

People with children - Key Literature

Australian Bureau of Statistics (ABS), [Personal Safety, Australia, 2016](#), ABS cat no. 4906.0 (2016).

This release presents information from the Australian Bureau of Statistics' (ABS) 2016 Personal Safety Survey (PSS).

The survey collected detailed information from men and women about their experiences of violence since the age of 18, as well as experiences of current and previous partner violence, stalking, physical and sexual abuse and harassment, abuse before the age of 15, and general feelings of safety.

Approximately 50% of women 'who had children in their care when they experienced violence by a current partner reported that the children had seen or heard the violence'. Further, almost 70% of women who had children in their care when they 'experienced violence by a previous partner reported that the children had seen or heard the violence'. Further, approximately 60% of men 'who had children in their care when they experienced violence by a previous partner reported that the children had seen or heard the violence'. See Tables 17-18 for further detail.

Around one quarter of male and female victims who experienced emotional abuse had the abuser threaten to take their child/children away from them, and around one quarter of female victims and 40% of male victims had the abuser lie to their children with the intent of turning their children against them (see Table 28).

Bagshaw, Dale, et al, '[The Effect of Family Violence on Post-Separation Parenting Arrangements: The Experiences and Views of Children and Adults from Families who Separated Post-1995 and Post-2006](#)' (2011) 86 *Family Matters* 49.

This article reports on the findings from the analysis of data from two national online surveys (one for adults and one for children), which collected quantitative data and also allowed for qualitative comments about family violence and its impact on parenting and parenting arrangements. The study included adults and children who had separated after 1995 and after the introduction of the *Family Law (Shared Parental Responsibility) Amendment Act* (Cth) in 2006. The researchers gained the views of a total of 1,153 adults (90%) and children (10%). Some key findings:

- For most adult respondents, family violence posed problems in relation to decisions about their parenting arrangements that had to be dealt with after separation and within the family law socio-legal

service system.

- > In the adult sample, there were clear gender differences in the reported motives for, experiences of and responses to violence.
- > Women and children were far more likely than men to be victims of severe abuse, intimidation and threats, giving rise to fear and intimidation.
- > The most frequent complaint that men and women had about all of the services that they accessed post-2006, with the exception of domestic violence services, was the disbelief or disregard perceived by victims when they reported family violence, and a consequent lack of assistance that ranged from the violence and associated problems being ignored, to their being labelled as "alienating" parents, to being offered unsuitable parenting proposals (with a sense of coercion about them), to actual further harm. There were many reports, in particular from mothers, of inappropriate parenting arrangements that seriously compromised their children's safety, including arrangements that exposed children to serious psychological, emotional, sexual and physical abuse - mainly from a parent, but also from a step-parent or relative.
- > Nearly half of the children reported feeling "not at all safe" with one of their parents; nearly three times more of these children reported feeling "not at all safe" when with their fathers than when with their mothers.
- > Many respondents who accessed services post-2006 said they did not disclose violence to the court for fear that if their allegations were unproven they would be viewed as an "unfriendly parent" and the children they were trying to protect would be exposed to the perpetrator for longer periods.

Chung, Donna, Rosemary Kennedy and Bev O'Brien, *Home Safe Home: The Link between Domestic and Family Violence and Women's Homelessness* (Partnerships Against Domestic Violence, 2000).

The research drew on consultations with 161 stakeholders (in domestic violence and homelessness services, police, courts and other relevant services) and interviews with 52 women. The study examines the trauma experienced by families in Australia when they are forced to leave their homes due to violence. The study found that many women leave their homes with their children to escape violence and when they do, they face significant social disadvantage (p46).

Hooker, Leesa, Rae Kaspiew, and Angela Taft, *Domestic and family violence and parenting: Mixed methods insights into impact and support needs: State of knowledge paper* (ANROWS, 2016).

