

# Domestic Violence

## BACKGROUND

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Domestic violence is abusive behavior that threatens the health, safety, physical or mental well-being or financial security of a household member; the state's response to incidents of domestic violence depends on whether the victim is a child, spouse, or elderly person.

### GLOSSARY

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#### Child Abuse

An action by an adult responsible for a child's health and welfare that (1) harms or threatens harm to the child's health and welfare and (2) occurs through nonaccidental physical or mental injury, sexual abuse, sexual exploitation, or maltreatment.

#### Neglect

Harm or threatened harm that occurs through negligent treatment, such as failing to provide adequate food, clothing, shelter, or medical care; includes placing someone at an unreasonable risk by failing to intervene when one can and knows, or should know, of the risk.

#### Stalking

Willful and repeated harassment that terrorizes, frightens, intimidates, threatens, or molests someone.

#### Child Abuse

A recent study by Prevent Child Abuse America estimates that nationally, \$258 million is spent every day as a direct or indirect result of child abuse and neglect. Every dollar spent on prevention is estimated to save \$19 in future spending. In Michigan, state government focuses on detecting and protecting abused children as well as on prevention and the continuum of services needed to support families and thus prevent child abuse and neglect.

The Michigan Family Independence Agency (FIA) is required by law to respond to every report of suspected child abuse or neglect within 24 hours; an FIA children's protective services (CPS) caseworker must (1) dismiss the complaint, (2) begin an investigation to be completed within 30 days, or (3) refer the complaint to law-enforcement officials.

In FY 2001 the FIA received nearly 140,000 allegations of child abuse and/or neglect, investigating more than 67,000 allegations and substantiating nearly 16,500. The largest number of allegations involved physical neglect or physical injury; additional cases related to improper supervision, failure to protect, mental injury, and other types of abuse/neglect. Parents in the home perpetrated the vast majority of abuse or neglect.

In FY 2001, 49 Michigan children died from abuse/neglect and 8,654 were removed from their home.

Although anyone may report child abuse, the following, if they suspect it, are required by law to report their suspicions to the FIA: a physician, physician's assistant, coroner, dentist, hygienist, medical examiner, nurse, licensed emergency medical care provider, psychologist, audiologist, social worker, law-enforcement officer, regulated child care provider, school administrator, marriage and family therapist, professional counselor, and teacher.

The last two decades have brought significant change in matters of child abuse. A number of state laws and policies have been enacted to deal with the problem. Recent legislation

- requires attorneys to be made available for children in child protection and guardianship proceedings;
- revises judicial-assignment processes for the Family Division of circuit court;
- expands the list of offenses allowing for accommodation of child witnesses;
- eliminates competency determinations for child witnesses aged under 10;

## DOMESTIC VIOLENCE

- gives protective services caseworkers access to children's medical and mental health records;
- establishes a central registry of abusers, with access allowed to CPS workers;
- includes nonparent adults as "persons responsible for a child's health and welfare";
- applies child abuse penalties to live-together partners;
- protects health care workers and corporations from criminal liability when they report an injury caused by violence;
- increases the penalty for failing to report child abuse;
- protects individuals from abandonment charges for leaving a newborn (birth to 72 hours) at a hospital, police station, or fire department; and
- requires emergency service providers to take possession and provide care for abandoned children.

Pending legislation would

- increase the penalty for abuse resulting in a child's death (HBs 5384–85);
- require criminal background checks for those employed in child-care organizations (SB 275, HB 4058);
- create a rebuttable presumption that custody will be refused to perpetrators of domestic violence (SB 428, HB 4546); and
- establish, in placement cases, a court-appointed special-advocate program for children through which volunteers will conduct independent investigations regarding the child's best interest (SB 370).

Specific changes in administrative procedures and laws are proposed annually in the report of the Office of the Children's Ombudsman, which investigates complaints about FIA protective services. Frequently, these proposals result in further action to better protect children. The 2000 report recommends three policy changes regarding protective services: (1) require a home visit at a child's residence during the course of every investigation, (2) hold a case open for a minimum of 90 days when a "preponderance of evidence" indicates the risk of future harm is "high" or "intensive," and (3) refrain from placing a child with a relative who has a substantiated history of child abuse or neglect. The FIA agrees at least in part with each of the recommended changes.

