmony. These services may include counseling, social work services, shelter, medical attention, and processing legal actions, among others. No effort to support families must place the minors or other members of the family at risk of abuse or violence. The Department of the Family shall offer, provide, and coordinate protective services for minors when the father, mother, or other person in charge of caring for protecting, and guaranteeing the wellbeing of the minor in his or her care is unable to meet the protective criteria that guarantee the	

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	optimum wellbeing of the minor. When the Department identifies an adult who is a nonabusing victim of violence in the family of a minor who has been abused, or is suspected of having been abused, it shall provide-directly or in coordination-support and protective services aimed at ensuring the adult's safety and wellbeing. When this nonabusing adult who is the victim of violence and is the father, mother, or the adult responsible for rearing the minor, the Department shall make every necessary effort to ensure his or her safety and wellbeing as part of the effort to protect the minor. Whenever possible, nonabusing adults shall be kept with their dependant minors. The Department of the Family shall see to the coordination of the multisector support and protective services to ensure the greatest wellbeing of the minors and their best interests.	
RHODE ISLAND	**R.I. Gen. Laws § 15-5-16. Alimony and counsel fees – Custody of children.** (d) (3) A judicial determination that the child has been physically or sexually abused by the natural parent shall constitute sufficient cause to deny the right of visitation. However, when the court enters an order denying visitation under this section, it shall review the case at least annually to determine what, if any, action the parent has taken to rehabilitate himself or	**State of Rhode Island Department of Children, Youth & Families "Assessing Reports of Child Abuse and Neglect and Child Safety Determinations (Effective September 23, 2024)** M. Additional Tasks for Domestic Violence Cases 1. When domestic violence is alleged, the Department coordinates the separation of children from their homes with a domestic violence unit or specialist.

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	herself and whether the denial of visitation continues to be in the child's best interests. (g) (1) Notwithstanding the provisions of this section and § 15-5-19, the court, when making decisions regarding child custody and visitation, shall consider evidence of past or present domestic violence. Where domestic violence is proven, any grant of visitation shall be arranged so as to best protect the child and the abused parent from further harm. (2) In addition to other factors that a court must consider in a proceeding in which the court has made a finding of domestic or family violence, the court shall consider as primary the safety and well-being of the child and of the parent who is the victim of domestic or family violence. The court shall also consider the perpetrator's history of causing physical harm, bodily injury or assault to another person. (3) In a visitation or custody order, as a condition of the order, the court may: (i) Order the perpetrator of domestic violence to attend and successfully complete, to the satisfaction of the court, a certified batterer's intervention program; (ii) Order the perpetrator to attend a substance abuse program whenever deemed appropriate; (iii) Require that a bond be filed with the court in order to ensure the return and safety of the child;	2. The Department makes reasonable efforts to offer supports and resources to ensure the safety of the domestic violence victim.

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	(iv) Order that the address and telephone number of the child be kept confidential; (v) Order an exchange of the child to occur in a protected setting, or supervised by another person or agency; provided that, if the court allows a family or household member to supervise visitation, the court shall establish conditions to be followed during visitation; (vi) Order the perpetrator of domestic violence to abstain from possession or consumption of alcohol or controlled substances during the visitation; and (vii) Impose any other condition that is deemed necessary to provide for the safety of the child, the victim of domestic violence, or other family or household member. (5) In every proceeding in which there is at issue the modification of an order for custody or visitation of a child, the finding that domestic or family violence has occurred since the last custody determination constitutes a prima facie finding of a change of circumstances. (6) The fact that a parent is absent or relocates because of an act of domestic or family violence by the other parent shall not weigh against the relocating or absent parent in determining custody and visitation. **R.I. Gen. Laws § 40-11-7. Investigation of reports – Petition for removal from custody**	

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	– Report to child advocate – Attorney general – Court-appointed special advocate – Children's advocacy center. (b) In the event that after investigation it is determined by the department that the child is being or has been abused or neglected but that the circumstances of the child's family or otherwise do not require the removal of the child for his or her protection, the department may allow the child to remain at home and provide the family and child with access to preventative support and services. In addition, the department is authorized to petition the family court for an order for the provision of treatment of the family and child. Provided, further, the department shall notify the children's advocacy center of all suspected cases of child sexual abuse. (c) The department shall have the duty to petition the family court for removal of the child from the care and custody of the parents, or any other person having custody or care of the child, if there is a determination that a child has been abused or neglected; which results in a child death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act that represents an imminent risk of serious harm. In addition, in cases of alleged abuse and/or neglect, the department may petition the family court for the removal of the alleged perpetrator of that abuse and/or neglect	

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	from the household of the child or children when the child or children are eleven (11) years of age or older. It shall be the responsibility of the department to make the parent or other person responsible for the child's welfare aware of the court action, the possible consequences of the court action, and to explain the rights of the parent relative to the court action.	
SOUTH CAROLINA	**S.C. Code Ann. § 63-15-240. Contents of order for custody affecting rights and responsibilities of parents; best interest of the child.** (B) In issuing or modifying a custody order, the court must consider the best interest of the child, which may include, but is not limited to: (7) the manipulation by or coercive behavior of the parents in an effort to involve the child in the parents' dispute; (14) whether the child or a sibling of the child has been abused or neglected; (15) whether one parent has perpetrated domestic violence or child abuse or the effect on the child of the actions of an abuser if any domestic violence has occurred between the parents or between a parent and another individual or between the parent and the child;	**South Caroline Department of Social Services "Title IV-E Prevention Plan"** Identifying Candidates There are two populations eligible for Family First prevention services 1) children who are determined to be candidates for foster care and 2) pregnant or parenting youth who are in foster care. South Carolina estimates the number of pregnant and parenting youth in foster care to be approximately 22 youth currently. When a child is determined to be eligible, the child, parent, and/or kin caregiver of the child may receive prevention services. The pregnant and parenting youth in foster care may have open cases as parents, in addition to being a child in foster care on their own parents' case. If this is the case, both the parenting youth and their child are provided services and resources as children in the child welfare system. Based on a review of available data, the Department has developed the following definitions for its candidacy population:

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		2. All children under 18 who are receiving Family Preservation services; including, but not limited to these risk characteristics: c. Family has a history of presence of domestic violence or intimate partner violence Imminent Risk Criteria Families with a history of domestic violence- Families with a history/presence of intimate partner violence and other forms of domestic violence are at risk of entry into care. Data not currently tracked but will be tracked moving forward
SOUTH DAKOTA*	**S.D. Codified Laws § 25-5-29. Intervention in child custody proceedings by a person other than a parent.** Except for proceedings under chapter 26-7A, 26-8A, 26-8B, or 26-8C, the court may allow any person other than the parent of a child to intervene or petition a court of competent jurisdiction for custody or visitation of any child with whom he or she has served as a primary caretaker, has closely bonded as a parental figure, or has otherwise formed a significant and substantial relationship. It is presumed to be in the best interest of a child to be in the care, custody, and control of the child's parent, and the parent shall be afforded the constitutional protections as determined by the United States Supreme Court and the South Dakota Supreme Court. A parent's	**South Dakota Department of Social Services Division of Child Protection Services "Child and Family Services Plan" (2025-2029)** III. Plan for Enacting the State's Vision Goal 2 When a family is involved in the child welfare system, the least restrictive prevention service is utilized, to ensure, whenever possible, children are not removed from the home.

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	presumptive right to custody of his or her child may be rebutted by proof: (1) That the parent has abandoned or persistently neglected the child; (4) That other extraordinary circumstances exist which, if custody is awarded to the parent, would result in serious detriment to the child. **S.D. Codified Laws § 25-5-30. Proof of serious detriment to a child.** Serious detriment to a child may exist whenever there is proof of one or more of the following extraordinary circumstances: (1) The likelihood of serious physical or emotional harm to the child if placed in the parent's custody;	
TENNESSEE*	**Tenn. Code Ann. § 36-6-106. Child Custody.** (a) The court shall consider all relevant factors, including the following, where applicable: (11) Evidence of physical or emotional abuse to the child, to the other parent, or to any other person, including the child's siblings. The court may, where appropriate, refer any issues of abuse to juvenile court for further proceedings;	**Tennessee Department of Children's Services "Work Aid 13: DCS Cases Involving Domestic Violence" (December 2023)** E. Planning for Safety a) Planning for Safety with Domestic Violence - Safety planning should always be done whether the non-offending caregiver is leaving or staying with the perpetrator. - Involve the non-offending caregiver in the safety planning process. - Engage a domestic violence specialist to assist in the safety planning process.

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		- Ask the non-offending caregiver what has been done in the past to provide safety? What has worked and what hasn't? - Explore the benefits and disadvantages to different safety strategies. - Instruct the non-offending caregiver to collect and gather important documents they will need if they need to relocate with the child. - Develop a list of resources for supports that the non-offending caregiver and child may need including numbers of friends, families, and service providers. - All plans for the non-offending caregiver should empower them and not be used to hold them accountable for the perpetrator's violent behavior in the future. The non-offending caregiver's plan SHOULD NOT be shared with the perpetrator. - Create an action plan with steps to take in the following scenarios: • The non-offending caregiver notices a trigger for a violent situation or if violence begins. • The child needs to reach out to a safe adult for help. • An exit plan for the child to leave the house or hide within the house during an assault. Note: Be willing to change the plan based on what the non-offending caregiver says is and is not working. Some action plans may increase danger to the child and non-offending caregiver and may need to be reassessed. b) If the Alleged Perpetrator Leaves the Home:

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		- Important to note that this is frequently the most dangerous time for victims and their children. - Ongoing assessment is crucial for monitoring safety concerns, demonstrating that alleged perpetrators are held accountable for their parenting, helps further assess alleged perpetrator strengths and needs to make continued plans for the family. - Important to observe how the alleged perpetrator treats the non-offending parent during visitation. c) Action Steps for the Non-offending Caregiver and Child can include: - The non-offending caregiver and child sharing a code word that when said indicates that the child needs to leave and call 911; Identifying the safe adults that the child can talk to about their ongoing safety at home; Secure places in the home where the child can hide during an incident if unable to leave the home; Nearby places with a safe adult the child can go to during an incident; Changing locks or adding security systems to the home; Informing friends, co-workers, school personnel, and neighbors of the situation and any restraining orders that are in effect; Any temporary living arrangements for the non-offending caregiver and/or child; Seeking an order of protection; Meeting with a domestic violence advocate; Address concrete emergency needs such as medical care and child care. d) Work separately with the alleged perpetrator to identify action steps and behaviors that the perpetrator will participate in to protect the child. Action steps can include:

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		• Honoring protection orders; • Leaving the house; • Time-outs; • Attending perpetrator intervention groups; • Utilizing probation officers or intervention services to hold perpetrator accountable for action steps; • Identify which friends and family members can also help hold perpetrator accountable. e) Removals - All efforts to reduce trauma and safely keep children in home with the non-offending caregiver should be made. - Situations that may rise to the level of out of home placement include: • All safety planning options have been explored but are not available for various reasons; • The situation presents a threat or impending threat to the child; • The non-offending caregiver is unable to accept services or protect the child; • The perpetrator is unable or unwilling to make changes for the child's safety; NOTE: Refer to Policy 14.14, Removal: Safety and Permanency Considerations for additional information.
TEXAS*	**Tex. Fam. Code § 153.004. History of Domestic Violence or Sexual Abuse.** (a) In determining whether to appoint a party as a sole or joint managing conservator, the court shall consider evidence of the intentional use of abusive physical force, or evidence of	**Texas Department of Family and Protective Services "Disposition Guidelines for Domestic Violence Resources Guide" (May 2025)** Factors to Consider Actions involving domestic violence that physically harms a child or puts the child in immediate danger

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	sexual abuse, by a party directed against the party's spouse, a parent of the child, or any person younger than 18 years of age committed within a two-year period preceding the filing of the suit or during the pendency of the suit. (d) The court may not allow a parent to have access to a child for whom it is shown by a preponderance of the evidence that: (1) there is a history or pattern of committing family violence during the two years preceding the date of the filing of the suit or during the pendency of the suit; or (2) the parent engaged in conduct that constitutes an offense under Section 21.02, 22.011, 22.021, or 25.02, Penal Code, and that as a direct result of the conduct, the victim of the conduct became pregnant with the parent's child. (d-1) Notwithstanding Subsection (d), the court may allow a parent to have access to a child if the court: (1) finds that awarding the parent access to the child would not endanger the child's physical health or emotional welfare and would be in the best interest of the child; and (2) renders a possession order that is designed to protect the safety and well-being of the child and any other person who has been a victim of family violence committed by the parent and that may include a requirement that:	would constitute an allegation of child abuse or neglect. The Factors to Consider discussed below are intended to aid CPI case workers in cases where domestic violence is alleged. Factors to Consider • People who use domestic violence affect the safety and well-being of child and should be held accountable for how their actions affect both the adult victim of domestic violence and child victims. • Do not hold the victim of domestic violence accountable for abuse and neglect of a child solely based on the individual being a victim of domestic violence. If a child is at risk of harm due solely to the violence committed against the adult victim, then consider the totality of circumstances and only THEN consider a disposition for the adult victim. • It is key that CPI caseworkers accurately assess the protective actions exhibited by the parent who is a victim of domestic violence. • Enhancing the safety of the parent who is a victim of domestic violence enhances the child's safety. • CPI staff should first consider ways to remove the person using violence if the incident rises to a danger indicator on the safety assessment. This may include seeking a protective order, order of removal of the alleged PUV, asking the PUV to voluntarily leave the home during the course of an investigation, a safety plan having the adult victim move away with the child, or a supervision plan. • A child should remain in the care of an adult victim of domestic violence who demonstrates

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	(A) the periods of access be continuously supervised by an entity or person chosen by the court; (B) the exchange of possession of the child occur in a protective setting; (C) the parent abstain from the consumption of alcohol or a controlled substance, as defined by Chapter 481, Health and Safety Code, within 12 hours prior to or during the period of access to the child; or (D) the parent attend and complete a battering intervention and prevention program as provided by Article 42.141, Code of Criminal Procedure, or, if such a program is not available, complete a course of treatment under Section 153.010. (e) It is a rebuttable presumption that it is not in the best interest of a child for a parent to have unsupervised visitation with the child if credible evidence is presented of a history or pattern of past or present child neglect or abuse or family violence by: (1) that parent; or (2)any person who resides in that parent's household or who is permitted by that parent to have unsupervised access to the child during that parent's periods of possession of or access to the child. (f) In determining under this section whether there is credible evidence of a history or pattern of past or present child neglect or abuse	sufficient protective actions to keep the child safe, consistent with the safety and best interest of the child. If the caseworker determines that a child is not safe despite the efforts made by an adult victim of domestic violence, the caseworker should consider a continuum of safety interventions, and if absolutely necessary to protect the safety of the child, alternative placement. • The worker should share services and resources in the community that address the co-occurrence of domestic violence and child abuse and neglect to achieve the safety and well-being for the adult victim and the child. The Alleged Adult Victim General Issues to Consider for the Adult Victim: • The parent's ability to take protective actions. • History and outcome of using court services for protection. • History, and outcome of seeking help or of not seeking help, and making arrangements to protect the child, such as taking him or her to a relative's or friend's house, using domestic violence shelters, etc. • The parent's plan for the protection of the child and the parent. • Accessibility of services for the adult victim (i.e., availability of shelters, place for safety, financial support, legal and court services, the County or District Attorney's willingness to file protective orders that include the child).