This comprehensive state of knowledge paper is the first of a three part mixed-methods research project addressing parenting and abuse tactics. This paper presents the current state of knowledge on parenting in the context of DFV by examining the following four research questions:

- > What is the prevalence of DFV among parents?
- > How does DFV impact on parenting capacity?
- > What are the methods and behaviours that perpetrators use to disrupt the mother---child relationship?
- > What interventions exist to strengthen and support a positive and healthy mother--child relationship?

This review identifies that DFV may impact negatively on women and children and the parenting capacity of both perpetrators and victims is affected. Altered mother--child relationships may occur due to deliberate undermining of the mother's parenting, and children are often used by perpetrators as tools to abuse mothers and exert control and coercion (p 2).

The report points out that violence does not end when couples separate. It specifically identifies the legal system as a tool of abuse used by perpetrators, and that poor understanding by legal professionals can heighten the risks for women and children (p 2).

Although there is limited information on the parenting style of abusive fathers, abusive men as fathers have been characterised by researchers and victims as authoritarian, under-involved, self-centred and manipulative. These men also engage in high levels of substance abuse. Children exposed to partner violence in the home by their father/stepfather are at heightened risk of child maltreatment including child sexual abuse (p 2).

The report suggests that supportive care includes improved understanding and collaboration between child protection, family law, and domestic violence advocacy services (p 2).

The report also identified issues with forced contact through court:

- > Shared parenting can leave mothers and children exposed to continuing abuse (p 26).
- > Post-separation matters, including negotiation of property, parenting and child support can be used by abusive ex-partners to maintain power and control (p 27).
- > Women feel pressured by lawyers to agree to co-parenting arrangements even though children's safety may be at risk, or make decisions in an environment of fear, pragmatic concern, and family ideology (e.g. perpetrators playing on guilt about "breaking up" the family) (p 28).
- > Awareness amongst court staff in screening for family violence and safety concerns still remains problematic, despite legal and policy reform (p 28).

Humphreys, Catherine, 'Domestic Violence and Child Protection: Challenging Directions for Practice' (Issues Paper 13, Australian Domestic and Family Violence Clearinghouse, 2007).

This review of literature explains that issues specific to domestic violence need to be addressed if there is to be effective intervention for children affected by domestic violence. It identifies that women often fear having their children removed from their care because of domestic violence (p6). It considers how the protection of abused mothers may be linked to the protection of children (p7). It considers the child protection focus on women as mothers and their 'failure to protect' their children from abuse rather than on addressing the perpetrator's violence (p8). It notes that sometimes the abusive father is missing from child protection assessments (p8). This paper notes that domestic violence is now one of the most common reasons for a notification to statutory child protection services. It identifies inconsistencies between family law and child protection approaches (p9).

Humphreys, Cathy and Monica Campo, *Fathers who use violence: Options for safe practice where there is ongoing contact with children* (CFCA Paper No. 43 – June 2017, Australian Institute of Family Studies).

The following summarises the key aspects of this paper:

Background

This paper responds to a challenge that has continued to frustrate workers attempting to intervene to support women and children living with domestic and family violence (DFV) – that the DFV intervention system (in the specialist women's DFV sector and statutory child protection) is structured around women and their children separating from men who use violence. However, many women and children may not be in a position to separate from their abusive and violent partners, and some women and children's wellbeing and safety may not be enhanced by separation.

Inquiry

The paper explored these questions by conducting a review of existing literature:

- > What is the practice or evidence base for working with families where the perpetrator remains in the home?
- > Are there safe ways to work with women and children living with a perpetrator of DFV, or for women and children who still have significant contact with a perpetrator post-separation?
- > In particular, whether there are strategies for working with fathers who use violence, that engage and address the issues for children, women and men who are continuing to live with DFV.

Observations

This review demonstrates that there is a paucity of evidence for effective approaches for responding to DFV in families where the perpetrator remains in the home or in regular contact with women and children. There are, however, a number of practices developing in these areas: nurse home visits; restorative justice approaches; couple counselling; statutory child protection investigations; and interventions with vulnerable families/whole of family approaches. All urge caution and all recommend a priority on training workers, and only ever bringing men and women together under certain circumstances and with strict caveats. This is necessary if work is to be effective and not inadvertently escalate danger and/or collude with the power and controlling tactics of the perpetrator of violence.

