

Women's House Shelta Submission to the Child Protection Commission of Inquiry 2012

Women House Shelta is a service, based in Woolloongabba, Brisbane, which supports women and children affected by domestic and family violence. We are funded by the Department of Communities and have operated refuges for women and children escaping domestic violence for over thirty years.

Over the past few years, workers at Women's House Shelta have been concerned, that, increasingly, the children of domestic violence survivors are being placed in the care of the State. Often the pretext for the removal of children is that the mother has "failed to protect her children" or has "participated in domestic violence". Little attention seems to be paid to the realities of the power dynamics inherent in domestic violence; the control perpetrators exert over women and children or what can be done to support mothers protect their children from perpetrators. Our concerns have been such that in 2009 we organised a forum for domestic violence workers to identify the issues surrounding child protection and domestic violence and identify problems and possible solutions. The Domestic Violence and Child Protection Forum was held February 2009 and was attended by 35 participants. The issues and problems identified by the Forum participants have not changed significantly since 2009 and so we would like to take this opportunity to provide the Carmody Inquiry with information gathered from the Forum.

Forum participants explored the following questions:

Question 1) How is DV characterised or talked about within the child protection system / what are the dominant explanations for violence?

The dominant explanations for violence within the child protection system, as revealed by forum attendees, mirror common perceptions that domestic violence is a matter of interpersonal conflict, relationship breakdown, anger issues and substance abuse and that domestic violence relates mainly to people from lower socio-economic or particular cultural groups.

Ellen Pence, in Advocacy on Behalf of Battered Women says, "Practices that assumed that violence was the result of a relationship gone sour were particularly problematic because of the resulting intervention activities that focused on changing women. These practices were not simply misguided or ineffective; they were often dangerous." (p4, Sourcebook on Violence Against Women, www.Sage.pub.com)

Forum participants found that within the child protection system, domestic violence is often framed as something that women participate in, or that they 'choose'; with women being accused of "failure to protect", an "unwillingness to protect" or that they are "unable to protect" their children 'from domestic violence'. The violent man is absent from this discourse and largely free of scrutiny by the Department. Perhaps one factor in this failure to engage with violent men, as proposed by attendees, is that department case workers are scared of the perpetrators. One worker at the forum told of a woman being asked to pass on messages to the perpetrator, by the case worker – yet other Child Safety Officers may well threaten women with the removal of their children if they contacted their former partner of their own accord. It was also noted that an absence of awareness of cultural context and practices can result in some behaviour, e.g.; smacking, to be viewed as abuse rather than discipline – and result in unnecessary and traumatic

interventions. Domestic violence and child protection appear to be treated as separate issues within the child protection system.

“Our findings concerning the co-occurrence of violence against women and child abuse are particularly important given that professional discourses and practices typically have treated the two as entirely separate. Moreover, in different areas of professional practice the same behaviours may be met by quite different responses. For instance, Eriksson and Hester argue that in child protection cases mothers may be expected by social services to actively protect their children from abuse, and yet in divorce cases ‘mothers who bring up problems related to men’s violence are likely to be considered uncooperative’. They argue that these distinctions in professional practice are so great as to constitute ‘two different planets’ and have tended to negate recognition of the links between men’s violence to women partners and the abuse of their children.” (Negotiating Child Residence and Contact Arrangements Against a Background of Domestic Violence, Kaye et al, 2003)

Some forum participants thought the Department of Child Safety viewed mothers as separate from their children – not their area of concern – and blamed and looked down on women abused by their partners. They further noted that domestic violence is not a priority of the Department and is not taken seriously by police. According to workers at the forum unrealistic demands are placed on mothers, who have been subjected to domestic violence, to comply with directions from child safety officers to get Domestic Violence Protection Orders, Family Court Orders relating to residence of children, enter refuges and to attend counselling. These women are further subjected to scrutiny around their parenting and ability to control the man who has exercised terroristic violence / control over her and

**Question 2 a) Have you identified any problems with Police practice, in terms of child protection?
2b) Have you identified any problems in the way Child Safety Assessments are done?**

When responding to these questions, forum participants identified many problems with police practice and Child Safety assessments.

Part a) Have you identified any problems with Police practice, in terms of child protection?

Some elements of police practice were identified as further endangering women and children escaping violent men and it was also noted that the system supports this undermining of safety. The time taken for police to respond to callouts to domestic violence was seen as problematic, as was the failure to follow through on breaches.

