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Department of Family and Protective Services

Disposition Guidelines for Domestic Violence Resource Guide

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Contents

Disposition Guidelines for Domestic Violence Resource Guide	1
Purpose	2
Factors to Consider	3
General Issues to Consider in Decision Making	4
<i>The Alleged Perpetrator</i>	4
<i>The Alleged Adult Victim</i>	5
Factors that could support Specific Findings	5
Physical Abuse - Reason to Believe	5
Physical Abuse- Unable to Determine	6
Physical Abuse- Ruled Out	6
Neglectful Supervision- Reason to Believe	7
Neglectful Supervision- Unable to Determine	7
Neglectful Supervision- Ruled Out	7
Emotional Abuse- Reason to Believe	8
Emotional Abuse- Unable to Determine	9
Emotional Abuse- Ruled Out	9

Purpose

These guidelines are intended to provide guidance when determining a disposition for a case where a parent is using coercive control and other means of domestic violence. Allegations not related to domestic violence should be dispositioned according to the definitions, policies, or guidelines that apply to the situation.

Definition of Domestic Violence

Language matters, and this is true for these definitions. Across the country, there are ongoing discussions and trends about how to identify those who use violence in our communities. For example, here in Texas we address the behavior of the person: “*Battering* Intervention and Prevention Programs,” not ‘Batterer’s Intervention and Prevention Programs’. It is important to note that not all adult victims of violence will self-identify as victims, or as survivors. However, for clarity in this resource, we will refer to the parent who is the victim of domestic violence as the adult victim.

Definitions of domestic violence, or family violence as it is called in legal statutes in Texas, vary across disciplines, policies, statutes, states, and nationally. This guide will seek to identify domestic violence as it is used by an abusive parent against their partner and/or child, and to identify the impact of that person’s behavior on their family’s wellbeing. Further, this DFPS guide seeks to establish a broad definition that

informs investigators in determining the appropriate dispositions, which ideally will lead to appropriate interventions and supports towards the goal of increased safety and wellbeing. Of course, there are other criminal and civil professionals with whom we may work who may intervene under different definitions in the course of our assistance to the child and adult victims and challenging and encouraging the alleged perpetrator to change their behavior. The term “alleged perpetrator” has been replaced in initial core training and in the Family Violence Intervention course with “Person Using Violence” or “PUV”. This term is still evolving nationally as is the term “battering”. Many state statutes and regulations have changed from “batterers” to “battering” as we have always used in Texas to refer to the beliefs and behaviors, not the person, hence “Battering Intervention and Prevention” in Texas statutes. And some states are using “abusive partner” and “abuse” intervention and prevention, so do expect this discussion will continue and may result in considering changes in DFPS policies and training.

Domestic violence is a pattern of behavior that is used to gain or maintain power and control over a current or former intimate partner. It can include physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. Domestic violence can be used by someone and against someone of any race, age, religion, gender, socioeconomic background, or education level. A person who uses domestic violence can do so against a current or past romantic partner. They could be dating, married, living together, separated, divorced; and can be an adult or a minor in a teen dating relationship. Domestic violence is NOT ‘mutual combat’ and couples do NOT ‘engage in domestic violence.’ **An important factor in making a disposition is accurately assessing who may be using violence to control, and who may be using violence in self-defense.**

In the Texas Family Code, domestic violence is defined as “family violence”¹. Intimate partner violence (IPV) is another term often used to describe the dynamics of domestic violence. **Not all forms of domestic violence meet the legal definition of family violence in the Family Code.** The Family Code definition used when seeking to obtain Protective Orders is referenced in the criminal codes², but please note that this legal definition does not encompass all of a survivor’s experience when their partner is using violence against them. Always consider the totality of circumstances when making a disposition regarding a person using domestic violence and the survivor it is being used against.

¹[*The Texas Family Code Sec. 71.004: “Family violence” means: \(1\) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself; \(2\) abuse, as that term is defined by Sections 261.001\(1\)\(C\), \(E\), \(G\), \(H\), \(I\), \(J\), and \(K\), by a member of a family or household toward a child of the family or household; or \(3\) dating violence, as that term is defined by Section 71.0021.*](#)

² Excerpted from [*Senate Bill 434, 82nd Regular Session*](#), Task Force to Address the Relationship between Domestic Violence and Child Abuse and Neglect Report. The definition was agreed upon by the taskforce and presented to the Legislature. This definition formed the foundation for the recommendations for future change in DFPS policy.

