

Failure to Protect

and its harmful consequences on
the vulnerable

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Oklahoma State Capitol

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Expert Credentials

- Appointment: Assistant Professor, Department of Women's and Gender Studies, University of Oklahoma
- 2 books & multiple journal articles on issues pertaining to sexual and domestic violence in social services and law
- 8+ Years Victim Advocacy

01	Failure to Protect (FTP) Context
02	Harms of FTP on Mothers
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01 Contextualizing FTP



Scope of the Problem

- **1 in 3 women globally experience domestic violence at least once in their lifetime** (UN Women 2024)
 - In the U.S., approximately **39%** of all people residing in the country (**142 million people**) have experienced domestic and sexual violence at least once in their lifetime (Peterson et al. 2022)
 - In Oklahoma, **1 in 2 women** experience sexual or domestic violence at least once in their lifetime
- **10 – 20% of all children in the U.S. (11 million children) annually observe domestic violence within their homes** (Carlson 2000; U.S. Census Bureau 2021; Children's Defense Fund n.d.)
 - **26%** of all children have a lifetime prevalence of IPV exposure (Hamby et al. 2011)



DOMESTIC ABUSE INTERVENTION PROGRAMS

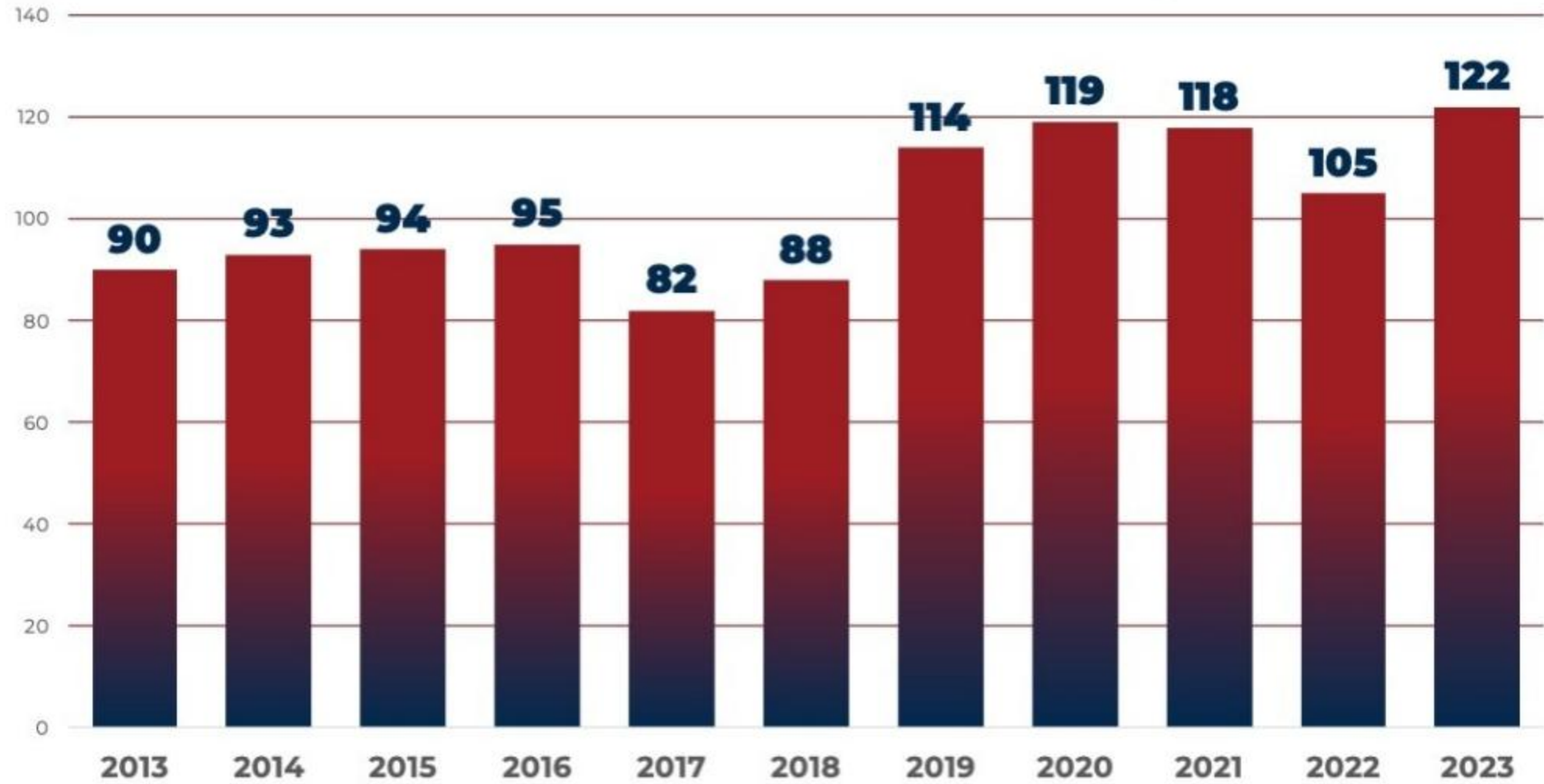
202 East Superior Street
Duluth, Minnesota 55802
218-722-2781
www.TheDuluthModel.org