“Prosecutions of breaches of protection orders often result in no conviction being recorded or in trivialising fines.” (Heather Douglas, p1, *The Criminal Law’s Response to Domestic Violence: What’s Going On?* 2008; published in *Sydney Law Review*)

Forum attendees noted that rather than police attempting to establish who the predominant aggressor is, in instances where women use violence or self defence, many arrest women for domestic violence. Some workers spoke of police calling DV Connect, the State-wide refuge referral service, and demanding to know the whereabouts of women. Others said that perpetrators were able to use police to find the woman and children by filing a Missing Persons Report. Some workers felt that police are “notoriously bad” at interviewing women and children and tend to “side with perpetrators”. One woman gave an account where a five year old child was

frightened at the prospect of being interviewed by a couple of big policemen. Another woman told us that her “client went to the police” because her daughter was bleeding from the vagina and the mother was told that she was “trying to keep the child away from the father”; whereas the father was seen to be acting protectively because he took the child to a doctor. According to the forum participants, many women have good reason to fear the police. Some police are known to be perpetrators of domestic violence themselves (DV workers have had contact with women escaping from partners who are policemen) and others espouse attitudes that support violence against women. Some women have had poor experiences of police in Australia and fear assault and / or rape. An example adding weight to these concerns is the recent case where a Rockhampton Police sergeant was charged with rape and indecent treatment of children.

<http://www.news.com.au/couriermail/story/0,23739,25251286-5003402,00.html>

Police are perceived to be agents of power / control, especially by Aboriginal women and immigrant women from countries where police regularly engage in torture and abuse. This means that some women may be afraid to call police for protection. Further problems were identified with poor understanding of cultural context /difference and poor practice around, or failure to use interpreters. One worker told of police using the perpetrator to interpret for the woman.

Part b) Have you identified any problems in the way Child Safety Assessments are done?

Workers attending this forum had much to say about the framework from which Child Safety Assessments are made. The majority clearly articulated that the Child Protection System operates within an Anglo-Australian patriarchal society, framework and belief system. Participants identified problems with Child Safety assessments as being based on the beliefs, values and cultural lens of those making assessments. The lack of use of interpreters was identified as a significant problem in assessments; as was Child Safety staff not being able to work cross-culturally and assessments taking place without regard for cultural context. Many Child Safety policies and practices were said to compound the victimisation of women and children, with women routinely being held responsible for the violence and expected to manage their partner’s use of violence against them and their children. Workers reported that women are regularly told that they have to go into refuge, obtain a Domestic Violence Protection Order, apply to the Family Law Courts for residence of their children and attend parenting classes – in order to stop their children being put into foster care.

“Consequently, the mothers were left with almost full responsibility to undo the harm to their children, not because the workers were victim blamers, but because they were not institutionally organized to directly intervene with male offenders. The worker’s role was to police the mother. Thus, the relationship between the mother and the worker quickly became hostile, adversarial, or punitive, negating any chance of building an effective alliance to protect the children.” Ellen Pence and Terri Taylor; *Building Safety for Battered Women and their Children into the Child Protection System*, page 15

Children are sometimes taken without warning and this can be traumatic for the child/ren and mother. Some participants spoke of children blaming themselves for the break-up of the family. In terms of the methodology of Child Safety assessments, problems identified included – workers relying on hearsay as evidence, an investigation stopped while the woman was in refuge, investigations being “inappropriate” and lacking offers of appropriate support to the woman, children and other family members. It was also found to be problematic that officers making assessments are often very young and inexperienced. Some staff attending the forum were

confused about their obligations with regard to mandatory reporting and duty of care and asked “What is it?” and “What do we do with it?” Some also felt that the Department’s response to notifications was often either too little, too much or nothing. Most attendees said that the violent man / perpetrator should be taken away, rather than the onus being on the woman to leave him or the children being removed. Similarly, it was felt by most that perpetrators need to be held accountable and need to become the focus of the Department of Child Safety’s interventions.

“Some analysts favoured a position that the intervention should be on behalf of both the mother and the children through an order for protection filed by the CPS worker. By using the protection order in this way, the state can remove the offending party (whether the biological parent of the children or not), monitor that party’s compliance with court exclusion orders, and incarcerate those who fail to obey the orders. Yet, no county had oriented its intervention in this direction. Instead, counties have used the power to remove children from their homes as a club to obtain cooperation from one or both parents. Because the threat of removal of children from home is typically a more effective weapon against mothers, it is used disproportionately against them. There is no mechanism built into the child protection case processing system for a child protection worker to directly intervene with male batterers.” (Pence and Taylor; Building Safety for Battered Women and their Children into the Child Protection System, page 18)

Question 3) Have you identified any problems in the way case management meetings are conducted or case management plans are developed?

