



# **Post-separation violence: exploring the interface between domestic violence services and child protection and the ‘safe at home’ context**

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# Fragmented stories of P-S violence

- The (failed) book contract
- The case of Luke and Rosy Batty
- Previous studies: Talking to my mum; supported contact centres; Routes to Safety; Safe@Home
- New studies: The PATRICIA project; Fathering Challenges





- Family Law Council Reference (see handout)
- Victorian Royal Commission
- Rosie Batty Australian of the Year



# Look both ways: 2 part presentation

- Child protection interface with post-separation violence: is there a role?
- ‘Safe at Home’ - new directions for practice: is there a role for child protection?

*Look both ways*





# Terminology: Definition of Family and Domestic Violence

*Violent, threatening, coercive or controlling behaviour in current or past familial, domestic or intimate relationships. This encompasses not only physical injury but direct or indirect threats, sexual assault, emotional and psychological torment, economic control, property damage, social isolation and behaviour which causes a person to live in fear. Family violence is committed primarily, though not exclusively, by men against women. This definition encompasses violence against children and between siblings and is not limited to criminal behaviours (Family Violence Protection Act, 2008).*



- British Crime Survey (2004)
  - Reported being subjected to physical abuse in the past year
    - 13% of women and 9% of men
  - Subjected to 4 or more incidents
    - 89% were women
  - Of all incidents
    - 81% involved violence by men against women.
  - Women were overwhelmingly the most severely injured (3 times more likely)  
Fearful (3 times more likely)





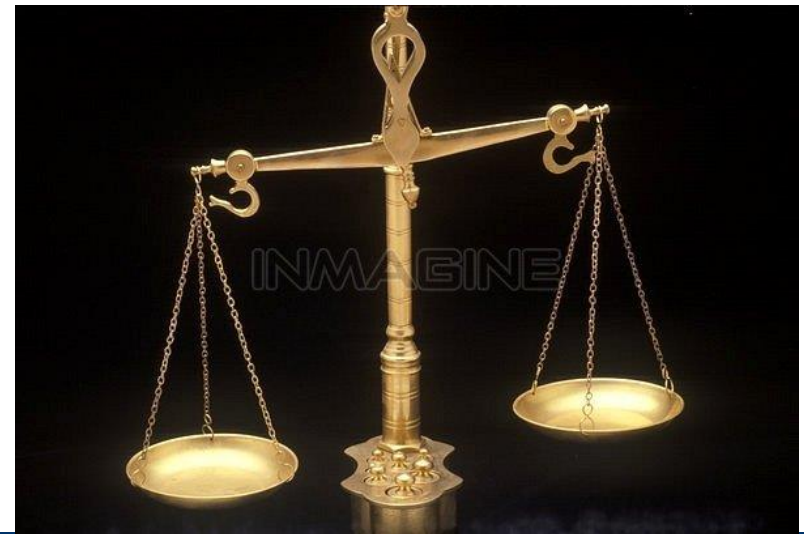
# Part 1: Views on statutory intervention

- The role of the state:

A tool for oppression and discrimination

OR

A source of protection and even liberation





- CP not 'set up' for D/FV intervention
- Focus on neglect ->
- Focus on child physical abuse (battered babies) ->
- Focus on child sexual abuse





- An adult and child victim
- A focus on the perpetrator of violence (usually male)
- Recognition of D/FV as a primary issue
- Management of a differential response
- Recognition of D/FV as an attack on the mother-child relationship
- Recognition of the CP role when there is a competent and supportive parent/mother



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# An adult and child victim

- CP practice established to respond to the child victim
- A range of ways to respond to the adult (usually mother) victim/survivor
  - a) co-location or secondment of DV advocate with CP (address adult trauma; housing and legal issues etc)
  - b) tight referral to DV with ability to respond
  - c) 2 CP workers