In addition to state laws and policies, there are numerous entities actively addressing child abuse, abuse prevention, and policy. Three are listed here.

- The Children's Trust Fund, established in 1982, provides a permanent funding source for county-level prevention programs statewide. These programs target populations that are not part of the active FIA children's protective services caseload. The fund is financed by interest, donations, federal grants, and a new source of revenue: license plate sales promoting the trust fund. Since its creation, the fund has provided services to more than 2.5 million children and 500,000 families.
- The Michigan League for Human Services and Michigan's Children jointly sponsor annual KIDS COUNT reports that develop data on child welfare in local communities; the objective is to influence public policy related to children and families. The project reports county data on children—including that on abuse; it also establishes partnerships with local communities to address child welfare concerns, especially abuse and neglect.
- Children's Charter of the Courts of Michigan is a private, nonprofit organization involved with issues that bring children in contact with the court system. The group assists communities with abuse-prevention and family-support programs and advocates for legislative and administrative change to reduce child abuse and neglect.

Each county FIA office operates a hotline for reporting child abuse. There also is a statewide hotline number for parenting help, crisis intervention, and referrals: (800) 942-4357.

### Domestic Abuse

Abuse by an intimate partner is recognized as a violent criminal act and investigated by the police. In FY 1999–2000, domestic-violence programs in Michigan received more than 61,000 calls and sheltered 13,600 women and children.

Although the state is not directly engaged in programs having do with spouse abuse, the FIA Domestic Violence Prevention and Treatment Board coordinates and partially funds Michigan's 45 private, nonprofit, local domestic-violence centers. The shelters receive local, state, and federal funds as well as varying amounts—determined by a formula based on the geographic size and population of the area served—from the board.

The lieutenant governor's Domestic Violence Homicide Prevention Task Force report (April 2001) states that in 1999 more than 100 Michigan women died as a result of domestic violence. To prevent such deaths in the future and to protect survivors, the task force recommends

- increasing public awareness and education about domestic violence;
- increasing victim protection throughout judicial proceedings;
- creating uniform standards for reporting and tracking domestic-violence crimes and offenders; and
- enhancing domestic-violence prevention training for judges and law-enforcement personnel.

A considerable body of law addressing domestic violence has been enacted in the last few years, including measures that respond to the task force’s findings. The more recent legislation

- prohibits insurers, health maintenance organizations, and Blue Cross Blue Shield of Michigan from charging higher premiums or refusing to cover domestic-violence victims;
- allows the Family Division of circuit court to issue personal protection orders (PPOs) and permits warrantless arrest of juveniles for violating a PPO;
- expands the scope of PPOs and domestic-violence reports;
- revises procedures for the warrantless arrest of someone who violates a PPO;
- prohibits disclosure of student information to a person against whom a PPO has been issued;
- includes violation of an out-of-state PPO in the definition of domestic violence;
- honors PPOs from other states;
- requires an explanation for denial or approval of a PPO involving nonrelationship stalking;
- requires that PPO violators be tracked through fingerprinting;
- requires increased reporting on criminal contempt convictions for violating a PPO;
- extends the statute of limitations from three to five years for domestic-violence actions;
- protects people in dating relationships;
- authorizes creation of state and local fatality-review teams;
- allows courts to consider out-of-state domestic assault convictions in imposing sentences for domestic assault in Michigan;
- requires the State Police to develop standard reporting forms for domestic-violence crimes; and

- increases criminal penalties in some domestic-violence cases.

Pending legislation would

- prohibit offenders, under some circumstances, from being released from jail on interim bond (SBs 132, 727);
- allow certain hearsay evidence in domestic-violence cases (HB 4765); and
- permit evidence of prior domestic-violence acts to be presented at trial (SB 733, HB 5283).

The Michigan Coalition Against Domestic and Sexual Violence is a statewide organization that provides training and technical assistance for domestic-violence professionals and volunteer organizations, participates in public policy initiatives, provides emergency and support services through member agencies, and promotes public awareness of domestic and sexual violence.

