

Reflection

EVAN STARK

In 1974, shortly before we opened the New Haven shelter, a well-intentioned volunteer took the nine-year-old daughter of a battered woman who was staying at our house to Yale's Child Study Center for evaluation. The mother and daughter had been living in their car. When the girl explained that "Daddy was looking for us with a gun" and that they'd been eating mainly cornflakes, the psychiatrist was horrified. Concluding the girl was "inappropriately precocious," he reported the mother for neglect. Only tough negotiations kept the girl from being placed.

Six years later, we drew the child abuse sample, one of the first attempts to nail down the importance of battering for child protection, as part of the NIMH funded "Yale Trauma Studies" on the consequences of battering for women's health. The argument was cast in its present form after we co-chaired a prevention subgroup at the U.S. Surgeon General's Special Workshop on Violence and Public Health in 1985. The leading child welfare organizations in attendance refused to acknowledge evidence that battering was a critical context for child maltreatment because they feared it would open a political "Pandora's box" that could jeopardize their funding. The major obstacle to progress on this front was not ignorance, but a paradigm that saw women only as mothers and held mothers accountable when children were harmed, regardless of whether they too were being coerced or controlled. While the clinical approach pioneered by Kempe highlighted individual risk factors and therapeutic management, so-called "humanists" in the child welfare field focused on environmental deprivation as the cause of abuse. But, they too focused on "mothers" and considered CPS intervention a benign alternative to criminal justice involvement, which we demanded to protect adult victims. The larger women's movement avoided child abuse because it also bought into the myth that women were responsible for child maltreatment.

Much has changed since this article appeared. Research on how domestic violence harms children is now a major subspecialty. Although this body of work has been deservedly criticized for its methodological shortcomings, it leaves no doubt about two of our key findings, that domestic violence is a major context for child abuse and that abusive males are largely responsible for child maltreatment in these cases, not mothers. Our focus on the refusal of CPS to acknowledge domestic violence is also dated. In large part due to pressure from and training by domestic violence advocates, CPS services throughout the U.S. routinely intervene in domestic violence cases and often collaborate with local domestic violence services.

Despite these changes, our "feminist perspective" remains relevant because of a third development in the child welfare field—a growing body of case law supporting sanctions against non-offending parents in domestic violence cases. No longer is the overlap of domestic violence and child maltreatment questioned. Unfortunately, however, in presenting this information to CPS, advocates and researchers have frequently exaggerated the likely harms to children (e.g., confusing statistical significance with prevalence) or presented the evidence as if the dynamics that linked battering to child maltreatment were

straightforward. When child welfare agencies, family courts, and policy makers have interpreted this “information” through the prism of their prevailing gender bias and their public mandate for child protection, many have concluded that “exposure” to domestic violence is tantamount to abuse or neglect, expanding the sorts of punitive responses to battered mothers we found at Yale. So dramatic is this trend that in June, 2000, Sharwlene Nicholson and other battered mothers brought a class action lawsuit to prevent the Administration of Children’s Services (ACS) in New York City from charging women with neglect and removing their children solely because of the mother’s abuse by her partner. In March, 2002, after months of testimony, federal judge Jack Weinstein ruled in the mothers’ favor, enjoined ACS from its unconstitutional practices, and appointed a panel on which I am the plaintiff’s representative to monitor the agency’s compliance.

Domestic violence and child welfare experts testified on both sides of the Nicholson case, illustrating that confusion still plagues our field about how to frame the connection between domestic violence and child abuse without re-victimizing battered women. Post-Nicholson, it is necessary to qualify any representation of this connection by showing which specific harms can be traced to “exposure,” linking specific harms to specific abusive dynamics, clearly delineating who is responsible for these harms, and building the enormous resilience exhibited by battered mothers and their children into intervention decisions. We touch only some of these issues. What our article *does* do is suggest that a path through the current dilemma starts with the recognition that the “fact” of child maltreatment is as likely to be the byproduct of the politics of sexual inequality as of individual pathology. When child welfare theory and practice rely on outdated gender stereotypes to analyze and respond to abusive dynamics, they perpetuate this inequality, contributing to “the battered mother’s dilemma” and so heighten the risk to children. Unless this approach is abandoned by expanding public accountability for the safety and independence of *all* victims, CPS will not respond appropriately to battered women, no matter how much training is provided or by whom. It seems no less necessary today than when we wrote “Women and Children at Risk” to clear the deck of outdated sexist stereotypes by subjecting the tenets caretakers apply to women and children to the same critical scrutiny as child abuse itself. Support for this approach comes from the little noticed finding of our study that, since battered mothers typically enter the CPS caseload because of what has been done *to* rather than *by* them, their capacities as parents or partners are far less likely to be compromised than are those of the multi-problem mothers typically identified with “neglect.” Recognizing this should make it easier for caseworkers to ally with battered mothers in dismantling the structures of male domination in personal life that currently obstruct the well-being of women and their children.