Case plans were described by women at the forum, as being “very generic” and not reflecting the particular needs and circumstance of each person or family. Workers talked about their clients’ history of foster care, children’s homes or abuse not being taken into consideration and of women having their babies /children removed on the basis of the prior removal of their older children. Violent men are notably absent from case plans and Department demands. Whereas women are subject to close scrutiny, must notify the Department of their whereabouts, have their homes open to impromptu case worker visits and have many ‘hoops to jump through’ such as attending parenting classes, counselling and obtaining urine tests – the men who are violent to these women and their children have little or no demands placed on them. Some forum participants identified that they had, or currently worked within the Child Protection System. They – and others, saw the child protection system as placing unrealistic demands on its staff, with the mostly young and inexperienced case workers poorly supervised, under resourced and completely over loaded with high level cases. Excessive case loads of 30+ clients were reported to lead to planning months in advance, “predictive planning”, and that this included advance planning for case meetings. It was noted that there was a chronic depletion of experienced workers. A high turnover of staff leads to a lack of continuity for women and children. Some attendees talked about a lack of uniformity between area offices, with differing cultures, response, case management and values. The system is seen as being driven by times frames, fear, an avoidance of risk and knee-jerk reactions. Workers also identified a culture of unwillingness to coordinate and manage cases with other services. Mothers were seen as being a low priority for Child Safety workers. It was reported that women who are homeless have been expected to pay for supervision when having child access at supervision / contact centres. Other women have been expected to pay for reports ordered by the Department of Child Safety. A lack of cross-cultural awareness and use of interpreters was again found to produce poor outcomes for clients, this time in relation to case management. Murri women and children reportedly have to go through two processes, one with the Department and the second with IFACSS – the Indigenous Family and Child. However, the benefit of this dual process was said to be small as the support that IFACSS is able to offer is thought to be very limited.

Question 4) Have you identified problems with court processes, regarding child protection issues?

Workers at the forum saw the court processes, regarding child protection issues, as being largely disempowering for women. Further comments were that there are many barriers to women's engagement in the legal process and that women are disadvantaged from the start. Women may have many other urgent matters to attend to such as securing housing, childcare, Centrelink payments and medical appointments and may have to rely on public transport. Mothers were seen to be intimidated by the court process and workers felt that mothers were accorded far less credibility than the Department of Child Safety workers giving evidence against them. While it can be difficult for many women to access Legal Aid and appropriate advice and representation, working single mothers face an additional hurdle as they are often denied Legal Aid, but may not be able to afford to hire a solicitor. Power was a common theme in these discussions and many women felt that various government systems don't recognise the power that perpetrators have – in terms of money, social position and confidence and where women who have been abused may appear to be emotional and not coping, men may appear more logical and together. It was felt, by those at the forum, that traditional, conservative attitudes towards women provided different expectations for men and women. While violent men seem to be guaranteed at least supervised contact with their children, women become fearful and compliant for the sake of their children. Men's violence against women is normalised and women are often blamed for being abused. Participants thought that players within the child protection system lacked a cross-cultural practice framework and an analysis of the impact of privilege on their decision making. This especially affected court outcomes for Aboriginal, Torres Strait Islander and immigrant women. Examples of misunderstood cultural practices included; the sharing of sleeping areas - a practical necessity in many countries and practices involving the use of the young to look after smaller children. It is interesting, but not surprising, to hear that most workers at the forum included the Family Court as a court process relevant to child protection. This mirrors research over the last 10 years or so which has identified that child protection has become a core business of the court. (*Brown, Fredrico, Hewitt, Sheehan, R., 2001, Resolving Family Violence to children: "The evaluation of project Magellan, a pilot project for managing Family Court residence and contact disputes when allegations of child abuse have been made"; Family Law Council of Australia, 2002, Family Law and Child Protection; Alison Hay, 2003, Child Protection and the Family Court of Western Australia: The Experiences of Children and Protective Parents; Rendell et al, 2002, An Unacceptable Risk , etc*). Some workers talked about the restrictions on mothers of children in regard to the changes to the Family Law Act, e.g. visiting relatives' interstate. Others saw the changes to the Family Law Act as severely impeding women's ability to get away from their violent former partner. "Fathers' rights" were seen as more important than the child's rights. Workers posed the question; "Should violent fathers be seen as appropriate fathers, by the Family Law System?" There was a resounding call for a review of the Family Law processes affecting women and children who have experienced domestic violence. A lack of communication and flow of information between the various State and Federal courts dealing with the safety of children and their mothers was thought to be problematic, as was the fragmentation of issues by the law and women's legal representatives. Complaints were identified as an area of concern for workers attending the forum. Some felt that women are not informed about how to make complaints against the system, workers and lawyers - and when they did, it was felt that they were ridiculed, dismissed and defamed; leaving the woman disempowered once again. This topic elicited many questions around the children's needs and the ability of players within the system to competently identify and respond to those needs. Is the Department's care of children safe and adequate? The