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	or family violence by a parent or other person, as applicable, the court shall consider whether a protective order was rendered under Chapter 85, Title 4, against the parent or other person during the two-year period preceding the filing of the suit or during the pendency of the suit.	• Parent's ability to access reasonably available resources (i.e., language barriers financial inability, mental health, lack of knowledge, lack of transportation, changes in safety as a result of accessing services). • The reasons why the adult victim refused any offered services. • Motivation behind whether the adult victim stays or leaves (i.e., past bad experience with previous requests for help, or the increased level of danger and consequences when the victim left before).
UNITED STATES VIRGIN ISLANDS*	**V.I. Code Tit. 5 § 2544. Emergency temporary custody of an abused or neglected child.** (a) A child shall not be removed from his home prior to an adjudicatory hearing on the issue of abuse and neglect unless the child is in imminent danger of death or serious injury.	None Found.
UTAH	**Utah Code Ann. § 81-6-204. Custody and parent-time of a minor child – Custody Factors – Preferences.** (3) In determining any form of custody and parent-time under Subsection (1), the court shall consider: (a) for each parent, and in accordance with Section 81-9-104, evidence of domestic violence, physical abuse, or sexual abuse involving the minor child, the parent, or a household member of the parent; (4) n determining the form of custody and parent-time that is in the best interests of the	**Utah Department of Health & Human Services – Child & Family Services "Administrative Guidelines" (May 2025)** 020.18 Staff Safety M. Teamed Response for Home Visits 4. Supervisors are required to approve and/or assign the use of a teamed response in the following circumstances: a. Records indicate the client or other household members have a history involving assaults or threats of violence, or a conviction involving the use of a weapon in the commission of a crime. In these

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	minor child, the court may consider, among other factors the court finds relevant, the following for each parent: (c) the parent's capacity and willingness to function as a parent, including: (ii) co-parenting skills, including: (C) willingness to allow frequent and continuous contact between the minor child and the other parent, except that, if the court determines that the parent is acting to protect the minor child from domestic violence, neglect, or abuse, the parent's protective actions may be taken into consideration; (10) (a) The court shall consider evidence of domestic violence if evidence of domestic violence is presented. (b) The court shall consider as primary, the safety and well-being of the minor child and the parent who experiences domestic violence. (c) A court shall consider an order issued by a court in accordance with Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders, as evidence of real harm or substantiated potential harm to the minor child. (d) If a parent relocates because of an act of domestic violence or family violence by the other parent, the court shall make specific findings and orders with regards to the application of Section 81-9-209.	situations, staff will consider requesting law enforcement assistance. b. There is ongoing domestic violence where the alleged perpetrator resides in or frequents the home. For additional safety precautions, staff will seek consultation with a region domestic violence expert/specialist or the domestic violence program administrator at the state office.

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	Utah Code Ann. § 81-9-205. Presumption of joint legal custody – Joint custody factors – Order for joint custody. (2) (a) There is a rebuttable presumption that joint legal custody is in the best interest of the minor child, except in cases when there is: (i) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional abuse involving the minor child, a parent, or a household member of the parent in accordance with Section 81-9-104; (b) A presumption for joint legal custody may be rebutted by showing by a preponderance of the evidence that it is not in the best interest of the minor child.	
VERMONT*	**15 V.S.A. § 665. Rights and responsibilities order; best interest of the child.** (b) In making an order under this section, the court shall be guided by the best interests of the child and shall consider at least the following factors: (9) evidence of abuse, as defined in section 1101 of this title, and the impact of the abuse on the child and on the relationship between the child and the abusing parent.	**Vermont Department for Children and Families "Family Services Policy Manual: Child Safety Interventions: Substantiating Child Abuse and Neglect" (September 5, 2024)** Policy When documenting information regarding domestic violence or intimate partner violence (IPV), the worker should avoid language that blames the adult victim for the batterer's abusive behavior. **Vermont Department for Children and Families "Family Services Policy Manual: Child Safety Interventions: Responding to Domestic Violence in Child Safety Interventions" (April 12, 2016)** Policy

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		Case consultation by the Domestic Violence Unit is a necessary component to identify specific strategies to achieve child safety in cases where domestic violence is present. Social workers and supervisors are expected to utilize case consultation provided by the Domestic Violence Unit in conjunction with knowledge previously learned through training and case consultations. The goal of consultation is to maximize resources, improve consistency of response throughout the life of the case, and achieve outcomes of safety, permanency and well-being. **State of Vermont – Agency of Human Services "Domestic Violence Protocol – Department for Children and Families" (August 19, 2013)** Guiding Principles Prioritize the safety of survivors and their children and reduce the risks posed by the perpetrator. ♣ Respect the autonomy of each survivor to make life choices and direct her/his own life. ♣ Adhere to the knowledge that the perpetrator is responsible for his/her abusive behavior. Reinforce that it is the perpetrator's responsibility for the violent or coercive behavior. ♣ Attend to safety issues for all AHS/DCF staff and contractors. ♣ Minimize potential unintended negative consequences. ♣ Provide explicit, realistic and safe parameters for confidentiality.