Domestic Violence Victims:

Why don't they leave?

- **No time or money to prepare to leave**, especially if:
 - the victim does not have / has been prevented from getting a job
 - the victim or their children are isolated from support people or kept under constant surveillance
 - Important items belonging to the victim or their children are made unavailable
 - **No availability at DV shelters**
 - Oklahoma has only 37 certified domestic violence shelters for about 1 million women abused in the state
 - **Fear of arrest or incarceration** by reporting abuse
 - **Marital rape** results in fewer justice outcomes than with stranger rape (Cahn 2000, p. 818; Estrich 1987)
 - Approximately **21.2% of police officers** are found to have committed domestic violence (Mennicke & Ropes 2016)
 - **Fear of retaliation or murder** by the abuser
 - The likelihood of fatality drastically spikes in the immediate aftermath of when a victim decides to leave (Campbell et al. 2007)
 - **122 victims killed** in DV contexts in Oklahoma in 2023 (16% increase from previous year, top 10 worst states)
-

Oklahoma Domestic Violence Homicides by Year



Oklahoma Office of the Attorney General Fatality Review Board, February 20, 2025

Domestic Violence Victims: Childhood Trauma (Developmental)

- **Health:** Higher rates of ER visits ... and greater reported health concerns [e.g., cardiovascular, respiratory].
- **Social-emotional Competence:** Lower levels of social-emotional competence and higher levels of emotional dysregulation. [...]
- **Higher Rates of IPV Acceptance** in adulthood
- **Education:** Negative effect on academic functioning
- 2019-2023: Children were on the scene in **28.7%** of all homicide cases (**297 children in total, about 59 children annually**); **56.4%** of the total number of children (174) witnessing specifically IPV (Oklahoma Domestic Violence Review Board, p. 11)

(Oklahoma Domestic Violence Review Board 2024, p. 10; citing to Gewitz & Edleson 2007; Wood et al. 2011; McTavish et al. 2016; Vu et al. 2016; Holmes et al. 2022; Bogat et al. 2023; *See also* Ballif-Spanvill et al. 2007; McCloskey & Lichter 2003)