# Intervention with perpetrators: 'could do better'

- A poor history of working effectively with perpetrators (mostly men) of D/FV





# Intervention with perpetrators: disruptive practices

- Research project with Joanie Smith and Chris Laming
- 10/20 men had contact with CP (MBC sample)
- Uniformly angry and resentful of CP intervention (at interview 1)

*Yes, just because every time Child Protection said something to me, I'd fire up at them because I'm sick of allegations. They don't prove anything. ... I'm just sick of the allegations, so I cracked the shits and walked out and told them all to go and get F-ed (Brian Interview 1/2).*



# A difficult role for CP

- Kyle, who had threatened to kill his CP worker:
- *I just thought, oh well they're the Department of Human Services. Surely they're used to people abusing them... I felt like it was sort of made out to be a bigger thing than what it was really...someone's got to bloody abuse them or tell them what to do, otherwise they're not going to do anything*  
(Kyle Interview 1/2).

- Different models:
  - a) 'Safe and Together' David Mandel
  - b) New guidance in Victoria DHHS – 'Working with perpetrators of violence'
  - c) Co-locating MBC specialist with CP (Hackney and DVIP in London)
  - d) Joint working with police
  - e) High risk response to D/FV (common risk assessment; multi-agency working etc)



- An avalanche of police referral to Child protection
- In Victoria, police are mandated notifiers for significant physical or sexual abuse of children; and where a parent is not able to protect from **this** form of abuse
- The majority (more than 80%) of L17 reports to Child Protection intake require no further action.
- A similar story in Qld.







- Police policy in Qld– mandates that police refer a child resident at a domestic violence location to Child Safety Services. CBIRS a new route?
- 2005 – 2011 child recorded incidents and referrals doubled (21,700-43,300)
- 80% of police reports not meeting the threshold for a notification.





# Managing demand: a differential response

- NSW and WA developing the differential response
- WA – triage with police, CP and DV service refers only about 5% to CP
- NSW diversion to Child Well-Being Unit with the assistance of the Mandatory Reporting Guide – a high threshold for entry to CP



- Police D/FV incidents -> child protection
- UK study by Stanley et al – 50% were post-separation violence
- Automatically ‘out’ in a differential response?
  
- Women and children may be appearing in the high risk response? Is there a role for child protection?



# D/FV: An attack on the mother-child relationship

- ‘Such a good father but such a bad partner’ – an oxymoron
- The undermining of women in their mothering role is an integral part of D/FV



# Absent Presence: the on-going impact of fear and trauma





- Most D/FV and CP cases will also be marked by substance use and/or MH under a differential response
- Recognition of the primary role of D/FV
- Fear is an organising factor in families living with D/FV

- Can systemic changes be made to CP responses to D/FV?
- Is there a role for CP where there is a protective parent?
- How is this evidence of significant harm to be documented and brought before mediators and the Family Court?
- How will it be heard and acted upon?



- Higgins and Kaspiew (2011)

*The mandate of CP authorities is to intervene to protect children only when a parent is neither willing nor able to protect the child from harm. In contrast, the task of the federal law system that deals with parenting disputes is to resolve disputes between parents who are separated over what arrangements are in the best interests of the child (p14)*

- The ability to investigate
- Funded to focus on children (not just through pilot projects)
- Documentation of harm to children
- A data repository to track repeat offending
- Greater leverage/authority with perpetrators, other organisations and courts



- Raises more questions than answers
- Expanded role for CP?
- Expanded role and formalisation of evidence gathering and documentation from other organisations (MH, AOD, Family Support, Schools, GPs)
- A role for police records?
- Investigative powers for Family Law courts and organisations?



- Create mechanisms for CP services to investigate and report to family courts
- Expand the jurisdiction of the courts dealing with FV to maximise the chance of gaining legal protection no matter which court is approached
- Require judicial officers who make or vary a IO to consider changes to parenting orders
- Family courts give primary consideration to protection from harm



- Directions for strengthening the protection of children from harm in post-separation arrangements – what examples are there from different jurisdictions?
- Is there a role for statutory child protection if you have a protective parent but a child at risk of harm through on-going violence and abuse?