Conclusions

There is some experimentation with interventions in these complex family situations, and some early signs of success. The challenges of working with the diverse nature of fathers who use violence are significant. Nevertheless, this may prove to be an important practice development for future DFV intervention.

Kaspiew, Rae, et al, 'Court Outcomes Project' (Report, Australian Institute of Family Studies, October 2015).

The 2012 amendments to the *Family Law Act 1975* (Cmth) 'were intended to support increased disclosure of concerns about family violence and child abuse, and to support changed approaches to making parenting arrangements where these issues are pertinent to ensuring safer parenting arrangements for children.

The Court Outcomes Project examined the effects of these 2012 reforms on court filings, patterns in court-based parenting matters and the judicial interpretation of key legislative provisions introduced by the amendments' (p vii).

The report contains numerous statistical comparisons of the situation pre- and post-reform. It identified that allegations of family violence or child abuse have been raised more frequently since the 2012 reforms. This increase in disclosure of family violence and child abuse was a key intent of the reforms. The presumption of equal shared parental responsibility is not applicable where concerns about family violence or child abuse exist (p xii). Therefore, a decrease in the number of orders for equal shared parental responsibility in the context of family violence or child abuse is consistent with the aim of the 2012 reforms.

A detailed overview of the prevalence of family violence allegations in family court proceedings after the amendments is provided from p 43. 36% of cases after the 2012 amendments involved allegations of family violence, compared with 26% pre-reform. The prevalence of allegations of both physical and emotional abuse also increased after the reforms, but this was more marked for physical violence.

The proportion of allegations made against both parents also increased (p 43). Other statistical interpretations of this data, such as the prevalence of family violence allegations after the reforms according to the way the matters were resolved (p 45) are provided.

An overview of factual issues raised (particularly how factual issues changed following the reforms) is provided from p 46. It is noted that issues such as substance abuse and mental ill health are 'not uncommon' for parents who use family law services (p 47).

Parental capacity is discussed in section 4.5 (p 89).

Kaspiew, Rae, et al, 'Evaluation of the 2012 Family Violence Amendments' (Synthesis Report, Australian Institute of Family Studies, 2015).

Building on findings of the Survey of Recently Separated Parents 2012, the Longitudinal Study of Separated Families, and the 2009 AIFS Evaluation of the 2006 Family Law Reforms, this report examines the impacts of changes to the *Family Law Act 1975* (Cth) in the area of family law and has three parts:

- > Responding to Family Violence - a survey of family law practices and experiences which primarily involved online surveys of the practices and perspectives of family law system professionals($n=653$)
- > the Experiences of Separated Parents Study (ESPS), which comprised two cross-sectional quantitative surveys - the Survey of Recently Separated Parents [SRSP] 2012 ($n=6,119$) and the Survey of Recently Separated Parents 2014 ($n=6,079$) providing pre-reform and post-reform data on parents' experiences of separation and the family law system; and
- > the Court Outcomes Project (CO Project) involving:
 - > Court Files Study: an examination of quantitative data from 1,892 family law court files providing insight into patterns in orders made by judicial determination and consent made in the Family Court of Australia, the Federal Circuit Court of Australia, and the Family Court of Western Australia, including in relation to parental responsibility and parenting time (pre-reform: $n=895$; post reform $n=997$);
 - > an examination of patterns in courts filings based on administrative data from the three family law courts; and

- an analysis of published judgments applying to the 2012 family violence amendments.

One of the 'Key messages' from the report is that parents who use family law systems tend to be those affected by complex issues including family violence, mental ill-health, substance abuse and safety concerns for themselves and/or their children. This is discussed in detail in chapter 2. In particular, it was found that each cohort of separated parents studied had similar patterns of family violence (p 10). Around two-thirds of separated parents indicated that they had a history of emotional abuse or physical violence prior to or during separation and this continued for a slightly lower proportion after separation (p 10). It noted the 'prevalence of physical violence diminished after separation, as did the prevalence of emotional abuse, though to a much less significant extent' (p 10). The exposure of children to family violence for each cohort of separated parents is discussed at p 14. Chapter 4 sets out the evaluation findings on whether the 2012 family violence amendments had supported increased disclosure of family violence and child abuse concerns to family law system professionals, the screening and assessment practices and responses to disclosures of family violence and/or child safety concerns.