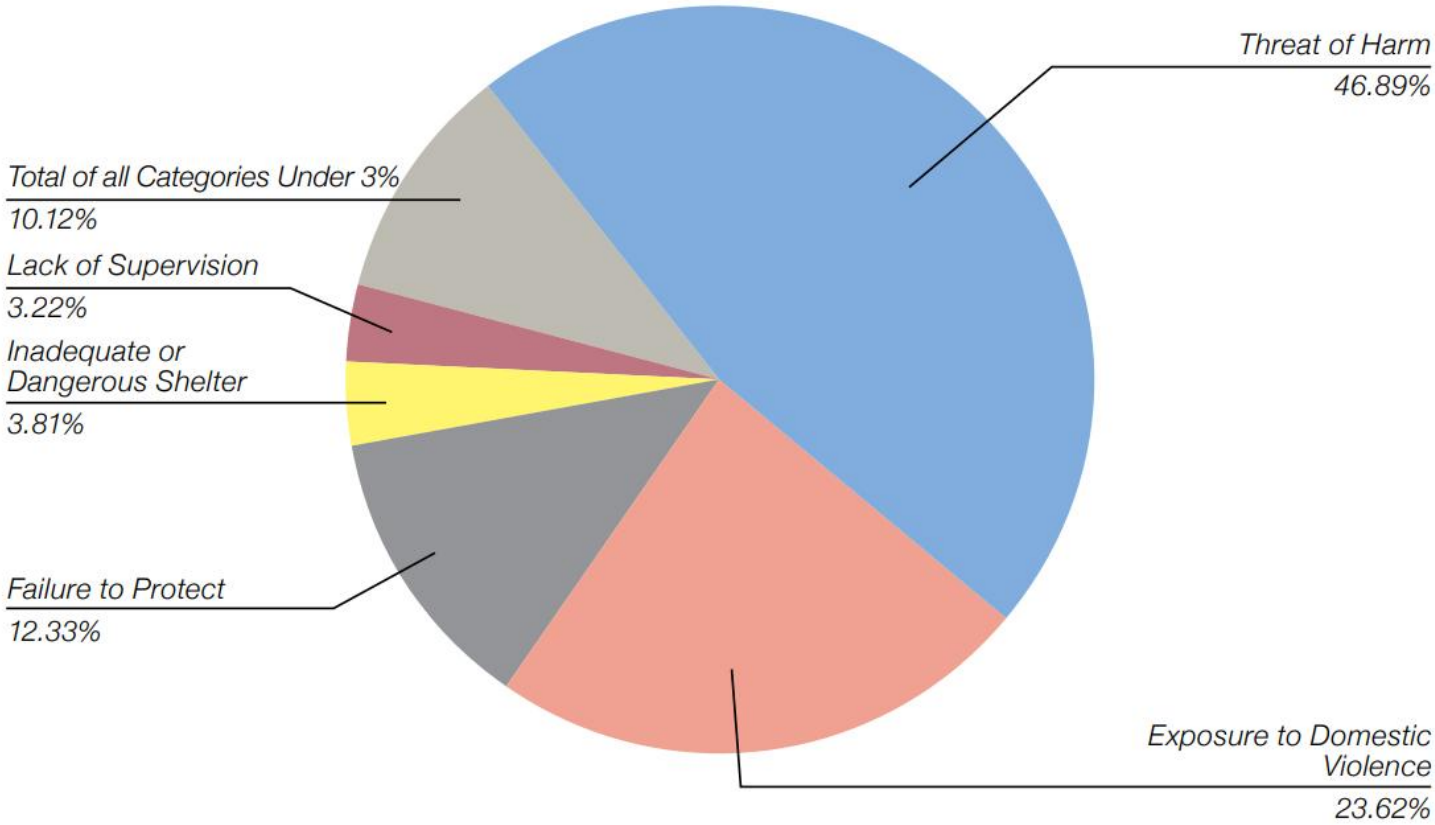
Types of Failure to Protect

1. The mother was present when the abuse took place but [was construed as having] did nothing to prevent it from happening
2. The mother left the child alone with the abuser, [and was construed as having knowledge] that he had in the past abused the child; and
3. The mother discovered her child's abuse but failed to seek medical attention [as expected by child maltreatment investigators] for the child

(Davidson 1995, p. 366)

