

**ALBERTA SOLICITOR GENERAL
CALGARY ROCKY VIEW CHILD AND FAMILY SERVICES
HOMEFRONT**

INTERAGENCY DOMESTIC VIOLENCE PROTOCOL

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1.0 Introduction

Alberta Solicitor General (ASG), Calgary Rocky View Child and Family Services (CRVC&FS), and HomeFront share recognition of the impact of domestic violence on all family members, the vulnerability of children in these families, and the high correlation between spousal abuse and child abuse. As a result of these factors, more than one program or organization may have the same client. In these situations the goal of interagency or linking protocols is to increase the safety of all family members through the process of sharing information about the identification or assessment of risk factors including the ongoing involvement of the offender in the family. It is the goal of this document to develop and clarify interagency protocols.

2.0 Definition of Domestic Violence¹ and Domestic Relationships

Domestic abuse is the attempt, act or intent of someone within a relationship, where the relationship is characterized by intimacy, dependency or trust, to intimidate either by threat or by the use of physical force on another person or property. The purpose of the abuse is to control and/or exploit through neglect, intimidation, inducement of fear or by inflicting pain. Abusive behaviour can take many forms including: verbal, physical, sexual, psychological, emotional, spiritual, economic and the violation of rights. All forms of abusive behaviour are ways in which one human being is trying to have control and/or exploit or have power over another.

For the purposes of this document, **partner** will refer to the full range of domestic relationships as identified in Appendix D (e.g. boyfriend/girlfriend, guardian, parent/child, etc.).

3.0 Joint Information Sharing Guidelines

ASG, CRVC&FS, and HomeFront all have guidelines outlining circumstances **when confidential information may be shared between systems.**

HomeFront **Domestic Violence Court Case Workers (Case Workers)** share information when sharing information is in the best interests of the children and/or will increase the safety of the community.

ASG **Probation Officers** share information when that information contributes to the effective supervision of the offender and/or the safety of the community.

CRVC&FS **Child Welfare Workers** share information when it is determined to be in the best interests of the child.

¹ The definition of domestic violence was developed by the Calgary Domestic Violence Committee (CDVC) and is used widely throughout the community of Calgary. A list of relationships defined as domestic relationships is included in Appendix D.

All clients will routinely be asked for permission to share information and/or informed that information will be shared and with whom. Release of information forms will be completed as required. However, where there is believed to be a child at risk, permission to release information is not required.

Case Workers, Probation Officers and Child Welfare Workers routinely exchange information including the:

- Nature of the involvement (Status of the Child, Conditions of Probation)
- Services presently involved
- History of services involved and outcome
- Information on risk to children (e.g. compliance with Conditions of Probation, presence of the offender in the home)
- When concurrent files exist, significant changes in the status of the file (e.g. reduced supervision², closing a file) require prior documented consultation

The ASG, CRVC&FS, and HomeFront are guided by specific information sharing and case commencement guidelines. Please refer to the attached guidelines.

4.0 Case Management/Ongoing Integration of Case Plans

Integrated case plans between HomeFront, ASG, and CRVC&FS help to increase safety for children and victims, avoid conflicting orders, coordinate treatment plans and ensure access to treatment for offenders, victims/partners and children.

It is the expectation of the ASG, CRC&FS, and HomeFront that organizations sharing clients will have regular collateral contacts, communicate on significant case events, and provide information on escalating or changing risk factors.

5.0 Payment of Costs Associated with Treatment

HomeFront will pay most domestic violence treatment costs for the offender, when treatment is mandated through the Specialized Domestic Violence Court. Child Welfare may assist with additional costs of treatment for victims/partners and children. Clients and/or offenders are encouraged to share the costs of treatment, whenever possible. Cost sharing will be explored with each recipient of service.

² Reduced supervision is an administrative closure prior to the expiry of a sentence.

6.0 HomeFront Guidelines for Interagency Contact

The HomeFront Domestic Violence Court Case Workers will routinely contact CRVC&FS with information that identifies children at risk or in need of protection. Whenever possible, information to the Child Welfare Worker will include the anticipated date that the charges will be heard in the Specialized Domestic Violence Court. When this information concerns an existing open file, the Case Worker will be referred to the assigned Child Welfare Worker to maximize opportunities for integration of case plans.

