

**The Connection between Domestic Violence and Child Maltreatment:  
Breaking the Cycle**

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**Mission of NICWA**

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✧ NICWA is dedicated to the well-being of American Indian and Alaskan Native children and families and believes that every Indian child should have access to community-based, culturally appropriate services that help them grow up safe, healthy, and spiritually strong—free from abuse, neglect, sexual exploitation, and the damaging effects of substance abuse. Since 1987, NICWA has served all 565 federally recognized Indian Tribes in the United States by helping to strengthen and enhance their capacity to deliver quality child welfare services.

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**Mission of NALRC**

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✧ The Native American Legal Resource Center provides capacity building services to tribal communities and creates opportunities for students, faculty, staff and the broader University community to utilize knowledge and resources to serve the needs of Indian Country in a culturally appropriate and efficient manner for a maximum positive impact.

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## DEFINITION OF DOMESTIC VIOLENCE

- ✦ Domestic Violence is a system of tactics aimed at maintaining power and control over another person.
- ✦ Abusive behaviors are intentional and are not the result of an uncontrolled rage or impulse.
- ✦ Abusive relationships do not arise out of conflict or disagreements.
- ✦ Drugs and alcohol may emphasize the violence but do not cause the violence.

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## DEFINITION..continued

- ✦ Control is maintained as the fear is intensified through the use of humiliation, ridicule, criticism, financial abuse and social isolation.
- ✦ The time of separation is the most dangerous time for a woman.

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## POWER AND CONTROL WHEEL



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More Likely To Suffer Child Abuse Themselves...

- ✧ Studies estimate that in about 30-60% of homes where a parent is being maltreated, a child is a victim of abuse as well.
- ✧ Increased levels of child neglect are also found in families experiencing domestic violence.
- ✧ Studies also show that batterers are more than four times more likely than other men to sexually abuse their children or step-children.
- ✧ The risk of abuse may not diminish once the batterer and victim separate, especially if there is unsupervised visitation.

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Effects of Witnessing DV.....

- ✧ Children living in homes where there is domestic violence may suffer physically, mentally or emotionally.
- ✧ Studies indicate that witnessing domestic violence may be as harmful to children as suffering actual physical abuse themselves.

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**Negative Impact of Witnessing and Living with Domestic Violence**

- ✧ Each year three to ten million children are exposed to violence by one parent against the other.
- ✧ The great majority of children who live in the same home with a batterer see or hear one or more acts of violence.

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## Violence in AI/AN Communities

Source: (US DOJ [Steven W. Perry] (2004) *American Indians and Crime: A BJS Statistical Profile, 1992-2002*.

- ✦ The rate of violent crime victimization among AI/AN females (86 per 1000) was 2 ½ times the rate for all females
- ✦ American Indians more likely to report rape by a stranger (41%) or acquaintance (35%) than by an intimate partner or family member (25%)
- ✦ AI/AN victims of all violent victimization more likely to report offender was under the influence of alcohol (48%) compared to all races (33%).

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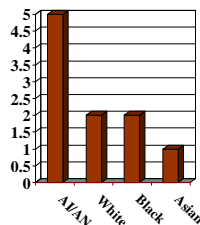
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## Violence in AI/AN Communities

Source: (US DOJ [Steven W. Perry] (2004) *American Indians and Crime: A BJS Statistical Profile, 1992-2002* continued.....

- ✦ Annual rates of rape/sexual assault per 1000 persons age 12 or over
- ✦ 57% of rapes/sexual assaults of AI/AN were by Whites, 8% Blacks, 14% other
- ✦ One out of three AI/AN women have been raped or sexually assaulted



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## Definition of Child Maltreatment

(DHHS, Administration for Children and Families [ACF])

### SECTION I: CHILD ABUSE PREVENTION AND TREATMENT ACT (CAPTA, 1974)

#### Sec. 111. DEFINITIONS. [42 U.S.C. 5106g]

✦ "For purposes of this title [42 U.S.C. 5101 et. seq.]—

1. "the term "child" means a person who has not attained the lesser of—
  - ✦ the age of 18; or
  - ✦ except in the case of sexual abuse, the age specified by the child protection law of the State in which the child resides;
2. "the term "child abuse and neglect" means, at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm..."