Substantiated Child Neglect

OKDHS Child Welfare Services 2022, p.13



Source: OKDHS Child Welfare Services



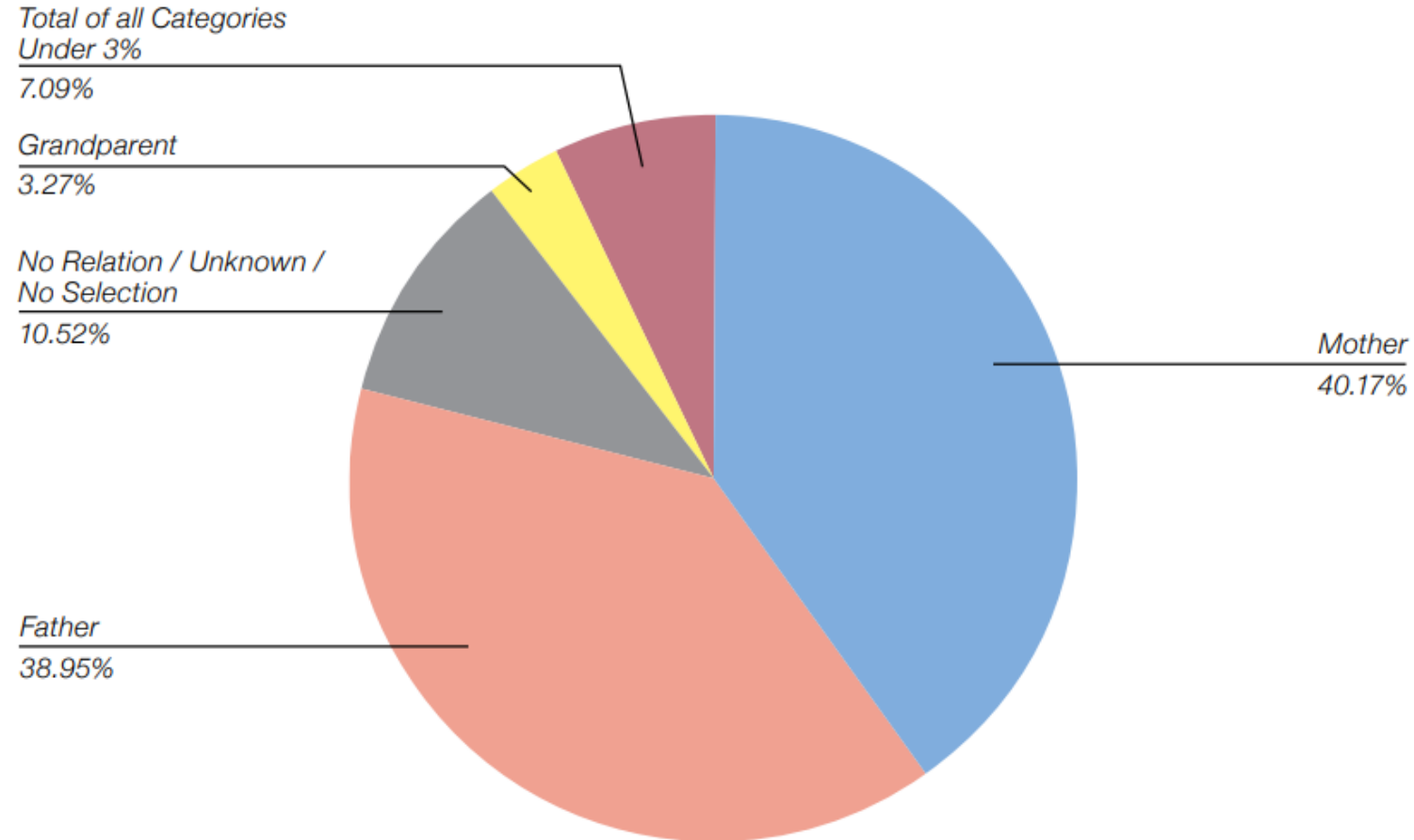
02

Harms of FTP on Mothers



Substantiated Child Abuse or Neglect Count of Substantiated Perpetrators by Relationship to Victim

OKDHS Child Welfare Services 2022, p.20; Total: 13,629



Female Perpetration?

- **Sensationalized statistics on domestic and sexual violence are rarely accurate** due to methodological problems (Larcombe 2011; Merry 2016; Rutherford 2017; Leung et al. 2019; Levine 2021)
- “There were zero cases where a woman was convicted of child abuse and her male partner was convicted of failure to protect.” (ACLU Oklahoma 2025)

Perpetration

- Overall, 25.3% of individuals have perpetrated IPV
- Rates of female-perpetrated violence higher than male-perpetrated (28.3% vs. 21.6%)

Snapshot from Domestic Violence Research Prevention, Accessed Oct 17, 2025,
<https://domesticviolenceresearch.org/domestic-violence-facts-and-statistics-at-a-glance/>

Gender discrepancy in FTP

1. **Determinants of child abuse and neglect rely on liberal (arbitrary) expansion of legal definitions** of “neglect” and the subjects who perpetuate harm
 - Example: *State v. Walden* (North Carolina, 1982): State of “denial” by a mother demonstrates “knowledge of abuse” or the absence of “knowledge of abuse” (Adams 1994, p. 529)
2. **“Higher expectations that women face in the realm of parenting and childcare”** (Fugate 2001, p. 272).
 - Women conduct **over 60% of domestic chores** and at least **80% of childcare support** (Hochschild 1979; Rottenberg 2017)

Gender discrepancy in FTP

- “**Women, mostly biological mothers, comprise 90% of those identified as primary caregivers in child maltreatment investigations**, irrespective of sole-parent or multiparent household demographics” (Fallon et al. 2020, in Azzopardi 2022, p. 1632; *See also* Fugate 2001; Mahoney 2001).
 - Only 10% of fathers are considered primary caregivers
 - In other words, mothers are labeled as FTP offenders **880 times** more than fathers.

