

New Mexico Family Impact Seminar

***Family Violence and Children:
Perspectives for Policy***

Executive Summary

by
Bruce Jacobs

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Department of Extension Home Economics
Department of Family & Consumer Sciences
College of Agriculture and Home Economics
New Mexico State University

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The term *family violence* in this briefing report refers to (1) intimate partner violence (domestic violence) and (2) a child's exposure to intimate partner violence. The problem of domestic violence is pervasive in the United States, and New Mexico is no exception. Domestic violence is experienced by thousands of individuals and families each year living in New Mexico. All too often we read or hear about another domestic violence event and the sad outcome for the victims. The number of victims affected by this violence – including children – is simply staggering. And, the negative physical, psychological, emotional, and social impact domestic violence can have on a victim's health and safety is truly tragic.

This briefing report discusses domestic violence in general, and specifically addresses the problem of domestic violence and children.

The first chapter provides an introduction to domestic violence. While men can be victimized by an intimate partner's abuse, the vast majority of adult victims are women. Domestic violence is a systematic pattern of domination and control which usually escalates in frequency and intensity. This violence has highly negative and often dire consequences for both the adult and child victim. When children are exposed to domestic violence a whole new dimension of consequential reverberations occur. The prevalence and incidence of domestic violence in New Mexico is high; yet, prosecutions and convictions are low. This chapter also highlights this data.

In the second chapter, Victor LaCerva discusses the impact of domestic violence on children, the extent of the problem of children in New Mexico being exposed to domestic violence, ongoing activities in New Mexico to address the problem, best practices for protecting the children, as well as seven recommendations for New Mexico to address the problem of domestic violence and children. Many of New Mexico's children are exposed to domestic violence. Research on children exposed to violence shows that they will suffer because of it – physically, psychologically, emotionally, developmentally, and socially. There are current ongoing activities in New Mexico to address the problem, but much yet needs to be done based on best practices. These best practices form the basis for the recommendations given, recommendations focusing on both prevention and intervention efforts.

Recommendations presented in this chapter include: (1) strengthening voluntary early home visitation programs for early identification of violence in the home and safety planning; (2) enhancing parental bonding with the non-offending parent (to counteract the negative effects of domestic violence) while addressing the issue of violence to create safe homes; (3) encouraging early identification, assessment and referral for children exposed to domestic violence through various providers; (4) promoting resiliency in children; (5) dealing more effectively with prevention and intervention with teen dating violence; (6) expanding activities of the currently federally funded national child traumatic stress network; and (7) improving the medical, judicial and law enforcement responses when children are present at a domestic violence scene.

New Mexico needs to enhance its law enforcement and judicial response to domestic violence, including its prosecution rate of offenders. Without effective prosecution of the offenders, the violence will continue as well as children's exposure to it. Thus, in the next chapter, Sarah Buel discusses prosecution in domestic violence cases. Specific policies, protocols, and practices are presented to increase prosecution rates and to enhance victim safety, e.g., adopting written protocols and policies for evidence-based prosecution (moving forward with prosecution with or without the victim's testimony) or for mandating physical custody arrests when probable cause exists to believe that domestic violence has occurred. Other talking points include, for example, prosecutors ensuring that all victims have an advocate's support and guidance in court; police training in the response to and reporting of domestic violence incidents; and appropriate sentencing.

In the third chapter, Stephanie Walton provides an overview of the effects of domestic violence on children and other states' legislative responses to children being exposed to domestic violence. These responses are discussed within the domains of family law, criminal law, child maltreatment law, and legislative initiatives to support child welfare and domestic violence service systems. For example, 12 states have laws that enhance penalties when domestic violence is committed in the presence of a minor. Some laws are not without controversy, e.g., defining child neglect to include witnessing domestic violence as was done in Minnesota in 1999 can overwhelm child welfare agencies or even hold victims responsible. The unintended consequences were such that the Minnesota Legislature repealed the law in 2000. Pros, cons, and cautions are discussed regarding various legislative approaches to addressing the problem of children exposed to domestic violence. The specific question, *What can legislators do?* about the problem is addressed.

For further information on the New Mexico Family Impact Seminar, contact:

Bruce Jacobs, Ph.D
Extension Specialist
New Mexico State University
Department of Extension Home Economics
MSC 3AEP.O. Box 30003
Las Cruces, NM 88003-0003
(505) 646-4270; Fax: (505) 646-1889
bjacobs@nmsu.edu

or

Charolette Collins, M.S.
Extension Specialist
New Mexico State University
Department of Extension Home Economics
9301 Indian School Road NE, Suite 108
Albuquerque, NM 87112
(505) 332-3765; Fax: (505) 332-3681
collins@nmsu.edu

For further information on bringing a family perspective to policymaking, see the Policy Institute for Family Impact Seminars website at: <http://www.uwex.edu/ces/familyimpact/>

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