The State Bar of Michigan has a pro bono project for domestic-violence victims and in 2001, with support from several government agencies, trained 219 Michigan attorneys in providing legal representation to domestic-violence victims.

The hotline for reporting domestic violence is (800) 799-SAFE [7233].

**Elder Abuse**

Although statistics on elder abuse are uncertain at best, the *New England Journal of Medicine* estimates that nationally, incidents range from one million to two million a year. Incidence is believed to be vastly underreported; public agencies may be notified of as few as one in 14 occurrences.

Michigan’s FIA is required to investigate all complaints of abuse, neglect, or exploitation of people aged 18 and over, in settings other than nursing homes and other public facilities, who are vulnerable because of mental or physical impairment or the frailty and dependency of age. The FIA adult protective services (APS) unit must investigate immediately if serious injury is suspected, otherwise within 24 hours. If APS substantiates abuse or neglect, it provides or makes arrangements for whatever services are needed—social, health, remedial, or legal—to correct or relieve the problem. Physicians and other health professionals are required to report suspected abuse.

According to the APS unit, caseloads have doubled during the past decade, reaching 3,324 in 2000. Approxi-

## DOMESTIC VIOLENCE

mately 70 percent of elder abuse and neglect falls into the category of self-neglect—that is, people are not a victim of someone else but of their own neglect. About 15 percent are victims of physical abuse or neglect and 15 percent are victims of financial exploitation, a growing category of abuse.

Legislation strengthening Michigan's 1982 Adult Protective Services Act and additional legislation in the past decade have enhanced protections for vulnerable adults; pending measures would increase penalties for crimes against senior citizens and vulnerable adults (SBs 276, 514 and HBs 4557, 4973). A *vulnerable adult* is redefined as a person over 18 with developmental disability, mental illness, or physical disability; this applies whether or not the person has been determined by a court to be incapacitated and requiring supervision or lacking competency. A 2000 law prohibits embezzlement of the money or property of a vulnerable adult by anyone in "a position of trust," such as a court-appointed guardian, conservator, personal representative, or trustee. Penalties may include imprisonment and a fine of three times the value of the money or property obtained or attempted to be obtained.

The Michigan Office of Services to the Aging (OSA) contracts with 16 area agencies on aging (AAAs) to serve Michigan's senior citizens, and their programming includes elder-abuse prevention. The AAAs contract with private organizations for many services such as operating hotlines and training law-enforcement personnel, prosecutors, and others to recognize and deal with elder abuse.

Triad, a program designed to fight crimes that target seniors, was established by the National Sheriffs Association in partnership with the International Association of Chiefs of Police and the American Association of Retired Persons (AARP). Triad has helped to form 16 regional triads that train local law enforcement, local agencies, and senior citizens to deal with crimes that involve elderly people as victims or witnesses. Local triads also survey seniors about crimes they perceive as most prevalent in their area. Triad annually co-sponsors a conference of workshops and informational seminars relating to crimes against the elderly.

The statewide hotline number to report abuse of vulnerable adults is (800) 996-6228.

## DISCUSSION

The challenge for Michigan protective services workers—especially child caseworkers—lies in complying with a state mandate to make a reasonable effort to maintain or

reunite the family unit and an equally strong mandate to protect citizens from harm.

The Families First program, founded on the concept of keeping children in their home if at all possible, offers intensive, short-term, in-home counseling and correction services. Early in the program's history, some child advocates criticized the minimal training being given caseworkers even though the program's success depends on highly skilled personnel. In the late 1990s, mandatory staff training increased substantially. Families First reports that 84 percent of participating families remain intact 12 months after leaving the program. The Office of the Auditor General concludes that Families First generally has been effective in providing a safe alternative to out-of-home placement of children at imminent risk of being removed from their home.

Funding for many programs dealing with domestic violence increased significantly in the late 1990s, when state revenue reflected a thriving economy, but budget cuts in late 2001 reduced monies in several areas. While no reductions were made directly to children's protective services, secondary effects from sharp cutbacks in the funds directed to domestic-violence shelters and other community health services may affect protective services for children. For example, the Michigan Domestic Violence Prevention and Treatment Board budget was trimmed by nearly \$1 million.