The Child Welfare Worker may provide information³ directly to the Case Worker to present at the pre-court conference⁴ or may appear in the Specialized Domestic Violence Court to present information.

When the Case Worker is not available, information significant to the Court proceedings may be left with the **HomeFront Project Assistant at 206-2100** who will ensure that the Case Worker receives any relevant information.

The Case Worker will **communicate the outcome of the Court proceedings** with the Child Welfare Worker when there is an open Child Welfare file.

In addition to the information routinely exchanged as outlined previously, Case Worker's **share information** including:

- Disclosures of abuse or risk to children
- Specifics of the current charge
- Name and address of the victim and children as reported by the victim and/or the Calgary Police Service report
- Concerns of the victim as reported by the victim
- Any changes in the accused release status and/or conditions

The Case Worker **will not disclose** the exact nature of Child Welfare involvement to the Specialized Domestic Violence Court. The Case Worker will identify Child Welfare as **aware** (indicating that a report has been made to Child Welfare) or as **involved** (indicating that Child Welfare has an open file).

Information collected from the Child Welfare Worker may be incorporated into the recommendations for the pre-court conference prepared by the Case Worker. Case Worker's will consult with the Child Welfare Worker regarding information that may be included in reports.

³ Information that is **safety sensitive** should be identified as such by the Child Welfare Worker and the Worker may request that such information not be recorded or used in any report prepared for Court proceedings.

⁴ The pre-court conference is a meeting prior to the Court proceedings during which information is shared between the police, Crown, Probation Officer, Case Worker and the Defense/Duty Counsel. The purpose of the pre-court conference is to raise safety concerns and explore options for early resolution.

7.0 Alberta Solicitor General Guidelines for Interagency Contact

When children under the age of eighteen are present in the home of an offender under supervision for domestic violence, or are present in the home of a partner of an offender under supervision, the Probation Officer will routinely contact Child Welfare. **Calgary Rocky View Child and Family Services Child Welfare** can be reached at **297-2995**.

The Probation Officer will provide the Child Welfare Worker with the following information, whenever possible:

- Name/Alias, birth date and address of the offender
- Name/Alias, birth date and address of the partner
- Name/Alias, birth dates and address for all of the children

If there is current Child Welfare involvement:

- Obtain the name and contact number of the Child Welfare Worker
- Contact the Child Welfare Worker directly.

The Probation Officer will **document** all contact with other systems.

In addition to the information routinely exchanged as outlined previously, Probation Officers **share information** including:

- A summary of the criminal record of the offender as it pertains to the best interests of the child and/or the safety of the Child Welfare Worker
- Any conditions of the Probation Order as it pertains to the best interests of the child/family
- The presence of weapons and/or history of possession of weapons
- Assault convictions
- Domestic violence convictions
- Convictions involving crimes against children
- Substance abuse and its relationship to risk factors

Probation Officers may use information from Child Welfare in the compilation of a Pre-Sentence Report (PSR). Probation Officers require information as to the history of the child and/or family as it relates to the current charges (e.g. escalating conflict or abuse within the family). When requesting such information from the Child Welfare Worker, the Probation Officer will forward a copy of a Release of Information form signed by the offender. The Child Welfare Worker will also make efforts to have a release of information signed by the adult victim.

8.0 Calgary Rocky View Child and Family Services Guidelines for Interagency Contact

Child Welfare Workers may contact HomeFront Domestic Violence Court Case Workers and/or Alberta Solicitor General (ASG) Probation Officers when there is reason to believe there has been a domestic violence charge or involvement with Probation⁵.

The Case Worker or Project Assistant can be reached at **HomeFront 206-2100**. ASG can be contacted through the **Central Office Supervisor** at **297-2259**.

The Child Welfare Worker will provide the Case Worker or Probation Supervisor with the following information, whenever available or applicable:

- Name/Alias, birth date and address of the offender
- Name/Alias, birth date and address of the partner
- Name/Alias, birth dates and address for all of the children

Current domestic violence charges with the Specialized Domestic Violence Court:

- Obtain the name and contact number of the Case Worker
- Contact the Case Worker directly

Open Probation file:

- Obtain the name and contact number of the Probation Officer
 - Contact the Probation Officer directly

The Child Welfare Worker will **document** all contact with other systems.