Kaye, Miranda, Julie Stubbs and Julia Tolmie, 'Negotiating Child Residence and Contact Arrangements Against a Background of Domestic Violence' (Research Report, Families, Law and Social Policy Research Unit, University of Sydney, 2003).

This report details findings based on interviews with 40 women negotiating contact arrangements with an ex-partner who had abused them and a further 22 interviews with professionals such as lawyers, counsellors, refuge workers and court assistance scheme workers, who had involvement with the development or implementation of contact arrangements. A majority of women (97.5%) had experienced significant levels of violence and abuse since separating from their partner. For many, this abuse occurred in the context of contact handovers. Women also cited occasions when it seemed that contact was used as a further opportunity to harass or annoy them. They expressed concern about children witnessing incidents of violence against them and circumstances where children themselves had been roughly handled during handover. 70.9% of women found it very difficult to disclose domestic violence to professionals they came in contact with, at least initially. Other women, especially Indigenous women, were reluctant to report the abuse for fear that statutory child protection authorities could take their children away from them.

McCorriston, Priscilla, 'Safety Planning with Women and Children: Challenges for Practitioners in a Pro-Contact Climate' (2012) 47 *Australian Domestic and Family Violence Clearinghouse Newsletter* 3.

Excellent overview in Australian context of factors that heighten women with children's vulnerability following separation including: continued violence during contact and handover, inhibiting protection (i.e. women who act to protect themselves and their children may be subject to punitive orders being made

against them), reduced capacity to escape, increased risk of poverty and homelessness, and legal bullying (using court processes to harass a party through process or in court examination).

Meyer, Silke, 'Responding to Intimate Partner Violence and Victimization: Effective Options for Help-seeking' (2010) 389 *Trends and Issues in Crime and Criminal Justice* 1.

The current analysis is based on data drawn from the International Violence Against Women Survey (IVAWS) conducted by the Australian Institute of Criminology (AIC) in 2002–03. The IVAWS was a national survey, based on a random community sample of over 6,600 women living in Australia at the time of data collection. Women between the ages of 18 and 69 years were interviewed by telephone and a sub-sample of formal and/or informal help-seekers (N=1,562) was identified (p2). The presence of children was also identified as a predictor of formal help-seeking (eg. law enforcement and specialised victim services). Children's observations of violent incidents significantly increased victims' likelihood of seeking formal support (p4).

Meyer, Silke, 'Still Blaming the Victim of Intimate Partner Violence? Women's Narratives of Victim Desistance and Redemption when Seeking Support' (2015) *Theoretical Criminology* 1.

This article presents a theoretical examination of victims' (N = 28) experiences when trying to rebuild a victimization-free identity after having experienced multiple years of severe intimate partner violence (IPV). Narratives reveal experiences of victim-blaming attitudes when seeking help from informal and general formal support sources, which suggest that victims of IPV do not meet the criteria of the 'ideal', innocent victim worthy of ongoing formal and informal support. Drawing on various criminological theories and theories relating to social stigma and construction of the 'ideal victim', the study finds that victims often feel they have to redeem themselves as worthy of empathy in order to access ongoing support.

Moe, Angela, 'Battered Women, Children, and the End of Abusive Relationships' (2009) 24(3) *Journal of Women and Social Work* 244.

This article, written by a US based researcher, focuses on the role of children in women's decisions to leave abusive partners. It discusses arriving at the decision, the logistics involved in leaving and planning for the future, and it presents policy and advocacy-based recommendations that are aimed at addressing the social welfare of women and children. Especially at pp245-6 this article summarises numerous factors related to children, particularly that 'concern for their children causes women to delay leaving their abusers', and finding temporary housing and poverty/homelessness can impact on women with children's particular vulnerabilities (i.e. 'a woman's risk of homelessness increases with the number of dependent children under her care').