Although Michigan's anti-stalking law was enacted in 1992, it was challenged in court as being vague and too broad. In 2001 the U.S. Circuit Court of Appeals upheld the law, which was one of the first in the nation to address the central harm of stalking behavior (causing the victim to feel terrorized, intimidated, or harassed) rather than requiring specific intent by the perpetrator. It is hailed as a valuable tool by law enforcement, prosecutors, and domestic-violence experts.

After a five-year lapse during which programs were funded on previous formulas, the federal Older Americans Act was reauthorized by Congress in October 2000. Numerous state programs benefit from the act, including those designed to combat elder abuse and provide education on elder-abuse prevention.

Advocates for the elderly note that funding to combat domestic violence, regardless of the total level, short-changes programs targeted at senior citizens. Nationally, funding to combat child abuse receives 96 percent of all monies, domestic violence gets 3 percent, and elder abuse less than one percent. With improved outreach on elder abuse, the reported incidence is rising and some casework-

ers for the elderly are overburdened. They frequently earn less than other domestic-violence workers but must deal with such complex crimes as financial exploitation.

See *also* Aging; Foster Care and Adoption; Substance Abuse; Youth at Risk.

**FOR ADDITIONAL INFORMATION**

American Association of Retired Persons  
309 North Washington Square, Suite 110  
Lansing, MI 48933  
(517) 482-2772  
(517) 482-2794 FAX  
[www.aarp.org/statepages/mi.html](http://www.aarp.org/statepages/mi.html)

Children's Charter of the Court of Michigan  
324 North Pine Street, #1  
Lansing, MI 48933  
(517) 482-7533  
(517) 482-2626 FAX  
[www.childcrt.org](http://www.childcrt.org)

Children's Trust Fund  
235 South Grand River Avenue, Suite 1411  
Lansing, MI 48933  
(517) 373-4320  
(517) 241-7038 FAX  
[www.michigan.gov/fia](http://www.michigan.gov/fia)

Domestic Violence Prevention and Treatment Board  
Family Independence Agency  
235 South Grand Avenue, Suite 506  
Lansing, MI 48909  
(517) 335-6388  
(517) 241-8903 FAX  
[www.michigan.gov/fia](http://www.michigan.gov/fia)

Michigan's Children  
428 Lenawee Street  
Lansing, MI 48933  
(517) 485-3500  
(517) 485-3650 FAX  
[www.michiganschildren.org](http://www.michiganschildren.org)

Michigan Coalition Against Domestic and Sexual Violence  
3893 Okemos Road, Suite B-2  
Okemos, MI 48864  
(517) 347-7000  
(517) 347-1377 FAX  
[www.mcadsv.org](http://www.mcadsv.org)

Michigan League for Human Services  
115 South Pennsylvania Avenue, Suite 202  
Lansing, MI 48912  
(517) 487-5436  
(517) 371-4546 FAX  
[www.milhs.org](http://www.milhs.org)

Office of Child and Family Services  
Family Independence Agency  
235 South Grand Avenue, 5th Floor  
Lansing, MI 48909  
(517) 335-6158  
(517) 335-6177 FAX  
[www.michigan.gov/fia](http://www.michigan.gov/fia)

Office of Children's Ombudsman  
Michigan National Tower, Suite 100  
P.O. Box 30026  
Lansing, MI 48909  
(517) 373-3077  
(517) 335-4471 FAX  
[www.michigan.gov/oco](http://www.michigan.gov/oco)

Office of the Lieutenant Governor  
P.O. Box 30026  
Lansing, MI 48909  
(517) 373-6800  
(517) 241-3956 FAX  
[www.michigan.gov/litgov](http://www.michigan.gov/litgov)

Office of Services to the Aging  
Department of Community Health  
611 West Ottawa Street, 3d Floor  
P.O. Box 30676  
Lansing, MI 48909  
(517) 373-8230  
(517) 373-4092 FAX  
[www.miseniors.net](http://www.miseniors.net)