[http://www.acf.hhs.gov/programs/childabusepreventionandpolicy/cblaws/capta03sec\\_1\\_111.htm](http://www.acf.hhs.gov/programs/childabusepreventionandpolicy/cblaws/capta03sec_1_111.htm)

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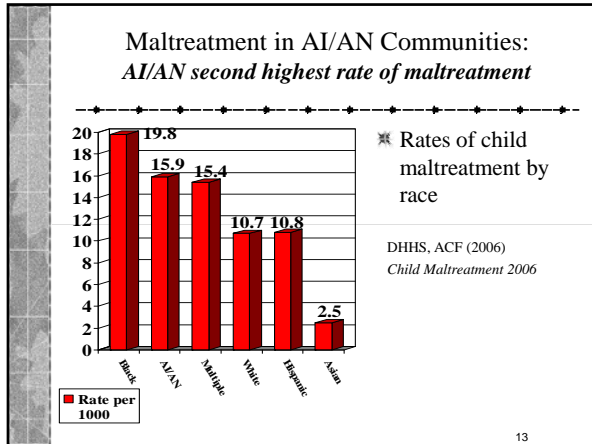
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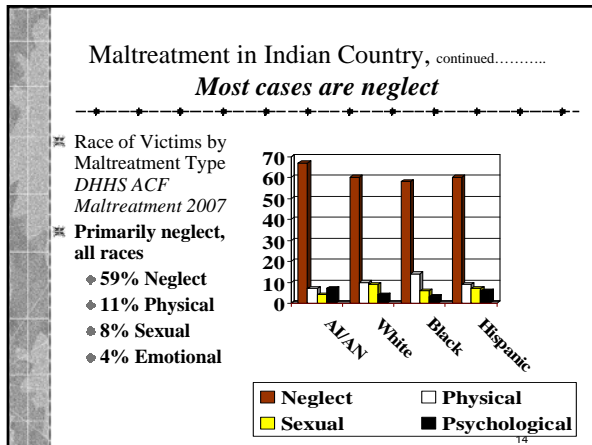
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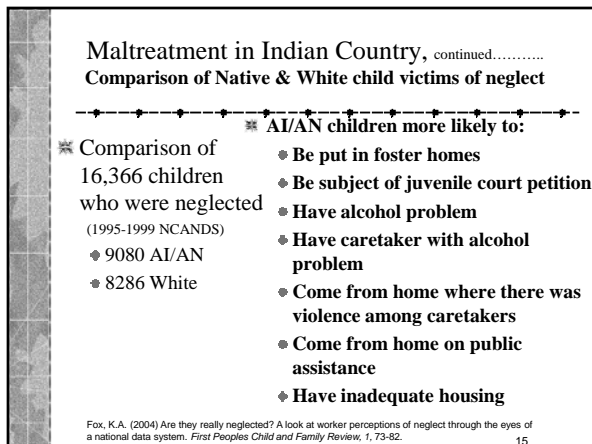
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## The Literature:

### Relationship of violence to victimization in Indian Country

- ✦ High rates of violence
- ✦ High rates of maltreatment
- ✦ Use of alcohol
- ✦ Risk factors for maltreatment and violence are high
- ✦ Protective factors of tribal communities
- ✦ Importance of culture
- ✦ Return to traditional ways
- ✦ Healing of cultural wounds such as historical trauma

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### Conceptual issues in DV in Indian Country

#### ✦ Domestic violence was not indigenous

- Many tribes matrilineal and matriarchal
- George Washington to the troops: “do not rape their women because they do not rape ours”
- Clan mothers could have a rapist banished, or have a chief “de-horned” for sexual misbehavior

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### Conceptual issues in DV in Indian Country:

#### Differences in perception between AI/AN and European American women

#### ✦ Native Women more likely to report:

- DV means **physical**, not verbal/emotional abuse
- They **fight back, defend themselves**
- **Abusers were victims** themselves
- They are **ashamed** of their abuse
- DV is due to **poverty, unemployment, lack of mobility** due to isolation (European Americans blame internal dysfunction of the abuser)
- **Legal system is not fair**
- DV did **not happen historically**

Teehee, M & Esqueda, CW(2008). American Indian and European American Women's Perceptions of Domestic Violence. *Journal of Family Violence, 23, 25-35.*

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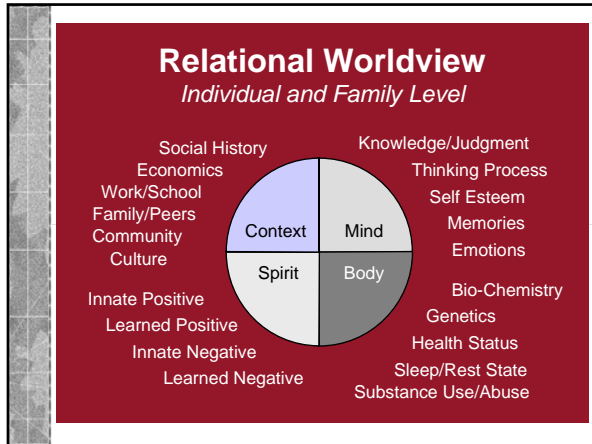
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## CONTEXT: AI/AN Indicators

