

Scenario for DV Conference Panel 3/25/09

Teresa (mother) and Joseph have 2 children, Jacob (4) and Joshua (7). Joseph has been incarcerated for VUCSA for 18 months and is due to get out in about 4 months, at which time he will be on work release for another 6 months. Though they were never married, there is a parenting plan that gives primary residential placement to Teresa and unsupervised visits to Joseph on a regular basis.

About two years ago, Teresa became involved with Donald. They live together and have a 6 month old baby, Danielle, who has lived with Teresa and Donald under a voluntary service contract since she was released from the hospital after birth. Both Teresa and Danielle tested positive for cocaine when Danielle was born, so CPS became involved with the family; Teresa entered outpatient treatment and has nearly completed phase I and has had clean UA's 2x/week, though she has missed 3 in the past 90 days. FPS was put in the home, though most of the time when the FPS worker comes, she works only with Teresa and the children. Teresa has some minor criminal history as a juvenile, but no criminal convictions since she has been an adult (she is now 25).

Donald is employed (most of the time) as a construction worker. He has no drug related offenses, but a criminal record that includes a 2004 DUI, a 4th degree assault (DV) in 2006 and an eluding charge from the same incident. The victim of the DV assault charge is Angela, his ex-wife and the mother of his son, Antonio. Angela has a current protection order against Donald and his visitation is supervised pursuant to the family court order. Donald completed substance abuse treatment in 2004 when he had the DUI.

On January 24, 2009 the police were called to Teresa and Donald's apartment by neighbors due to a loud argument in the hallway, followed by doors slamming, a car leaving the parking lot at high speed and the children crying in the apartment. The police arrived to find Teresa sitting on a curb in the parking lot, apparently intoxicated and with fresh facial wounds, consistent with being hit in the face. When the police arrived, she said, "He punched me in the face!" and when they asked who did it, she indicated it was Donald. Teresa and the officers walked up to her 2nd floor apartment together and they could hear children crying—when they opened the door, the boys were in the living room, huddled under a blanket and ran to their mother and hugged her. They expressed fear towards Donald. Danielle was in her crib crying. Aside from a few beer bottles on the counter and a hole punched in the living room wall, the home was not in disarray. There was adequate food and the children were all clean and appropriately clothed. Teresa indicated she was drinking beer to deal with her fear toward Donald.

Donald returned while the police were present and was angry but controlled. He did not appear to have been drinking. He had a small, fresh scratch on his hand. He told the officers that he was upset with Teresa for drinking beer and had tried to take a full bottle out of her hand when she slapped him and scratched him. In the scuffle, the beer bottle hit her in the face. He denied punching her. He was arrested and a no contact order was entered. A CPS referral was made and a petition was filed alleging both a safety risk due to the DV in the presence of the children and mom's relapse. The children were originally left in Teresa's care contingent on her not allowing contact with Donald and on compliance with her substance abuse treatment and FPS. Then Teresa missed 2 UA's, asked the municipal court to drop the no contact order and the FPS worker learned that Donald had been staying in the home. At an emergency hearing, the court placed the children in relative care. The parties are currently trying to develop a case plan that would reunite Teresa with her children.