

Child protection services and domestic violence prevention

In Caring Dads program the protection of spouses and children of the participating men is paramount. This principle is at the same time something that every domestic violence program must have. Imminent violence must be prevented.

At the same time programs that try to reduce the amount of domestic violence in a society seeks to find as many perpetrators of violence, have them come to their programs and have them embrace the personal change towards not using violence.

These goals should both be included in every domestic violence program, but they are at odds with each other. The participants have been using violence, otherwise they would not be in the programs. Because of this the welfare of their nearest and dearest must be assessed again and again. The participants know this, and this brings another level into the relationship between the participant and the people helping him or her. Anonymity and confidentiality cannot be total, so the communication cannot be totally open. This can prevent the participants from taking part in violence prevention programs or talking openly about their behaviour once they are in the program.

This contradiction between protection and openness is a balancing act. When one is given more weight, the other part must suffer. For either of the scale to be left unacknowledged and abandoned would make the program less effective and ethically compromised. Abandoning protection would be highly immoral. Abandoning anonymity would leave many people out of the program and hinder communication within the program.

Nowhere is this balancing act more apparent then when cooperating with child welfare services. The basic premise of child welfare service in most western countries is that there are situations in which the information the agencies get is so alarming that they have the right help the families, to use force for the good of the children and even separate the children from their parents. The legislation varies, but basic premise stays the same.

When working with parents who have used violence in domestic setting, the domestic setting has gotten unsafe, so giving information about the violence that could reach child welfare services can be against the interests of the parent.

At the same time child welfare services are a regular cooperative partner for programs that work with people who have used domestic violence. Child welfare services can help in bringing parents who have used violence in domestic setting into programs. They also have governmental powers that programs that work with perpetrators of domestic violence usually lack, which is important when the safety of the family is not guaranteed. They may bring in useful information in that can change the whole focus of the process.

So, cooperation with child welfare services can be both highly detrimental to the process and at the same time highly effective partnership, which in some high-risk scenarios is in most countries mandated by law.

Integration with governmental structures

The child welfare services in Finland are mandated by laws and international conventions. The most important law concerning children and violence is Child Welfare Act.

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The laws on child welfare in Finland have been stable but progressing towards more protection. This progression has led to domestic violence being more and more the reason for support measures and for placing the child away from home. This has led to increase in number of children who are customers of child welfare services. In 2018 the total number of children who were customers of child welfare services was about 55 000, down from the high of 90 000 in 2014. Whereas the total number of children who are customers of child welfare agencies has gone down, the number of children placed in foster care had risen to 18 500 in 2018. The number of placements to foster care has doubled in 30 years although the amount of violence, suicide, violence against children, bullying in schools and abject poverty has gone down during the same time.

The laws concerning violence in the families progressed towards criminalization of violence against both spouses and children in the 1980s and 1990s. The latest changes in child welfare legislation concerning violence against children are from January 2020. The changes brought stricter restrictions to people working in various child welfare agencies concerning what restrictive measures can be used and for what reasons when working with children. These changes were brought in by numerous misuses of power (like collective punishments, restriction of movement, declining medication, declining meeting rights, declining social contacts, restricting basic needs and even outright violence when children were deemed too non-compliant or aggressive) by especially the foster care workers who were working with the most high-risk children.

It could be said that the Child Welfare Act tries to protect the children from both the violence they meet in their everyday life and its own consequences.

These laws and conventions are put into practice through layered governmental structure. The basic structure is part of the area and decision-making processes are mandated by Finnish parliament through laws and degrees. These are then put into practice by seven Regional State Administrative Agencies that govern the implementation of laws and services in their governmental regions.

Each municipality in within these regions has the responsibility to maintain child protective services in their municipality. This happens with guidance from Regional State Administrative Agency and within the boundaries they have set, usually in cooperation with other municipalities, national data systems, police, education system and various service providers.

The capabilities of municipalities are not always similar and especially poorer rural municipalities cannot provide all the services themselves. The domestic violence work as part of child welfare services has found varying local forms because of this. Municipalities may work together to provide services. Municipalities may buy services like foster care or therapy from either private enterprises or non-governmental organizations.

The local supervision of all these in in the hands of social workers. They decide what services their clients need and when. They supervise that these services are provided, to the best of their abilities and according to their resources.

Local violence work is commonly done by people who are modifying the work to meet the agreements they have made with the local authorities. These can include various reporting duties, agreeing on program goals, responsibility to take in customers and information sharing that can go both ways.

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Information sharing practices and legal boundaries

The basic legal boundaries for work with perpetrators of violence in Finland are provided by Child Welfare Act and Criminal Code.

According to Child Welfare Act, if a child is in imminent danger or the basic need of the child are not met, the worker who gains knowledge the information of this must make a child welfare notification, informing the child welfare services of the danger or need the child is in.

According to Criminal Code the violence against children must be reported with lower threshold, and abuses can be reported even when both perpetrator and victim of the violence are against it. Criminal Code also states that it is illegal to withhold information on serious crimes that could be prevented.

These laws create a clear legal boundary for all those that work with domestic violence. After these laws are considered, the work can take multiple forms that can be whatever form the service provider wants.