In addition to the information routinely exchanged as outlined previously, Child Welfare Workers **share information** including:

- Status of the Child Welfare file
- Family functioning
- Risk factors as identified by the Child Welfare Worker
- Treatment resources/supports presently involved
- Recommendations regarding contact between the offender, victim/partner and children

Information that is **safety sensitive**⁶ should be identified as such by the Child Welfare Worker and the Worker may request that such information **not** be recorded or used in any report prepared for Court proceedings.

⁵ Child Welfare Screeners/Workers also routinely contact the Calgary Police Service for information about current domestic offences. Please refer to the Calgary Police Service and Calgary Rocky View Child and Family Services Child Welfare Linking Protocol.

⁶ Information that may be safety sensitive includes the location of the victim and children and future plans to intervene (e.g. apprehension).

Appendix A

Interagency Contacts

Alberta Solicitor General

Comment [B1]:

Comment [B2]:

Probation Central Office Supervisor
Chester Uszacki 297-2259

Calgary Rocky View Child and Family Services

Child Welfare Screening 297-2995

HomeFront

Project Assistant
Jen Fifield 206-2100

Domestic Violence Court Case Workers
Laura Ducharme 206-8212
Margaret MacKillop 206-2105 or 8533
Ewa Chwiecko 206-8715
Leanne Usselman 206-8218

Appendix B

**HomeFront and the
Specialized Domestic Violence Court**

The Domestic Violence Court is a specialized (first appearance) docket court. Accused appear in the court approximately five days after their arrest to address their charges. The Court has a number of objectives when addressing charges: a) to ensure the safety of victims; b) to encourage responsibility of accused; c) to expedite the justice process by reducing delays in prosecution; d) to strongly consider rehabilitative sentencing options when appropriate and; e) to support victims through out the legal process. To achieve these objectives within the court there are specialized Judges, Crown, Probation Officers, Police Officers and Domestic Violence Court Case Workers who are familiar with the dynamics of domestic violence. Police and Probation Officers provide historical, background and risk related information pertaining to the accused. Domestic Violence Court Case Worker's provide information about and a voice for victim/witnesses in the court. The Police, Probation and Domestic Violence Court Case Worker's help to support the Crown's case and assist the Judges during proceedings. Further the Court offers accused specialized treatment services for domestic violence and substance abuse counselling.

Domestic Violence Court Case Worker (Case Worker)

The Case Worker is an innovative mechanism of ensuring that victims of domestic violence and their family members receive consistent support and resource information throughout the judicial process.

The Case Worker will initiate and/or facilitate contact with the victim during the period immediately following an arrest of an accused and offer a continuum of services throughout the judicial proceedings.

These services include:

1. Maintaining contact with the victim and notifying them about all changes in the accused's circumstances.
2. Facilitating the victim's active involvement in the court process by offering to accompany the victim to court and / or ensuring the victim's perspective is communicated to the court.
3. Educating the victim about ongoing risk management and ensuring that feasible safety plans are in place for themselves and their family.
4. Facilitating access to community supports and resources.
5. Enhance the information received in court by providing pertinent information regarding the victim, the accused, other family members, existing court orders, etc.

Questions about the project may be directed to the Project Director at 206-2100.

Appendix C

Glossary of Legal Terminology⁷

Absolute Discharge	an “automatic forgiveness”; no conviction registered, so no criminal record for an offence
Access	permission for a person, parent or otherwise, who does not have custody, to see a child
Accused	person charged with an offence
Acquittal	a verdict of “not guilty” for an offence
Affiliation Order	identifies by Order the biological parent of a child, and orders they pay financial support to this child
Alimony	support payments paid after separation/divorce from one spouse to another
Annulment	the court has decided that a marriage never existed
Appeal	to have a decision reviewed by a higher court
Arrears	money that is owed
Asset	money or property available for the payment of debt
Attorney General	Chief Law Officer of the Federal or Provincial Government. This government department employs Crown Prosecutors.
Bail	money or property deposited to a Court to ensure the appearance in Court of an accused person who is then released from custody to await trial
Bonding	a form of insurance for employers to protect them from financial loss arising from criminal acts committed by employees
Case Management Officer	a federal prison employee usually involved in programs

⁷ Adapted by Ken Hagel, Alberta Solicitor General from a document developed by Kevin McNichol, HomeFront™, and used with permission.