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<p><u>From 2007 CDC data (NSDUH):</u></p> <ul style="list-style-type: none"> <li>⌘ <b>High Poverty</b></li> <li>⌘ <b>High Unemployment</b></li> <li>⌘ <b>Fewer Mothers, Fathers in Home</b></li> <li>⌘ <b>More Foster Care</b></li> <li>⌘ <b>More Rural</b></li> </ul>	<p><u>From Indian Health Service:</u></p> <ul style="list-style-type: none"> <li>⌘ <b>57% of AI/AN rely on the IHS for health care</b></li> </ul> <p><u>From 2000 Census data</u></p> <ul style="list-style-type: none"> <li>⌘ <b>Overcrowded Conditions</b></li> </ul>
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## MIND: AI/AN Indicators

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<p><u>From 2007 CDC data (NSDUH):</u></p> <ul style="list-style-type: none"> <li>⌘ <b>Higher percentage</b> <ul style="list-style-type: none"> <li>● High school degree or less</li> <li>● No college degree</li> <li>● Employed by government</li> </ul> </li> <li>⌘ <b>Stress/Trauma: Higher percentage reported feeling</b> <ul style="list-style-type: none"> <li>● "No good"</li> <li>● "Couldn't be cheered up"</li> <li>● "Felt hopeless"</li> </ul> </li> </ul>	<p><u>From 2000 Census Data</u></p> <ul style="list-style-type: none"> <li>⌘ <b>Lower percentage in preschool ages 3-5</b></li> </ul> <p><u>From the literature:</u></p> <ul style="list-style-type: none"> <li>⌘ <b>Cultural barriers to care</b> <ul style="list-style-type: none"> <li>◆ Non-interference</li> <li>◆ Indirect, non-intrusive, respectful of elders and children</li> </ul> </li> </ul>
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## BODY: AI/AN Indicators

From 2007 CDC data (NSDUH):

- ✱ **Poorer health**
- ✱ **Higher arrest, probation**

From the literature:

- ✱ **Younger population**
- ✱ **FAS**
- ✱ **High rate of victimization**
- ✱ **High rate of death due to automobile accidents**
- ✱ **High rate of smoking, drug use, and alcoholism among youth**

From Indian Health Service

- ✱ **Life expectancy: 2.4 years less than U.S. all-races population**
- ✱ **Higher death rates from**
  - ◆ **Alcoholism**
  - ◆ **Unintentional injuries**
  - ◆ **Homicide**

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## SPIRIT: AI/AN Indicators

From 2007 CDC data (NSDUH):

- ✱ **Less likely to attend religious services**
- ✱ **Significantly more likely to agree:**
  - ◆ **Important for friends to share religious beliefs**
  - ◆ **Religious beliefs influence life decisions**
  - ◆ **Religious beliefs very important in life**

From Indian Health Service:

- ✱ **Higher rates of suicide (18 per 100,000 pop compared to 11 for all races) (70% higher)**

From the literature:

- ✱ **Positive effects of culturally appropriate interventions**

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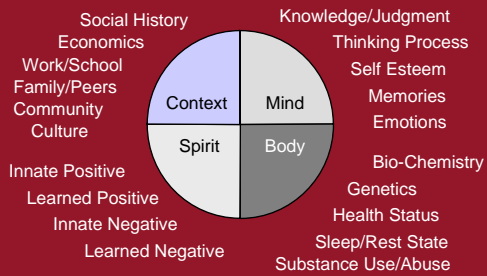
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## Relational Worldview

*Individual and Family Level*




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## BREAKING THE CYCLE

### Suggestions from our young adults

- ✧ "We are the future – once we grow up we're gonna be running the rez."
- ✧ "There's a lot of support out there that we don't recognize or be thankful for."
- ✧ "We need more helping one another, more respect, more unity no matter what they (youth) do."
- ✧ "We have to become more accepting of cultural healing and activities as a means of healing."
- ✧ (Youth aged 16-24) "gotta know who they really are, gotta know there's places that help them, know not to be afraid to go and talk to elders."
- ✧ "Our grandparents survived residential school. That says something about our resilience."

