

DOCUMENT

- Location where the child is found.
- What is the child doing when found?
- How does the child physically look?
- Does child have any injuries?
- Describe any emotional trauma.
- Document the child's actions during the incident.
- Did child hide, flee, try to intervene, call someone, tell someone?
- How did this event make the child feel?
- Document the child's understanding of knowing the difference between a truth and its opposite.
- Document identifying information on all children present and those who reside with victim or suspect whether present or not in the report by full name and DOB.

Talk with any child who can communicate

Use Narrative Questions First - (Rapport building to increase responses) The child should talk more than the interviewer (*Lab and Field research shows it will increase their responses*).

- 1) Tell me something about things you like to do.....You said you like (answer), tell me more about that.
- 2) Now tell me things you do not like to do.....You said you do not like (answer), Tell me more about that.
- 3) Tell me about your last birthday (important event) ,Tell me everything....Tell me more about that. What did you do next?
- 4) Tell me what happened here today. Tell me everything.....**Remember keep using open ended questions and quote their responses.**



A child's exposure to the father abusing the mother is the strongest risk factor for transmitting violence from one generation to the next.

American Psychological Association

- *Children may be traumatized by fear for their mother's safety.*
- *Children tend to blame themselves for the violence that they see and may blame themselves.*
- *Children learn violence in their own home by watching violence involving their parent or parents.*

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Domestic Violence & Children

A Quick Reference Guide



Child Abuse

PC 273a (a) Felony

Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully causes or permits that child to be placed in a situation where his or her person or health is endangered.

PC 273a(b)

Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully causes or permits that child to be placed in a situation where his or her person or health may be endangered, is guilty of a misdemeanor.

273d.

Any person who willfully inflicts upon a child any cruel or inhuman corporal punishment or an injury resulting in a traumatic condition is guilty of a felony.

PC 836 (d) – Arrest Authority

Allows an officer to make an arrest on a misdemeanor assault or battery, not committed in their presence when the suspect is the parent of the child victim.

(1) The peace officer has probable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.

(2) The peace officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.

EPO (Family Code 6250)

A judicial officer may issue an EPO when:

1. A person is in immediate and present danger of domestic violence, based on the persons allegation of a recent incident of abuse or threat of abuse **or**
 2. A child is in immediate and present danger of abuse by a family or household member **or**
 3. Child abduction **or**
 4. Stalking (DV and non-DV)
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Child Abuse Mandated Reporting

PC 11165.6 — Physical injury; Sexual abuse, neglect.

Child Abuse Mandated Reporters

PC 11165.7

Failure of parent or guardian to notify public safety agency of child's death
PC 273j.

Domestic Violence in front of a child
Case Law supporting the charge of PC 273a(b).

People vs. Burton 2006

3rd Appellate District Sacramento

Facts Documented:

- Suspect knew the child was present.
- The child saw the assault and injury.
- Child's statement documented at the scene of what the child saw and what the child did.
- Facts showed that the child sustained willful mental suffering.

What are the long term effects on children of witnessing domestic violence?

Children who grow up observing their mothers being abused, especially by their fathers, grow up with a model of intimate relationships in which one person uses intimidation and violence over the other person to get their way. Because children have a natural tendency to identify with strength, they may grow to ally themselves with the abuser and to lose respect for their seemingly helpless and weakened mother.

How are children affected by witnessing the abuse?

Witnessing the abuse of the adult they are most dependent on and love, especially when it is perpetrated by the other adult on whom they are dependent and love, is a terrifying and confusing experience, particularly for very young children.

Children learn that violence is part of a loving relationship.

Children's **emotional responses** include: fear, guilt, sleep disturbances, sadness, depression, and anger (at both the abuser for the violence and at the mother for not being able to stop it).

Physical responses include: stomach and/or headaches; bedwetting; and loss of ability to concentrate.

Behavioral responses include: resistance to going to bed, to school or to leaving the mother; hiding or running away; delayed development of speech, motor and/or cognitive skills; increased aggression with peers.