Holt, Amanda, 'Adolescent-to-Parent Abuse as a Form of "Domestic Violence": A Conceptual Review' (2016) 17(5) *Trauma, Violence, & Abuse* 490-499.

This article discusses adolescent-to-parent abuse (APA), varied forms of abusive behaviour perpetrated by a child toward a parent (p 490). Mothers are more likely to be victims of APA than fathers (p 490), and correlations have been identified between APA and abusive behaviours within a young person's dating relationships (p 491). As a distinct form of abuse, it is not necessarily appropriate to approach APA within a traditional domestic violence framework (p 496). Responding to APA raises issues separate from youth crime and domestic and family violence more broadly:

- > Parental responsibility orders are inappropriate in cases where the burdened parent is a victim of the perpetrator's APA, as such orders may cause revictimisation (p 492).
- > Attitudes that place responsibility or blame on the victim parent must be avoided, as they may lead to victim blaming in cases of APA (p 493).
- > The gendered focus on these issues should be reduced in APA cases, in order to properly engage with the child-parent abuse dynamic (p 495).

Jaffe, Peter, Katreena Scott, '*Risk Factors for Children in Situations of Family Violence in the Context of Separation and Divorce*' (Department of Justice Canada, 2014).

This report provides a summary of the expanding literature in the field of family violence, with specific attention to factors that increase the risk of harm to children during the critical time of parental separation. The report also summarises policies and practices for intervention and prevention as identified by Canadian experts and current research reports. The review highlights the many factors that increase children's risk of harm to their psychological and physical well-being (e.g., exposure to domestic violence; history of maltreatment; parental stress; social isolation of the family; inadequate resources and support) in the context of family violence and separating parents. The authors propose a model to guide judges, lawyers and court-related professionals to consider when looking at potential harm to children based on their vulnerabilities as well as the risks that parents may present. Findings of risk can lead to court mandated interventions and safeguards in determining parental access to their children. This analysis requires consideration of barriers to required services such as language and cultural barriers as well as poverty.

Jaffe, Peter, and Claire Crooks, '*Understanding Women's Experiences Parenting in the Context of Domestic Violence*' (Violence Against Women Online Resources, 2005).

This Canadian paper is easily navigated by internal links. It reviews the literature and identifies and discusses seven central themes that highlight the intersection between domestic violence and parenting. These issues are:

- > Women's parenting may be affected by the experience of violence.
- > Professionals struggle to differentiate conflict from violence.
- > Abused women often face continuing risks from their partner after separation.
- > Many children are negatively affected by exposure to domestic violence.
- > [Why] Domestic violence is highly relevant to the determination of child custody.
- > Family courts, lawyers and court-related services often overlook the significance of domestic violence.
- > Abused women often experience difficulty accessing appropriate legal and mental health service for themselves and their children.

Simon Lapierre et al., 'Difficult but Close Relationships: Children's Perspectives on Relationships With Their Mothers in the Context of Domestic Violence' (2018) 24(9) *Violence Against Women* 1023-1038.

Despite a recent focus in the literature on mother-child relationships, there is a limited understanding of children's perspectives on their relationships with their mothers. This article reports the findings from a participative and qualitative study involving Canadian children who experienced domestic violence, and focuses on their perspectives on their relationships with their mothers under those circumstances. 46 individual interviews were conducted with children to gather their experiences. Results showed that women's and children's victimisations are inextricably linked. Notwithstanding the negative effects of domestic violence on mother-child relationships, the participants' mothers played a significant role in their children's lives and had close relationships with them. Communication was also found to be an important element in mother-child relationships. However, several participants stated that the communication with their mothers was limited whilst they lived with the domestic violence perpetrator. As the participants experienced domestic violence alongside their mothers, the results also revealed a dynamic of mutual protectiveness. Overall, the findings emphasised the need for policies and practices that support mother-child relationships in the context of domestic violence, as well as programs that support mother-child relationships or facilitate mother-child communication.