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## BREAKING THE CYCLE

- ✧ Increase involvement of young adults in spiritual and traditional activities
- ✧ Increase communication and contact among parents, elders, community members and young people
- ✧ Increase employment opportunities
- ✧ Give young people a real and important role in the community
- ✧ Rectify funding issues in tribal communities (direct funding for programs)

**Protective factors:** (Fox, K.A., Becker-Green, J., Gault, J. & Simmons, D. (2005). *Native American Youth in Transition: The Path from Adolescence to Adulthood in Two Native American Communities*. Portland, OR: National Indian Child Welfare Association.

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## CHALLENGES FOR TRIBES

### Jurisdictional Barriers to keeping tribal citizens safe

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## General Civil Litigation

<b>Plaintiff</b>	<b>Defendant</b>	<b>Source of Claim</b>	<b>Jurisdiction</b>
Indian	Indian	Indian Country	Tribal (exclusive)
Non-Indian	Indian	Indian Country	Tribal (exclusive) (maybe)
Indian	Non-Indian	Indian Country	Tribal (check code) State (maybe)
Non-Indian	Non-Indian	Indian Country	State/tribal???

\*\*\*REMEMBER-  
 Indian= member Indian, but may not include non-members  
 Non-Indian may include non-member Indians

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<b>Plaintiff</b>	<b>Defendant</b>	<b>Source of Claim</b>	<b>Jurisdiction</b>
Indian	Indian	Non-Indian Country	Tribal or State
Non-Indian	Indian	Non-Indian Country	State; maybe tribal
Indian	Non-Indian	Non-Indian Country	State (exclusive)
Non-Indian	Non-Indian	Non-Indian Country	State (exclusive)

<b>Plaintiff</b>	<b>Defendant</b>	<b>Source of Claim</b>	<b>Jurisdiction</b>
Indian	Indian	Fee lands	Tribal (exclusive)
Non-Indian	Indian	Fee lands	Tribal (exclusive)(maybe)
Indian	Non-Indian	Fee lands	State; maybe tribal
Non-Indian	Non-Indian	Fee lands	State; maybe tribal

\*\*\*REMEMBER-  
 Indian= member Indian, but may not include non-members  
 Non-Indian may include non-member Indians  
 Assuming fee lands within Indian Country

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## Chart of Criminal Jurisdiction

<i>RACE OF DEFENDANT</i>	<i>RACE OF VICTIM</i>	<i>CRIME</i>	<i>JURISDICTION</i>
INDIAN	INDIAN	MAJOR CRIMES ACT	FEDERAL/TRIBAL CONCURRENT
		ALL OTHER	TRIBAL (EXCLUSIVE)
		FEDERAL CRIMES OF GENERAL APPLICABILITY	FEDERAL
INDIAN	NON-INDIAN	MAJOR CRIMES ACT	FEDERAL/TRIBAL CONCURRENT
		OTHER CRIMES ASSIMILATED CRIMES ACT	TRIBAL (FEDERAL IF UNPUNISHED)
INDIAN	NO VICTIM	VICTIMLESS	TRIBAL EXCLUSIVE

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## Chart of Criminal Jurisdiction

<i>RACE OF DEFENDANT</i>	<i>RACE OF VICTIM</i>	<i>CRIME</i>	<i>JURISDICTION</i>
NON-INDIAN	INDIAN	ASSIMILATED CRIMES ACT; GENERAL FEDERAL	FEDERAL
NON-INDIAN	NON-INDIAN	ALL	STATE
NON-INDIAN	NO VICTIM	VICTIMLESS	STATE

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### *BREAKING THE CYCLE*

- ✘ Children’s recovery from exposure to domestic violence and from divorce depends largely on the quality of their relationship with the non-battering parent and with their siblings.
- ✘ The victim-parent is often the best for placement of the children.

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### *BREAKING THE CYCLE*

- ✘ Affirming that domestic violence harms children
- ✘ Utilizing creative civil remedies
- ✘ Modifying tribal codes
- ✘ Providing advocacy programs
- ✘ Utilizing custom and tradition

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## DV IS NOT A NATIVE TRADITION

✧ Since time immemorial, tribes have followed traditional ways of keeping the peace among themselves and the respect towards women necessary for tribal survival.

✧ “A nation is not defeated until the hearts of its women are on the ground. Then it is done, no matter how brave its warriors or how strong its weapons.” Cheyenne Proverb.

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## Contact Information

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