

THE CHARLOTTE OBSERVER

WHAT'S BEST FOR CHILDREN FROM VIOLENT HOMES?

IT'S A MISTAKE TO SEPARATE CHILDREN FROM THEIR NON-ABUSIVE MOTHER. WE NEED TO LEARN A MORE EFFECTIVE RESPONSE.

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Column: Judge Leonard P. Edwards and Judge William G. Jones

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As juvenile and family court judges, we see it all the time. A mother stands before a judge seeking the return of her children, who are living in foster care after being removed from their home by a child welfare agency. The reason for the removal: violence in the home - aimed not at the children, but at the mother. Her husband or boyfriend has beaten her. But because the children have been exposed to violence, or because there is reason to think the violence may one day be aimed at them, child protective services workers have removed them from the home.

At least that's one perspective. From the mother's point of view, it's quite different. She sees herself as a double victim, first by a man who beats her and second by a government agency that swoops in to take her children because of something that's not her fault. She sees her children as victims as well, because at a time of enormous family stress, they're being denied the most fundamental relationship children can have - the relationship with their mother, who in many cases is the only consistent caregiver they've ever known.

The truth is that separating children from their non-abusive mother is often a mistake. It may be borne of a sincere desire to keep children safe from harm - but to the mothers and children, torn from each other in a time of crisis, those good intentions are cold comfort.

Fixing the system so that it better accounts for the complexity of these circumstances involves many steps. First and foremost: those of us in the business of picking up the pieces after family violence occurs - child protective services employees, children's advocates, shelter workers, judges and court staff - need to learn all we can about how domestic violence and child maltreatment overlap. We need to work together in a more effective way to respond to violence in the home.

A case last year in New York City - now the subject of a lawsuit - illustrates the damages that can be done when these systems don't work together. The case involved a married but separated couple. The husband, who according to the woman had never before been abusive, came to her home in a fit of jealousy and beat her. Her infant child was sleeping in another room at the time, and her 6-year-old was at school.

Badly injured, she called for an ambulance and left her children with a neighbor who had watched them in the past. She spent the night in the hospital and returned the next day to find that child protective services had taken custody of her two children, charging her, among other things, with child neglect on the grounds that the husband had once hit the child in the mouth. She said he had not; and in any case, they had separated. A family court judge returned the children to their mother one week later.

It's clear that we need to reexamine how we respond to such cases, and find better approaches. The good news is that, for the past few years, the National Council of Juvenile and Family Court Judges has taken the initiative to devise guidelines on how best to meet the needs of children and their non-abusing parents. The guidelines are aimed at juvenile and family court judges, battered women's advocates and child welfare workers. They are based on one overriding principle - that the people in all these systems must join together to establish responses to domestic violence and child maltreatment that provide meaningful help, supports and services for families; that hold violent perpetrators responsible; and that provide legal interventions and services to stop the violence.

Several key recommendations flowed from this principle. Interventions should be designed to create safety, well being and stability for the entire family. Children should remain in the care of their non-offending parents whenever possible. Community service systems, such as child welfare services and domestic violence shelters, should have multiple points of entry, so that needs can be identified and addressed quickly by a variety of service providers. Responses by child welfare workers, service providers and juvenile and family court judges must vary, depending on the family.

The hard-working people in all these systems need to learn more about each other's perspectives and work together more closely. Overcoming long-standing suspicions, breaking down barriers and coordinating effectively won't be easy. But for the sake of women and children living in homes where abuse is a fact of life, we have to succeed.

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