Factors to Consider

Actions involving domestic violence that physically harms a child or puts the child in immediate danger would constitute an allegation of [child abuse](#) or neglect. The Factors to Consider discussed below are intended to aid CPI case workers in cases where domestic violence is alleged.

Factors to Consider

- People who use domestic violence affect the safety and well-being of child and should be held accountable for how their actions affect both the adult victim of domestic violence and child victims.
- Do not hold the victim of domestic violence accountable for abuse and neglect of a child solely based on the individual being a victim of domestic violence. If a child is at risk of harm due solely to the violence committed against the adult victim, then consider the totality of circumstances and only THEN consider a disposition for the adult victim.
- It is key that CPI caseworkers accurately assess the protective actions exhibited by the parent who is a victim of domestic violence.
- Enhancing the safety of the parent who is a victim of domestic violence enhances the child's safety.
- CPI staff should first consider ways to remove the person using violence if the incident rises to a danger indicator on the safety assessment. This may include seeking a protective order, order of removal of the alleged PUV, asking the PUV to voluntarily leave the home during the course of an investigation, a safety plan having the adult victim move away with the child, or a supervision plan.
- A child should remain in the care of an adult victim of domestic violence who demonstrates sufficient protective actions to keep the child safe, consistent with the safety and best interest of the child. If the caseworker determines that a child is not safe despite the efforts made by an adult victim of domestic violence, the caseworker should consider a continuum of safety interventions, and if absolutely necessary to protect the safety of the child, alternative placement.
- The worker should share services and resources in the community that address the co-occurrence of domestic violence and child abuse and neglect to achieve the safety and well-being for the adult victim and the child.

General Issues to Consider in Decision Making

- The degree to which a child is vulnerable to the violence; for example, based on age and/or level of functioning.
- Review the history and outcome of any law enforcement interaction related to the family.
- Hospital and medical records recording injuries resulting from violence.
- The presence of parental substance use/misuse and mental illness and how this impacts the level of danger.
- The nature and pattern of the domestic violence – including sexual violence, stalking, harassment, and the use or threatened use of weapons in the past. Review the [DV Resource Guide](#) 'Assessing for Seriousness and Danger of Domestic Violence.'

The Alleged Perpetrator

General Issues to Consider for the Alleged Perpetrator or Person Using Violence:

- How the AP/PUV's behavior has decreased the safety of the child and adult victim
- How the AP/PUV's behavior has impacted the functioning and wellbeing of the family (access to financial resources, access to transportation, access to services, access to safe and stable housing, connection to a support network, etc).

- Any criminal or abuse/neglect background history related to domestic violence including the outcome of previous CPI investigations, previous arrests, criminal convictions, participation with probation/parole, participation in BIPP services or lack thereof, and any past restrictions of access to the child.
- Past referrals made by DFPS and the reasons why the PUV/alleged perpetrator of domestic violence refused any offered services (i.e. Battering Intervention and Prevention Program-BIPP, substance abuse treatment, etc.).
- The AP/PUV's ability to access reasonably available resources (i.e. language barriers, mental health, lack of knowledge, lack of transportation, financial struggles).

The Alleged Adult Victim

General Issues to Consider for the Adult Victim:

- The parent's ability to take protective actions.
- History and outcome of using court services for protection.
- History, and outcome of seeking help or of not seeking help, and making arrangements to protect the child, such as taking him or her to a relative's or friend's house, using domestic violence shelters, etc.
- The parent's plan for the protection of the child and the parent.
- Accessibility of services for the adult victim (i.e., availability of shelters, place for safety, financial support, legal and court services, the County or District Attorney's willingness to file protective orders that include the child).
- Parent's ability to access reasonably available resources (i.e., language barriers financial inability, mental health, lack of knowledge, lack of transportation, changes in safety as a result of accessing services).
- The reasons why the adult victim refused any offered services.
- Motivation behind whether the adult victim stays or leaves (i.e., past bad experience with previous requests for help, or the increased level of danger and consequences when the victim left before).

Factors that could support Specific Findings

Physical Abuse - Reason to Believe

Would most likely result in a Reason to Believe (RTB) for Physical Abuse (PHAB)...