“The criteria applied in making such decisions [of Failure to Protect] have **weak scientific grounding, lack clear operationalization and uniform application, and impact [disadvantaged] women.**”

(Azzopardi 2022, p. 1632)

SENTENCING FOR FAILURE TO PROTECT ARE WIDE-RANGING AND EXCESSIVE

People charged with 843.5B received a range of sentences -- from 2 years probation up to life in prison.

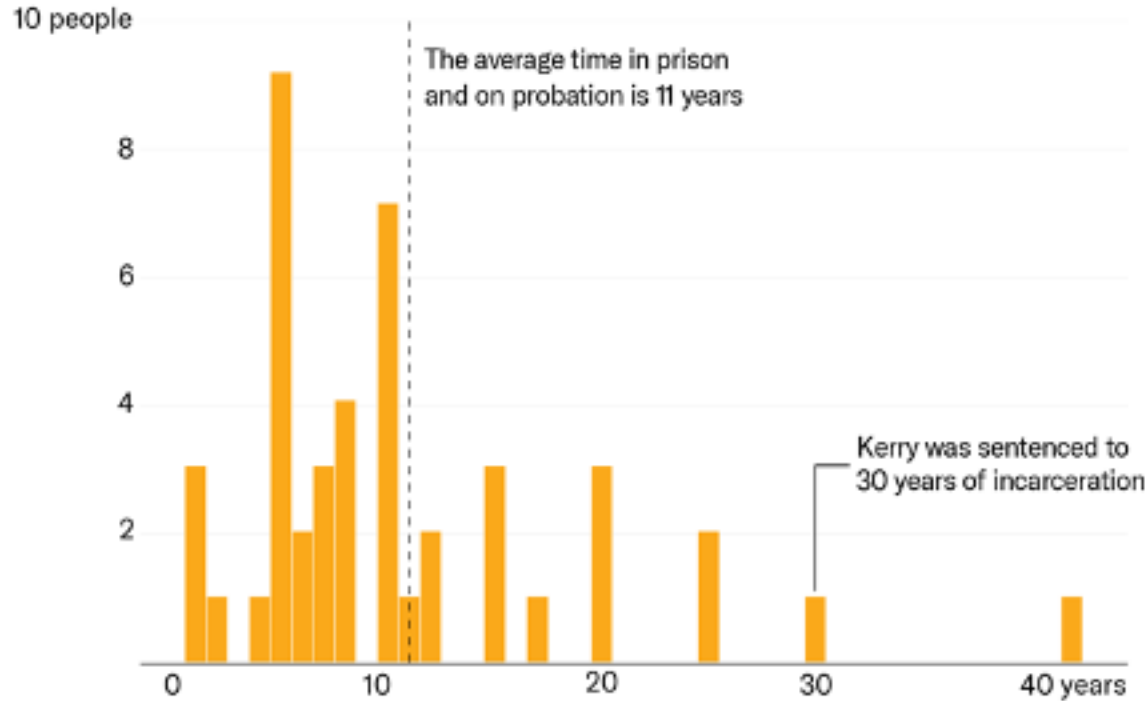


Table 1. Percentage of Rape Case Attrition

	Success
Victim Disclosure	25%
Investigation Completed	7.50%
Any Sexual Offense Conviction	0.94%
Original Sexual Offense Conviction	0.49%

***Rape** in this table refers to both sexual and domestic violence

*Data aggregated from several studies by author (Starzynski et al. 2005; Daly & Bouhours 2010; Lonsway & Archambault 2012; U.S. Sentencing Commission, 2021)

Non-abusers are targeted while abusers get away



03 Harms of FTP on Children



Domestic Violence Victims: Childhood Trauma (Lifetime Contextual)