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		♣ Collaborate with statewide domestic violence partners as part of a local and statewide coordinated community response to domestic violence; create linkages and partnerships with domestic violence programs and services and other local and statewide partners. ♣ When workplaces address abusive behaviors perpetrated by employees this has been shown to have a positive impact on reducing abuse.
VIRGINIA	**Va. Code Ann. § 20-124.3. Best interests of the child; visitation.** In determining best interests of a child for purposes of determining custody or visitation arrangements, including any pendente lite orders pursuant to § 20-103, the court shall consider the following: 9. Any history of (i) family abuse as that term is defined in § 16.1-228; (ii) sexual abuse; (iii) child abuse; or (iv) an act of violence, force, or threat as defined in § 19.2-152.7:1 that occurred no earlier than 10 years prior to the date a petition is filed. If the court finds such a history or act, the court may disregard the factors in subdivision 6; and	**Virginia Department of Social Services "Child and Family Services Manual" (April 2015)** 1.7.1 Service plan options In some cases, separate service plans should be developed with DV victims and DV perpetrators. This practice achieves two goals: • Enhances DV victims' safety and child safety. • Holds DV perpetrators accountable by focusing on their abusive behaviors and the interventions required to address them. Additionally, individual service plans vs. family plans, should be developed when service recommendations include: • DV victims' plan to leave the home and coordinating with service providers or other support systems (family members, friends, faith community, etc.). • DV victims' plan to obtain a protective order against DV perpetrators. • DV victims' plan to call the police as a safety option.

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		• DV victims' plan to contact the probation or parole officer regarding violations of the DV perpetrators' probation or parole terms. None of the above should be arbitrarily suggested or recommended to DV victims without discussing the risks associated with each. A local DVP or the statewide DV hotline can be helpful in this process. 1.10 CPS decisions and DV 1.10.1 Family assessment After completing a comprehensive assessment of the nature and severity of the DV and its impact on child safety, the FSS may choose to refer a family to community-based services. This response to DV and child maltreatment may prove to be a more manageable and effective approach in assisting DV victims who have not maltreated their children. Both the children and DV victims are often better served by voluntary community-based services. 1.10.2 Investigation The decision to make a founded disposition for abuse or neglect should be based on the actions of DV perpetrators and the capacity and willingness of DV victims to take appropriate actions to protect the children. Only when DV victims are given the necessary offer of help and the system support to protect themselves and the child, then acts contrary to that help and support, should they be substantiated for failing to protect the child.
WASHINGTON*	**Wash. Rev. Code § 26.09.191. Mandatory and discretionary limitations in parenting plans – Residential time, decision making,**	**Washington State Department of Children, Youth, & Families "Policies and Procedures – 1170. Domestic Violence" (July 1, 2024)**

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	and dispute resolution – Determination not to impost limitations – Definitions. (2) General Considerations (b) The weight given to the existence of a protection order issued under chapter 7.105 RCW or former chapter 26.50 RCW as to domestic violence is within the discretion of the court. (4) Residential Time Limitations (a) Parental Conduct Requiring Limits on a Parent's Residential Time. A parent's residential time with the parent's child shall be limited if it is found that a parent has engaged in any of the following conduct: (ii) Physical abuse or a pattern of emotional abuse of a child; (iii) A history of acts of domestic violence as defined in RCW 7.105.010, an assault that causes grievous bodily harm or the fear of such harm, or any sexual assault; or (iv) Sexual abuse of a child. Required limitations and considerations for a parent who has been convicted of a sex offense against a child or found to have sexually abused a child in the current case or a prior case are addressed in RCW 26.09.192. (b) Parent Residing with a Person Whose Conduct Requires Residential Time Limitations. A parent's residential time with the child shall be limited if it is found that the parent	1. Intake workers must follow the Intake Process and Response policy and offer DV resources to the referrer on all intakes, screened in or out, when both: a. DV is identified. b. The referrer is not familiar with DV resources. 2. Caseworkers must: a. Complete the universal DV screening at key points in a case to determine if DV is present, including prior to placing in a relative or suitable person's home. DV screenings include interviews and review of records and available databases. b. Conduct a Specialized DV Assessment if DV is determined to be present in a case through universal screening. c. Use information gathered during the DV screening, the Specialized DV Assessment, and the gathering questions to complete the safety assessment and follow the safety assessment policy. Offer DV resource information to adult victims in open cases when DV is identified. 3. Licensing Division (LD) Child Protective Services (CPS) investigators and LD workers must follow the Placement Moves policy, if DV poses a threat to children or youth in licensed placements. **Washington State Department of Children, Youth, & Families "Policies and Procedures – 4260. Placement Moves" (July 1, 2024)** 1. Caseworkers must:

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	knowingly resides with a person who has engaged in any of the following conduct: (i) Physical abuse or a pattern of emotional abuse of a child; (ii) A history of acts of domestic violence as defined in RCW 7.105.010, an assault that causes grievous bodily harm or the fear of such harm, or any sexual assault; or (iii) Sexual abuse of a child. Required limitations and considerations on a parent who resides with someone convicted of a sex offense against a child or found to have sexually abused a child in the current case or a prior case are addressed in RCW 26.09.192. (c) Parental Conduct that May Result in Limitations on a Parent's Residential Time. A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist: (v) A parent has engaged in the abusive use of conflict which creates the danger of serious damage to the child's psychological development; (vi) A parent has withheld from the other parent access to the child for a protracted period without good cause. Withholding does not include protective actions taken by a parent in good faith for the legitimate and lawful purpose of protecting themselves or the	a. Attempt to minimize placement moves for children or youth in out-of-home care. b. Consider the children's and youth's safety, best interest, and stability when determining if they should be moved. c. Notify the following when unlicensed caregiver's home studies are not approved and children or youth are placed in their home or are planning to be placed in their home, per the Placing with and Supporting Unlicensed Relatives or Suitable Persons policy: i. Assistant attorney general (AAG) ii. Court d. Not move children or youth placed with relatives or suitable persons, unless: i. Their health, safety, and well-being cannot be protected adequately in their current placement or they are hindering the child's or youth's return home, per RCW 13.34.130. ii. The court orders the placement change. 2. Licensing Division workers may make placement recommendations for removing children and youth.