... for the perpetrator or person using domestic violence:	... for the adult victim of domestic violence:
<ul style="list-style-type: none"> • The child received a physical injury that results in substantial harm or genuine threat of substantial harm from physical injury. • Intentional acts of violence towards the child that may not necessarily have caused physical injury, but there was a genuine threat of substantial harm to the child • The perpetrator or PUV hits the adult victim while the adult victim is holding the child, 	<ul style="list-style-type: none"> • After considering the totality of circumstances, the caseworker determines that: • the child is physically abused, AND • the adult victim did not use supports that would have protected the child and that were known and reasonably available to the adult victim or made available during a prior DFPS investigation or intervention.

<p>creating a genuine threat of substantial harm from physical injury to the child.</p> <ul style="list-style-type: none"> • If the caseworker has gathered a preponderance of the evidence in support of a disposition, the caseworker can still make the disposition even if the perpetrator or PUV refuses to be interviewed or cooperate in the current investigation. 	
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Physical Abuse- Unable to Determine

Would most likely result in an Unable to Determine (UTD) for Physical Abuse (PHAB) ...

... for the PUV or perpetrator of domestic violence:	... for the adult victim of domestic violence:
<ul style="list-style-type: none"> • After all sources are exhausted, the evidence is conflicting to either to support or refute the allegations and there is no way to determine which information is accurate. • UTD is NOT an appropriate disposition based solely on the fact that the AP or PUV did not make themselves available to interview. 	<ul style="list-style-type: none"> • After all sources are exhausted, the evidence is conflicting to either support or refute the allegations and there is no way to determine which information is accurate.

Physical Abuse- Ruled Out

Would most likely result in a Rule Out (R/O) for Physical Abuse (PHAB) ...

... for the PUV or perpetrator of domestic violence:	... for the adult victim of domestic violence:
<ul style="list-style-type: none"> • There are no injuries to the child and there was not a genuine threat of substantial physical harm to the child. • There is no indication the child's physical safety was in imminent danger when the incident occurred. • If the child was struck during the incident and there was not an indication of substantial physical harm to the child by being hit. (Consider Neglectful Supervision - NSUP.) • The child has minimal need for supervision and violence did not place the child at substantial risk of harm. 	<ul style="list-style-type: none"> • During the incident of domestic violence, the child was not substantially harmed and there was not a genuine threat of substantial physical harm from physical injury to the child. • The adult victim took all reasonable actions to protect the child during the violence based upon the circumstances of the episode. • The child was accidentally injured or placed at substantial risk of physical harm by the adult victim when the adult victim was acting in efforts to protect the child. • The child has minimal need for supervision and violence did not place the child at substantial risk of harm.

Neglectful Supervision- Reason to Believe

Would most likely result in a Reason to Believe (RTB) for Neglectful Supervision (NSUP)...

... for the PUV or perpetrator of domestic violence:	... for the adult victim of domestic violence:
<ul style="list-style-type: none"> • Child is in the proximity of the violence and the PUV's/AP's blatant disregard for the consequences of his/her actions or inactions results in harm to the child or created an immediate danger to the child's physical health or safety. • The child has a high need for supervision and the perpetrator's use of violence renders both the PUV/AP and the adult victim incapable of providing adequate supervision. • The perpetrator violates a protective order, safety plan or PCSP, and the violation or behavior places the child in immediate danger. • If the caseworker has gathered a preponderance of the evidence in support of a disposition, the caseworker can still make the disposition even if the perpetrator/PUV refuses to be interviewed or cooperate in the current investigation. 	<ul style="list-style-type: none"> • The adult victim did not use supports that would have protected the child and that were known and reasonably available to the adult victim or made available during a prior DFPS investigation or intervention, AND her/his actions or inactions resulted in harm to the child or created an immediate danger to the child's physical health or safety. • The perpetrator gains access to the child and all of the following occurs: <ul style="list-style-type: none"> • <i>The adult victim was not threatened, coerced or otherwise manipulated to allow access by the PUV/ perpetrator; AND</i> • <i>Access by the PUV/perpetrator violates a safety plan, PCSP, protective order, or otherwise reflects an absence of protective action by the perpetrator and victim; AND</i> • <i>The access leads to another incident that places the child in immediate danger or harms the child.</i>

Neglectful Supervision- Unable to Determine

Would most likely result in an Unable to Determine (UTD) for Neglectful Supervision (NSUP) ...

... for the PUV/perpetrator of domestic violence:	... for the adult victim of domestic violence:
<ul style="list-style-type: none"> • After all sources are exhausted, the evidence is conflicting to either support or refute the allegations and there is no way to determine which information is accurate. 	<ul style="list-style-type: none"> • After all sources are exhausted, the evidence is conflicting to either support or refute the allegations and there is no way to determine which information is accurate.