- Though research remains limited, maladaptive individual health outcomes of child witnesses or children exposed to DV are at heightened risk for up to 2 years following exposure **before leveling out**, suggesting “an adaptation to chronic stress” (in Bogat et al. 2023, p. 306; *See also* Stark 1999-2000; Hibel et al. 2011; Cochran et al. 2022).
- **Loss of one or both parents**, resulting in inappropriate placement in **foster care system** and/or **trafficking**
 - **Protecting cultural families is supportive to youth development**; however, 25% of adopted children are of a different cultural background than their adoptive parents
 - Although the numbers of children in foster care overall are steadily declining, there is a **decreasing number of exits** from foster care, leading to **challenges in the transition from youth to adult** including (Steffe & Barry 2012; Davi 2025):
 - Housing Instability (homelessness)
 - Unemployment
 - Low educational attainment
 - IPV, Trafficking, & Cyclical Justice-Involvement
 - Average age of **trafficking victim is 15-17 years old** due to stressors from systems intervention in families, resulting in homelessness and vulnerability to exploitation (TIP 2022, p. 1; Musto 2016)

Sexual Abuse in Foster Care

“Once a girl has been branded as an incest victim, many men will find her sexually interesting and treat her like public property. As a result, it is not unusual for the daughter to be subjected to sexual attentions from foster fathers and other members of the foster families.” – Judith Herman, “Father-Daughter Incest,” p. 138

- In one study of 143 foster care children, **66% were sexually abused by a foster family member** (Kirkner et al. 2024)
- Abuse in foster care often equates or exceeds the abuse experienced in a DV home with bio family (Benedict et al. 1994; Biehal 2013; *See also* Kaufman 2016)
 - Physical: 24-49%
 - Sexual: 29-49%
 - Neglect: 22-27%

What are children's perspectives of FTP?

“I always knew [my mother] stayed for us. ... They say a good mother is one who forgets about her needs and desires and puts everyone before herself. Is that not what a battered mother does ... when she throws herself in the midst of a violent blow, or distracts the batterer's attention by causing a divergence? ... Or when she's raped just to have health insurance to care for a sick child? **These all seem extremely selfless to me.**”

– Former Child Witness to DV, quoted by Dunlap (2004, p. 565).



04 Alternatives to FTP



What should we do?

“[The state] can feed, clothe, and educate a child if the parental wrong is neglect. ... **But can it intervene effectively to provide the necessary help for the child to cope with what she has seen?**” (Dunlap 2004, p. 584).

- **Bypass Neglect Court**, which relies on problematic and harmful procedures
- **Build community-based supports** that can actually destigmatize domestic and sexual violence (Gallant 2024)
 - Example: (temporary) housing vouchers, community recreational centers
- **Civil protections for mothers and children**
- **Reduce maximum sentencing in FTP**, if FTP remains in place, to be lower than the maximum sentencing of an abuser

“To say that mothers should not be charged is not to suggest batterers should not be charged. **Batterer accountability can and should occur in several legal forums...**” (in Footnote 10, Dunlap 2004, p. 567).

- **Single-parent neglect action** to ensure that accountability for child abuse is not distributed unfairly (Dunlap 2004, p. 618)
 - **Remove the abusive parent from the household**, not the victim and child
-

What should we do?

“If I could narrow anything down that I was taught at [child protective services agency], it was done by my old case manager. ... She had been a case manager for twenty or thirty years at this point. She said, you serve children better by keeping them in the household. ... Would they have a better, nicer home, prettier clothes, nicer toys, if you put them up and stuck them in a house in [a wealthy neighborhood]? Yeah. But she was like, you have children that will thrive more and a house that is infested with roaches and their daddy’s a drunk all the time. And she was like, I don’t [think] we’re ever gonna understand why. ... But ... you have to fight the urge to want to intervene at that level. ... You should be working in a **proactive preventative place** instead of a reactive place because you’re actually only gonna be harming the kid more. ...

What I hated was it flew in the face of what felt like my own personal upbringing.”

- Child Rape Victim Advocate, 2019
(Excerpted from Chen, forthcoming 2026)

In sum...

1. **Abusers aren't held accountable** through current Failure to Protect laws
2. **Failure to Protect laws are HARMFUL**
3. **Community-based supports PREVENT** domestic violence, and thus prevent child abuse and neglect

THANK YOU

Questions? Comments? Concerns?

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