

# **The Police Response to Children Living with Domestic Violence- Challenges in Coordination of Criminal and Family Court Proceedings**

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# Duty to Notify Family and Children Services

## *Child in Need of Protection*

- In addition to the definition of *a child in need of protection*, as provided in Police Orders, Chapter 2, Child Abuse and Neglect, this policy shall also include a child who is:
  - *present during a domestic violence occurrence;*
  - *not present, but resides at the dwelling; and/or*
  - *an occasional resident, i.e. visitation/joint custody.*

# Children and Domestic Violence

## “Risk Assessment”

- Unless the children are targeted, directly threatened or assaulted most risk assessments often address their risk in the context of ‘potential for collateral violence’, if at all.
- Factors of particular concern:
  - Separation, Impulsivity, Substance Abuse, PD (Anti-Social, Narcissistic), Psychopathy, Weapon Usage, Depression, Stressors.

# Issues Related to Criminal and Family Court Coordination

- ✦ Issues are Complex (understatement of the year)
  - 1) Temporal Concern:
    - These proceedings seldom coincide and decisions are made in one court that could affect decision making in the other court.
    - Threat Assessments have relatively short shelf lives.
  - 2) *Reasonable and Probable Grounds...Reasonable Doubt ... Balance of Probabilities.*
  - 3) How is information accessed by Family Court?

# Issues Related to Criminal and Family Court Coordination cont'd

- 4) Sensitivity of the information. Threat Assessments are subject to FOI. Some factors identified are based on review of information and consultation. For example, Mental Health concerns...are often identified with recommendations for further assessment to confirm but not as a result of a documented diagnosis.

# Discussion

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