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	parent's child from the risk of harm posed by the other parent; or (d) Limitations a Court May Impose on a Parent's Residential Time. The limitations that may be imposed by the court under this section shall be reasonably calculated to protect a child from the physical, sexual, or emotional abuse or harm that could result if a child has contact with the parent requesting residential time. The limitations shall also be reasonably calculated to provide for the safety of the parent who may be at risk of physical, sexual, or emotional abuse or harm that could result if the parent has contact with the other parent. The limitations the court may impose include, but are not limited to: (iii) NO CONTACT. If, based on the evidence, the court expressly finds that limitations on the residential time with a child will not adequately protect a child from the harm or abuse that could result if a child has contact with the parent requesting residential time, the court shall restrain the parent requesting residential time from all contact with a child. **Wash. Rev. Code § 26.44.020. Definitions.** (19) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude	

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	as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, experiencing homelessness, or exposure to domestic violence as defined in RCW 7.105.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.	
WEST VIRGINIA	**W. Va. Code § 48-9-209. Parenting plan; considerations.** When entering an order approving or implementing a temporary or permanent parenting plan order, including custodial allocation, the court shall consider whether a parent: (1) Has abused, neglected, or abandoned a child, as defined by state law; (2) Has sexually assaulted or sexually abused a child as those terms are defined in §61-8B-1 et seq. and §61-8D-1 et seq. of this code; (3) Has committed domestic violence, as defined in §48-27-202 of this code;	**West Virginia Department of Human Services "Child Protective Services Policy" (September 2025)** Reporting and Communication with the Family and Circuit Courts The W. Va. Code §48-9-209 states that the court can determine if a parent, who may be given responsibility of a child under a parenting plan, has made false reports of domestic violence or child abuse. It is not sufficient evidence for the court to consider a report false because a parent withdrew, did not pursue a report of domestic violence, or seek child support. If the court determines, that an accusation of child abuse or neglect, or domestic violence made during a child custody proceeding is

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	(4) Has overtly or covertly, persistently violated, interfered with, impaired, or impeded the rights of a parent or a child with respect to the exercise of shared authority, residence, visitation, or other contact with the child, except in the case of actions taken for the purpose of protecting the safety of the child or the interfering parent or another family member, pending adjudication of the facts underlying that belief; or (5) Has made one or more fraudulent reports of domestic violence or child abuse: Provided, That a person's withdrawal of or failure to pursue a report of domestic violence or child support shall not alone be sufficient to consider that report fraudulent. (d) If the court determines, based on the investigation described in part III of this article or other evidence presented to it, that an accusation of child abuse or neglect, or domestic violence made during a child custody proceeding is false and the parent making the accusation knew it to be false at the time the accusation was made, the court may order reimbursement to be paid by the person making the accusations of costs resulting from defending against the accusations. The reimbursement may not exceed the actual reasonable costs incurred by the accused party as a result of defending against the accusation and reasonable attorney's fees incurred.	false and the parent making the accusation knew it to be false at the time the accusation was made, the court may order reimbursement to be paid by the parent making the accusations. This could include reimbursement for costs that an accused parent incurred from defending themselves against the accusations. Such reimbursement may not exceed the actual reasonable costs incurred by the accused parent as a result of defending themself against the accusation and reasonable attorney's fees. If the court grants a motion for the department to disclose the identity of a person who made a report of abuse or neglect, disclosure by the department will be in camera. The court may disclose to the accused parent, information received from the department only if the court has reason to believe the other parent knowingly made a false report. 1.9 General Definitions Mental or Emotional Injury The parent/caregiver has demonstrated a pattern of degradation of their child that is or will likely adversely affect the child's functioning. The parent/caregiver is aware that their child's mental health is being affected by maltreatment from someone other than the parent/caregiver and does not act to protect their child or prevent the action of others from affecting the child's functioning. Examples could include but not limited to: continual scapegoating or rejection of a child, constant berating, being left alone for extended periods of

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	(e) (1) A parent who believes he or she is the subject of activities by the other parent described in subdivision (5), subsection (a) of this section may move the court pursuant to §49-5-101(b)(4) of this code for the Department of Human Services to disclose whether the other parent was the source of the allegation and, if so, whether the department found the report to be: (A) Substantiated; (B) Unsubstantiated; (C) Inconclusive; or (D) Still under investigation. (2) If the court grants a motion pursuant to this subsection, disclosure by the Department of Human Services shall be in camera. The court may disclose to the parties information received from the department only if it has reason to believe a parent knowingly made a false report. (f) In determining whether the presumption for an equal (50-50) allocation of physical custody has been rebutted, a court shall consider all relevant factors including any of the following: (4) Whether a parent, partner, or other person living, or regularly in that parent's household: (A) Has been adjudicated in an abuse and neglect proceeding to have abused or neglected a child, or has a pending abuse and neglect case;	time on short notice with persons who are unfamiliar to the child, allowing and/or encouraging the child engage in illegal activities, and exposure to domestic violence in the home. 2.8 Additional Requirements of Intake Assessments for Certain Reports of Abuse and Neglect Reports Involving Domestic Violence Domestic violence is included in the statutory definition of an abused child. The term domestic violence is defined in W. Va. Code §48-27-202 and is often characterized by a pattern of coercive behaviors used by one person in order to maintain power and control in a relationship. The pattern of coercive behaviors includes tactics of physical, sexual, verbal, emotional and economic abuse, threats, intimidation, isolation, minimizing, and using children against the victim parent. When there is reason to suspect that a child has been abused or neglected or is subject to conditions that are likely to result in abuse or neglect, as a result of domestic violence occurring between the adults in the home a report should be made to CPS. It is important that CI workers guide the interview with the reporter to gather as much information as possible about the battering dynamics. Direct questions should probe the reporter about the presence of power and control displayed in the behavior of one individual in the adult relationship. If power and control appear to be present, it is imperative that the adult victim be documented as