2003 review of the system certainly raises doubts. Other questions asked included; “Who tells the child’s story?” “What are the wishes of the child?”, “How impartial are the Independent Children’s Lawyers / Children’s Representative? And how much do their personal attitudes and beliefs effect their decisions?” Some workers thought that the Department was too quick to act without getting the entire story. They also found that the removal of children was too often the first response, without the exploration of alternatives such as placing children with other family members. Women attending the forum felt that women and children involved in the child protection system are labelled and stigmatised: women are “bad mothers” and children are “challenging”, “problem children” or “difficult”.

Question 5) Does the system / women’s services provide perpetrators of violence a means of perpetrating further abuse? If so, How?

Many women at the forum agreed that the system and women’s services provide perpetrators of violence a means of perpetrating further abuse. Many women also felt that the system and some services compounded women’s experience of abuse and re-victimised women and children. Workers identified victim blaming and judgemental attitudes as common problems. While Police Domestic Violence Liaison Officers were lauded for some “great work”, police generally were felt to side with perpetrators and to lack empathy toward women. Workers also thought that most police lacked an understanding of the dynamics of domestic violence and that police blamed women for the situation they’re in. Infrequent training around domestic violence was thought to be a problem and regular training was suggested. Police failure to respond to breaches of Domestic Violence Protection Orders was seen to be give perpetrators licence to use further violence. Some police have told DV workers that the paperwork involved with recording domestic violence “cases”, is a burden. Workers at the forum said that some police were known to give women a (business) card rather than do the paperwork. As with other topics in this session, the non-use of interpreters and failure to take violence against women from NESB seriously - proves to be dangerous for non-English speaking background women. One worker told of a NESB woman tied up (by her husband??) This was seen as acceptable by police and they believed the husband’s account that she had broken the conditions of the Domestic Violence Order. However, a subsequent check by the police revealed that there was no such order in place. Women at the forum thought that workers in support services, Police and Legal advisors / decision makers were all able to be manipulated by perpetrators. The Child protection system punishes women and holds them responsible for men’s use of violence against them and their children. One issue raised by workers at the forum centred on a lack of understanding of the dynamics of domestic violence and a failure to identify a predominant aggressor. This means that women are likely to be arrested for fighting back or incidental violence and may be viewed as the perpetrator by the Department of Child Safety. The use of cross-applications of Domestic Violence Protection Orders against women was also identified as problematic. One worker told us that a Department of Child Safety worker referred to a mother as a perpetrator, because she used violence in the relationship. When the worker asked the Department of Child Safety officer who was afraid in the relationship, the Child Safety worker hung up. Men’s use of violence against women and children tends to become invisible and a reluctance of services to “take sides” is seen to pervade all systems and many services. For example, one worker from Court Services was heard to say that Child Safety staff couldn’t write affidavits for the Family Court for women (about the domestic violence or other safety concerns for the child) as the Department couldn’t “take sides”. This response makes sense when domestic violence is understood as “conflict” or “fighting”. Participants found that there is a systemic failure to understand the reasons why women return to violent partners and women are widely blamed and judged for doing so. The Family Law System

was once again identified by forum attendees as a site of danger for women and children affected by violence. They said that changes to the Family Law Act have made it harder for women and children to escape from abusive men. And while the changes to the Act did not include mandatory shared parenting, the reality for women and children is that this is often the outcome, despite the father's use of violence. Mediation was said to be fraught with risk for women escaping violent men, as was any negotiation where there was a push to come to a quick agreement. Violent men use mediation to intimidate women. Women who have been abused or who have concerns about children's safety with the father may appear to be an "unfriendly parent", may not be willing to compromise in mediation and are less likely to comply with (unsafe) orders. Some workers acknowledged that Family Relationship Centres are useful in some circumstances, but thought there should be more consistency between them and that they are not appropriate services to deal with 'domestic violence cases'. Some participants said that Family Relationship staff did not recognise or know how to respond to obvious signs of abuse. Participants also spoke about the difference in expectations to manage relationships accorded to each sex.