Case Worker	a provincial prison employee usually involved in programs
Charge	a formal accusation of a crime
Classification Officer	a prison worker involved in deciding what level of security (classification) an inmate receives
Community Correction Centre	a federal halfway house
Community Residential Centre	an Alberta halfway house
Conditional Discharge	a 'conditional forgiveness', no conviction registered so there is no criminal record, but must follow conditions of a probation order for a set period
Conditional Sentence Order	sentence of jail which the offender is allowed to serve in the community under probation officer supervision
Contraband	goods which are illegal to possess in prison and which have been smuggled in
Contempt of Court	conduct that shows disrespect for the court
Conviction	a judgment of guilty as charged at the end of a criminal trial; when the conviction is registered the person then has a criminal record
Crown Prosecutor	a representative of the government who prepares the legal case against an accused
Custody	being held in jail, either detained before trial or as a jail sentence
Dead Time	time the accused has spent remanded in custody prior to trial or disposition, 'does not count'
Delayed Probation	probation follows jail in a provincial goal
Disposition	sentencing

Emergency Protection Orders	police apply to the Justice of the Peace. If granted must be reviewed in Court of Queen's Bench, hearing from both sides. Can be confirmed at least one year at a time. Police enforce these.
Evidence	proof of a criminal offence presented during a trial. Can be in the form of testimony, documents or exhibits
Hearsay	evidence given that is not first hand knowledge
In Camera	closed to the public
Indictable Offence	more serious offence, Canadian equivalent of a 'felony'
Information	the formal word for a charge
Institutional Offence	a violation of either federal or provincial rules of behaviour for prison inmates
Jail Sentence	if the sentence is two years or more a person goes to a federal penitentiary. If it is a maximum of two years less one day then the person goes to a Provincial jail
Justice of the Peace (J.P.)	a lower rank of judge with limited powers including the power to release accused persons on bail, and to issue emergency protection orders
Landed Immigrant	a person who was not born in Canada but who has legal status as a permanent resident
Living Unit Officer	a provincial prison guard
Parole	release from a federal penitentiary under supervision
Peace Bond	although no offence committed, a person who fears another, may apply for a peace bond. Court has a hearing and can grant it up to one year. Sometimes a Peace Bond is granted as the end disposition of an offence. This is typical in domestic violence special court.

Probation	most often, instead of jail a person is given a community disposition monitored by a probation officer. Length of Order can only be three years or less
Promise to Appear	a form issued by an arresting officer which sets out a person's time, place and date of first Court appearance
Queen's Bench Protection Order	in non-emergency situations a person can apply directly to Court of Queen's Bench. These orders include no contact, treatment conditions, etc. Police enforce them.
Recognizance	a legal release before trail which may include posting bail and required reporting, and other conditions until the charge is dealt with
Remand	set over a court date
Remission	reduction of the length of a provincial prison term that is earned through good behaviour
Restraining Order	can be applied for as part of the divorce; or in a common-law situation can obtain an 'injunction'. These last three to six months and can be reviewed. Police enforce these.
Revocation	a cancellation, as of parole, bail, probation, Conditional Sentence Order
Solicitor General	the department of both the federal and provincial governments responsible for both prisons and community corrections
Summons	a form issued by a Justice of the Peace or Judge to be served on the person to compel them to attend Court
Surety	a person who guarantees an accused person will appear in Court when required, by posting some form of valuable property such as a house or car. This property is security for an amount of money set during a bail hearing

Suspended Sentence	the Court does not impose a sentence of jail or a fine and a probation order is issued
Undertaking	a promise by an accused person to appear in Court on a set date
Warrant Expiry Date	the date on which you are free from custody. Signifies the end of a prison term, parole or statutory release
Warrant of Arrest	legal authorization for the police to arrest someone and bring them to Court. Will be brought before a J.P. to determine release before Court

Appendix D

Calgary Police Service: Definitions of Relationships

Relationships defined as **domestic** by the Calgary Police Service include⁸:

Boyfriend or Girlfriend	not cohabiting
Brother or Sister	biological, step or adopted
Cohabiting Partner	same or opposite sex
Common Law Husband or Wife	
Ex-Boyfriend or Girlfriend	never cohabited
Ex-Cohabiting Partner	same or opposite sex
Ex-Common-Law Husband or Wife	
Ex-Husband or Wife	
Father or Mother	biological, step or adopted
Foster Parent	guardian
Foster Son or Daughter	guardian
Foster Brother or Sister	
Grandmother or Grandfather	
Husband or Wife	
Son or Daughter	
Uncle or Aunt	
Extended Family	such as: nephew/niece, father/mother-in-law, great grandfather

For the purposes of this document, **partner** will refer to the full range of domestic relationships as identified above (e.g. boyfriend/girlfriend, guardian, parent/child, etc.).