Neglectful Supervision- Ruled Out

Would most likely result in a Rule Out (R/O) for Neglectful Supervision (NSUP)...

... for the PUV/perpetrator of domestic violence:	... for the adult victim of domestic violence:
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<ul style="list-style-type: none"> • The child is not in the proximity of the violence. (Proximity is defined as the child being located in a place that reasonably places the child in immediate danger by the level of violence.) • The child has minimal need for supervision and violence used by the perpetrator did not harm the child or place the child in immediate danger. 	<ul style="list-style-type: none"> • The adult victim took some protective steps to keep the child safe. Even in instances where past abuse has occurred, the adult victim made efforts to take some protective action (i.e., telling child to get out of the room, staying in the home so as not to cause greater violence, or by removing the child from the situation, or leaving with the child). • The child is not in the proximity of the violence. (Proximity is defined as the child being located in a place that reasonably places the child in immediate danger by the level of violence.) • The child has minimal need for supervision and violence did not harm the child or place the child in immediate danger. • The adult victim did not show blatant disregard for the safety of the child as the PUV/perpetrator gained access to the home by coercing, threatening, manipulating the adult victim to allow access. • The PUV/perpetrator gains access to the home but the child is not harmed or placed in immediate danger.
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Emotional Abuse- Reason to Believe

NOTE: Allegations and Reason to Believe (RTB) findings in Emotional Abuse cases are extremely rare.

The following chart helps guide your decisions regarding dispositions involving emotional abuse. CPI staff must consult with professional collaterals to assist in assessing whether the child has been emotionally abused by the perpetrator and adult victim. **CPI recommends any professionals consulted have training in domestic violence dynamics including coercive control.**

Would most likely result in a Reason to Believe (RTB) for Emotional Abuse (EMAB) ...

... for the PUV/perpetrator of domestic violence:	... for the adult victim of domestic violence:
<ul style="list-style-type: none"> • A therapist, psychologist, psychiatrist, or physician states that the child has a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning caused by domestic violence committed by the perpetrator. • If the caseworker has gathered a preponderance of the evidence in support of a disposition, the caseworker can still make the disposition even if the perpetrator/PUV refuses to be interviewed or cooperate in the current investigation. 	<ul style="list-style-type: none"> • After considering the totality of circumstances, the caseworker determines that: • a therapist, psychologist, psychiatrist, or physician states the child has a mental or emotional injury resulting in an observable and material impairment to the child's growth, development, or psychological functioning caused by domestic violence committed by the perpetrator, AND • The adult victim did not use supports that would have protected the child and that were reasonably available or made available during a prior DFPS investigation

Emotional Abuse- Unable to Determine

Would most likely result in an Unable to Determine (UTD) for Emotional Abuse (EMAB) ...

... for the PUV/perpetrator of domestic violence:	... for the adult victim of domestic violence:
<ul style="list-style-type: none">• After all sources are exhausted, the evidence is conflicting to either support or refute the allegations and there is no way to determine which information is accurate.	<ul style="list-style-type: none">• After all sources are exhausted, the evidence is conflicting to either support or refute the allegations and there is no way to determine which information is accurate.

Emotional Abuse- Ruled Out

Would most likely result in a Ruled Out (R/O) for Emotional Abuse (EMAB) ...

... for the PUV/perpetrator of domestic violence:	... for the adult victim of domestic violence:
<ul style="list-style-type: none">• Information obtained during the investigation does not support the child suffered from a mental or emotional injury resulting in an impairment to the child's growth, development, or psychological functioning.• After consulting with professional collaterals, it is determined that due to the child's age or developmental level, emotional abuse is not likely or able to be measured.• There is no observable, measurable impact to the child.	<ul style="list-style-type: none">• Information obtained during the investigation does not support the child suffered from a mental or emotional injury resulting in an impairment to the child's growth, development, or psychological functioning.• After consulting with professional collaterals, it is determined that due to the child's age or developmental level, emotional abuse is not likely or able to be measured.• There is no observable, measurable impact to the child.

For more information on the Disposition Guidelines for Domestic Violence contact the Region 12 [Family Violence Liaison](#).

Regarding Policy and Practice contact DFPSCIPolicyPractice@dfps.texas.gov.