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	(B) Has been judicially determined to have committed domestic violence or has a pending domestic violence case;	such which will allow the assigned child welfare worker to be better able to prepare for the first steps of intervention. Intra-familial violence caused by substance use, mental illness, or other factors, may not require the same type of intervention due to the lack of power and control the abuser has over the victim. For reports of suspected child abuse or neglect involving domestic violence, including reports of a child exposure to domestic violence, the CI staff will also: ● Determine if D-LAG indicators of domestic violence are indicated or suspected by the reporter, which may determine the immediacy and lethality of the situation. ● Probe for the following D-LAG indicators: ○ Possession, access and/or use of weapons ○ Direct threats to kill ○ Victim perceives that perpetrator might kill them ○ Stalking behaviors ○ Strangulation ○ Intrusive coercive control ○ Forced sex ○ Victim has left or is attempting to leave the relationship ○ Offender is unemployed ○ Victim has a child that is not the perpetrator's child ○ Violence is escalating 3.17 Additional Requirements of Initial Assessments for Certain Reports of Abuse and Neglect

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		Initial Assessments Involving Domestic Violence If the non-maltreating parent is agreeable, a domestic violence petition can be filed in magistrate court requesting a protective order. The worker will assist the non-maltreating parent with the process. In no way, however, should the worker force the adult victim to file a domestic violence petition and/or threaten to remove the child if one is not obtained. A domestic violence protective order is not the only option and does not always guarantee safety. The child welfare worker should also be aware that not seeking a protective order by a non-maltreating parent in no way relieves the worker of their responsibility for protecting children. Consider temporary protection plans or safety plans that preserve the unity of the child and the non-maltreating parent/adult victim if the child's safety can be assured. Court intervention is likely to be necessary to protect the child and the non-maltreating parent. This can be achieved through a co-petition. 3.12 Safety Analysis and Safety Planning Reasonable Efforts to Prevent Removal The right of a parent to the custody of their child is a fundamental personal liberty protected and guaranteed by the Due Process Clauses of the W. Va. and U.S. Constitutions. "Reasonable efforts" have been a concept in child welfare practice since the Federal Adoption Assistance and Child Welfare Act of 1980. The Federal Adoption and Safe

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		Families Act of 1997, Public Law 105-89 (ASFA), clarified this concept. Under the Adoption and Safe Families Act reasonable efforts shall be made to preserve and reunify families. ● Prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child's home; and ● To make it possible for a child to safely return to the child's home; if continuation of reasonable efforts of the type described in subparagraph (B) is determined to be inconsistent with the permanency plan for the child, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child. [42 U.S.C. §671(a)(15)].
WISCONSIN*	**Wis. Stat. § 767.41. Custody and physical placement.** (2) Custody to party; joint or sole. (b) Except as provided in par. (d) and subject to par. (e), the court may give sole legal custody only if it finds that doing so is in the child's best interest and that either of the following applies: 2. The parties do not agree to sole legal custody with the same party, but at least one party requests sole legal custody and the court specifically finds any of the following: c. The parties will not be able to cooperate in the future decision making required under an award of joint legal custody. In making this	**Wisconsin Department of Children and Families "Child Protective Services Access & Initial Assessment Standards – Division of Safety and Permanence" (September 2025)** APPENDIX 3: DOMESTIC ABUSE There is a significant overlap between domestic abuse and child maltreatment: in families where one form of family violence exists, there is a likelihood that the other does, too. The majority of research studies over the past two decades reveal that in an estimated 30 to 60 percent of families where either domestic violence or child maltreatment is identified, it is likely that both forms of abuse exist. Good CPS practice will address this co-occurrence.