⁸ The Calgary Police Service defines the relationships listed here as domestic relationships. Relationships between caregivers and people requiring care may be considered domestic relationships. Consult with the police.

Appendix E

Glossary of Child Welfare Terms

Obligation to Report – Section 4(1) of the Child Welfare Act (1985) states – “Any person who has reasonable and probable grounds to believe and believes that a child is in need of protective services shall forthwith report the matter to a director”. Further in the Act, Section 4(6) – “Any person who fails to comply with subsection (1) is guilty of an offence and liable to a fine of not more than \$2000 and in default of payment to imprisonment for a term of not more than 6 months”

Child in Need of Protective Services – As defined by the Child Welfare Act a child is in need of protective services if there are reasonable and probable grounds to believe that the survival, security or development of the child is endangered because of any of the following:

- a) the child has been abandoned or lost
- b) the guardian of the child is dead and the child has no other guardian
- c) the guardian of the child is unable or unwilling to provide the child with the necessities of life, including failing to obtain for the child or to permit the child to receive essential medical, surgical or other remedial treatment that has been recommended by a physician
- d) the child has been or there is substantial risk that the child will be physically injured or sexually abused by the guardian of the child
- e) the guardian is unable or willing to protect the child from physical injury or sexual abuse
- f) the child has been emotionally injured by the guardian of the child
- g) the guardian of the child is unable or unwilling to protect the child from emotional injury
- h) the guardian of the child has subjected the child to or is unable or unwilling to protect the child from cruel and unusual treatment of punishment
- i) the condition or behavior of the child prevents the guardian of the child from providing the child with adequate care appropriate to the child's needs

Physical Abuse – occurs when a person responsible for a child deliberately inflicts substantial and observable injury to any part of a child's body, or fails to protect the child from such injury

Sexual Abuse – a child is sexually abused if the child is inappropriately exposed or subjected to sexual contact, activity or behavior including prostitution related activities

Emotional Injury – a child is emotionally injured when both of the following exist
a) substantial and observable impairment of the child's mental, or emotion functioning and b) grounds to believe that this impairment is the result of rejection, deprivation of affection or cognitive stimulation, exposure to domestic

violence, inappropriate criticism, threats, humiliation, accusations, or expectations, or the mental, emotional or substance abuse by anyone living in the home.

Support Agreement – A support agreement is a voluntary agreement between a parent and a child welfare director, when a child needs protection but is able to remain safely at home. Services are provided and are outlined in the service plan. The Director may also enter into an agreement with a child 16 years or older if the child is living independently from parents and is in need of protection.

Custody Agreement – A custody agreement is a voluntary agreement between a child welfare director and the parent of a child who needs protection and cannot remain safely at home.

Supervision Order – The court has ordered that the parent accept protective services from child welfare. The child remains in custody and under guardianship of the parents.

Apprehension - Apprehension is the court-approved act of taking custody of a child from a parent. A worker apprehends a child if: the child needs protection (as defined by the Child Welfare Act) and anything less can't protect the child well enough. If a child's life or health is presently in serious danger the worker may apprehend without a court order.

Temporary Guardianship – If a child is under a temporary guardianship order, the child's other guardians share their responsibility with a child welfare director. The worker would have made application to the court if the child needs protection (as defined by the child welfare act), anything less cannot protect the child well enough, it is expected that the child will be able to return home or live independently in a reasonable time.

Permanent Guardianship – Permanent Guardianship is a legal order that gives all guardianship rights to Child Welfare. This includes the right to place the child for adoption. Child Welfare will be responsible for the day-to-day care of the child and long-term decisions.

Note: The total cumulative period during which a child is in the custody of one or more directors or the subject of a temporary guardianship order shall not be more than 2 years. The Child Welfare Act allows for some exceptions.

Appendix F

Criminal Justice Process