All ethical workers who work on issues that can even remotely concern domestic violence will at the beginning of the work inform their customers about the local guidelines and laws, so that the customer will not be surprised. The same goes for information sharing: all details on what information has been shared and what information can and will be shared should be given to customer. These clear boundaries build trust that makes the work easier.

The agencies that work closest to governmental organizations get the most information. The social workers have direct access to governmental databases and authority to gain all information that they contain. They will have access to all the reporting that will be done on the welfare of the families. This gives them good informational base for their actions, but this amount of information and the direct power the social workers have can make customers wary.

The most extreme examples of information sharing have been some prior prison programs, where information about participants has been shared and participation will affect the parole opportunities for the participant. The participation is deemed extremely important as there may be high risk of recidivism, so participation is rewarded. On the downside for the participant this can make participation seem non-voluntary and information sharing a tool for seeking parole. This may hinder the progress of personal change for the participants.

The services provided by domestic violence shelters have access to governmental networks that provide them information on the shelters, but not on singular customers.

Before Multi Agency Risk Assessment Conferences (MARAC), the customer is asked if they allow sharing of their information by law enforcement, social work, child welfare agencies and non-governmental organizations that participate in these conferences. As information sharing for risk assessment is at the heart of MARAC, this is deemed useful and necessary. As MARAC is aimed at reducing repeat victimization and risk level is considered high, asking for this high level of information and sharing the information with consent is not considered as problematic as it would be for low-risk customers.

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The amount of information the local service get is usually directly tied to how much information they share. The information that may be requested from the programs are:

- Is the customer is participating?
- Has the customer concluded the program?
- Is the customer committed to change away from the violent behaviour?
- Has the customer learned what the program teaches?
- What kind of evaluation about the customer does the program give?

These questions can be useful tools for child welfare workers, who must have information to base their assumptions of future behaviour on.

The child welfare agencies have least information sharing with private therapists and NGOs working with perpetrators of violence. The least amount of cooperation may be just that the child welfare agencies give the information about local services to families in trouble, but do not use any kind of leverage to get them to seek help. This can be fruitful by having the customers choose to come in and having them cooperate willingly, but this approach can't be used if the child welfare services need to know if the customer is participating in program or how the customer is progressing.

At least in Finland the amount of information sharing goes up if there is high risk of new violence, children are at risk or some official decisions will be based on participation. As the need for information sharing goes up, the will to participate and openness of communication go down. This must be taken into consideration, especially when working with fathers who have committed domestic violence.

Men, fear and working with child welfare services

When working with men, the child welfare services must be kept in mind, as both something that maybe must be informed and as something that men will likely think about at some level. The men are more likely than women to lose custody of their children when child welfare services are considering the situation of children. The men know this and are vary of involving child welfare services in their lives, even if they should do so.

When Miessakit ry has been working with men, the main reasons men give for not having contacted child protective services are:

- Fear that the children will be taken into custody
- Fear of losing contact with children
- Fear that contacting the child welfare services could be used against them during divorce or custody battle
- No knowledge that child welfare services provide any other help than placement of children outside the home
- Shame of not being able to protect their children
- Presumption that women in social work will take the side of the women and children, not listening to men or trusting them

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The fear that the children will be taken into custody and fear of losing contact with children are linked with the fact that men presume that women in social work will not trust them. Unfortunately, these prejudices are held by both men who have been perpetrators of domestic violence and those men who have been victims of domestic violence.

The shame on not being able to protect their children is different for perpetrators and victims of domestic violence. The men who have used domestic violence, especially against their children, are feeling the shame of not being able to control themselves and for being something they desperately would want to not be, something they want to hide from the world. The victims on the other hand feel that they have failed as men protecting their children and seek to downplay the violence and effects it has on their lives when talking about it to authorities.

The men generally seem to know that number of children placed outside the home has been rising, that the social workers are women and that if there is a contentious divorce men are less likely than women to get the custody of the children.

This knowledge is not helpful. Fathers who use domestic violence do not want to make their actions because that could lead to them losing contact with their children. The men whose partner uses violence against them and/or their children don't want to involve child protection services because they fear that they will lose the custody of their children to either their violent partner or the child will be placed into foster care.

Unfortunately, neither the men who are victims or perpetrators of domestic violence have enough information about the child welfare services – or other social services for that matter – to trust them and use them to change the situation they are in. At least in Finland the state, municipalities, religious organizations and NGOs all offer many ways that the situation of the family can be helped without the most drastic measures.

When working with these men, one of the main issues will be to make the men aware of what they want to change and how they could use the services around them to make the needed change possible. This can mean using the child protection services to get help for themselves and their children. This can mean that men must come into new conclusions about themselves, their partners or their life choices.

Most men are prepared for that, if they love their children enough and are confronted about their choices. For them, the help-seeking and change can be an easier experience, as they are the ones initiating the processes and controlling them to some degree.

For those fathers who decline help even though their children need it or who can't stop using the domestic violence the changes can be more drastic. The professionals must initiate help-seeking and information sharing if the children are in danger, even if the family would like them not to do so.

Made by Joonas Kekkonen

Development and Training Manager

MIESSAKIT RY

Annankatu 16 B 28 00120 Helsinki

puh. 09 6126 620

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miessakit@miessakit.fi