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	finding the court shall consider, along with any other pertinent items, any reasons offered by a party objecting to joint legal custody. Evidence that either party engaged in abuse, as defined in s. 813.122 (1) (a), of the child, as defined in s. 813.122 (1) (b), or evidence of interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse, as defined in s. 813.12 (1) (am), creates a rebuttable presumption that the parties will not be able to cooperate in the future decision making required. (d)(1) Except as provided in subd. 4., if the court finds by a preponderance of the evidence that a party has engaged in a pattern or serious incident of interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse, as defined in s. 813.12 (1) (am), pars. (am), (b), and (c) do not apply and there is a rebuttable presumption that it is detrimental to the child and contrary to the best interest of the child to award joint or sole legal custody to that party. The presumption under this subdivision may be rebutted only by a preponderance of evidence of all of the following: a. The party who committed the battery or abuse has successfully completed treatment for batterers provided through a certified treatment program or by a certified treatment provider and is not abusing alcohol or any other drug.	Screening of the Report The presence of domestic violence does not in and of itself indicate that a report should be screened-in for Initial Assessment. Although many children suffer when they are exposed to domestic violence, not every child exposed is in need of child protective services. As with all reports to a local child welfare agency, a decision must be made during the point of Access if information supports a suspicion that the child may be unsafe, may have been abused or neglected, or may be at risk of abuse or neglect (threatened harm). Absent a direct allegation of abuse or neglect to a child, a report of children exposed to domestic violence should be screened-in as a CPS report according to the following criteria: • A report is made in which there is reasonable cause to suspect there is current domestic violence or the abuser has a history of domestic violence, and o there is reason to suspect the child is intervening or will intervene, placing him or her at risk of injury, or o the child is likely to be injured during the violence (e.g., being held during the violence, physically restrained from leaving), or o the alleged perpetrator does not allow the protective parent and child access to basic needs impacting their health or safety, or o the alleged maltreater has killed, substantially harmed or is making a believable threat to do so to

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	b. It is in the best interest of the child for the party who committed the battery or abuse to be awarded joint or sole legal custody based on a consideration of the factors under sub. (5) (am). 2. If the court finds under subd. 1. that both parties engaged in a pattern or serious incident of interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse, as defined in s. 813.12 (1) (am), the party who engaged in the battery or abuse for purposes of the presumption under subd. 1. is the party that the court determines was the primary physical aggressor. Except as provided in subd. 3., in determining which party was the primary physical aggressor, the court shall consider all of the following: a. Prior acts of domestic violence between the parties. b. The relative severity of the injuries, if any, inflicted upon a party by the other party in any of the prior acts of domestic violence under subd. 2. a. c. The likelihood of future injury to either of the parties resulting from acts of domestic violence. d. Whether either of the parties acted in self-defense in any of the prior acts of domestic violence under subd. 2. a.	anyone in the family, including extended family members and pets, or o the child exhibits observable behavioral, emotional or psychological effects. Other factors to consider in making a decision to screen-in a report include: • There is serious injury to the non-offending parent (e.g. broken bones, internal injuries, suffocating, strangulation, etc.), limiting protective capacity. • Violence is increasing in frequency or severity. • Weapons were used or threatened. • Threats of kidnapping, suicide, or homicide. If the information does not rise to the level of a CPS report, the agency may decide to screen the report as a services intake to offer resource and referral assistance to the family or the alleged victim. The offer of services should be made carefully with the consideration that any intervention may be viewed by the abuser as a challenge to their authority and may increase the risk of harm to the children or the adult victim. General Practice Considerations Safety for both the child and the adult victim should be a top priority when CPS professionals conduct an Initial Assessment where domestic abuse may be present

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	e. Whether there is or has been a pattern of coercive and abusive behavior between the parties. f. Any other factor that the court considers relevant to the determination under this subdivision. 3. If the court must determine under subd. 2. which party was the primary physical aggressor and one, but not both, of the parties has been convicted of a crime that was an act of domestic abuse, as defined in s. 813.12 (1) (am), with respect to the other party, the court shall find the party who was convicted of the crime to be the primary physical aggressor. 4. The presumption under subd. 1. does not apply if the court finds that both parties engaged in a pattern or serious incident of interspousal battery or domestic abuse but the court determines that neither party was the primary physical aggressor.	
WYOMING	**Wyo. Stat. Ann. § 20-2-201. Disposition and maintenance of children in decree or order; access to records.** (c) The court shall consider evidence of spousal abuse or child abuse as being contrary to the best interest of the children. If the court finds that family violence has occurred, the court shall make arrangements for visitation that best protects the children and the abused spouse from further harm.	**Wyoming Department of Family Services "Case Plan" (October 1, 2021)** In-home Case Plan The Department shall engage the family, to include parent(s) and child(ren) in the development of a Safe at Home Case Plan for all cases without court involvement in which a child is in his/her home and interventions/services are being provided for the family to keep the child safely at home Medical and Mental Health

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		○ All physical health needs of the children, including medical and dental health needs, and mental health needs shall be assessed and any intervention or services provided to meet the needs shall be included in the Case Plan if (1) physical/dental health issues were relevant to the reason for the Department's involvement with the family, and/or (2) it is reasonable to expect that the Department would address physical/dental health issues given the circumstances of the case. ■ An assessment of mental health should include consideration of any trauma that the children may have experienced, including exposure to domestic violence. **Wyoming Department of Family Services "Preserving Connections" (September 2015)** Purpose To help preserve the continuity of family relationships and connections for child(ren)/youth and families who are involved with the Department of Family Services (the Department). The most beneficial place for a child(ren)/youth to grow up is in his/her own family. The Department seeks to ensure that all children/youth are provided a safe, nurturing, and permanent family environment and community and when the child(ren)/youth is placed out of the home, ensure the child(ren)/youth maintains connections to both. Child(ren)/youth have a right to a lifelong relationship with his/her parent(s). Some of the

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		parents with whom the Department works are incarcerated in jails or prisons. Unless parental right have been terminated or otherwise ordered by the court, the Department shall make reasonable effort to reunify child(ren)/youth with his/her parent(s); engage parent(s) in planning for his/her child(ren)/youth; help child(ren)/youth maintain contact with his/her parent(s); and provide services to parent(s) regardless of his/her incarceration.