"Although virtually any involvement by fathers with their children increasingly has come to be considered good-enough fathering, mothering has been under continual scrutiny, with the role of the good-enough mother probably impossible to fulfil and easily open to criticism and blame." (Eriksson and Hester, 2001, Violent Men as Good Enough Fathers?: A Look at England and Sweden)

Women are expected to successfully manage "conflict" in the relationship, whereas men are permitted to make mistakes. Some workers thought that the dynamics of domestic violence, when combined with family violence; raised a whole new area to be dealt with, were complex and had different dynamics from domestic violence alone. Women's Refuges were thought to contribute to the further abuse of women and children, by some attendees. Notably, these women described living in a refuge as being a "nice version of jail" and that being in a refuge can compound the isolation women experience as a consequence of domestic violence. Women may be restricted with who they can see and what they can do, may have to stop work and may be unable to get support from family and friends because of geographical distance and refuge rules around security. Stuck in areas they may not be familiar with, women may suffer from a loss of independence. Additionally, it was identified that some refuge staff lack empathy and may also engage in woman-blaming and judgemental work practices. A further issue of inequity of access to refuges for immigrant women with no income was raised. Many refuges say that they cannot afford to accommodate and financially support more than one family without an income at a time. This means that women on some types of visas are disadvantaged in multiple ways – and we know that this will expose these women / families to greater risk of violence. These aspects to living in a refuge can be distressing for women and children – if they can get in. Women's refuge workers who supervise child contact on behalf of the Department of Child Safety become aligned with the system and risk losing the ability to advocate on behalf of women in the child protection system. Support Services for men were said to lack training in ways to challenge the perpetrator in relation to violence towards women and kids. These services can be faced with an ethical dilemma as to whether they should report a man's violence or prioritise the maintenance of a relationship with him. The Housing system was identified as contributing to the ongoing abuse of women. A major area of concern is the lack of affordable housing. Workers thought that the housing system lacked an analysis that domestic violence is a major cause of homelessness. Many workers spoke of women incurring large debts to the department of housing, for damage done by perpetrators. Other workers saw it as inappropriate that some hostels for single women are collocated with hostels for single men. This can be intimidating and unsafe for women. Women at the forum

spoke about the risks involved with 'ouster orders'. While these may be of benefit to some women, workers felt that determining risk could be tricky and could expose women and children to further attacks. Men could also use their mates and family to threaten women using ouster orders against them. Centrelink payments have not kept pace with increases in rent. This means that the only housing option available to many women is to go into share accommodation. This may be unsafe and can leave women vulnerable to exploitation. Fewer job choices, lower pay, a higher burden of responsibility for childrearing, high cost of childcare and women's lower status in our society means that poverty has become feminised.

Question 6) "What are the barriers to women and children staying safe from violent men?"

The themes most often identified as barriers to the safety of women and children were violent men, men's threats to kill, poverty, the Family Law System and a lack of affordable and appropriate housing. It is perhaps too obvious and easy to forget that violent men are the reason women and children are unsafe to begin with, however, many forum participants quickly named them as the number one barrier to women's safety. With little guarantee of remaining autonomous and safe, men's use of violence and threats to hunt down and kill women, their children and other family members leave many women with no option but to return to the perpetrator. Women may also experience hardship after they leave violent men as their need to stay safe may limit their movements, force them to move periodically and force them into further isolation as they have to keep away from places of work, school, family and friends. For some women and children, these hardships may be worse than living with abuse. At least when with the perpetrator, some women may feel relieved to know where he is. Forum participants also found that violent men were adept at using the system to abuse and keep women bound to them. Violent men can hide their own abuse and confuse decisions around the best interests of children, by making false allegations against mothers. Another common point made by forum attendees was that the various systems failed to hold men accountable for their violence. Women's ability to hide from the perpetrator may be compromised by others telling the man the woman's whereabouts. Workers at the forum named Centrelink, solicitors and courts as being likely sources of inadvertently leaked confidential information affecting women's security. Domestic violence workers at the forum exposed the myth that men's use of violence stops when women leave. These workers felt that the child protection and Family Law Systems particularly needed to incorporate an understanding of post-separation violence into their framework.

"In fact, women and children may be in greater danger after separation than before. This means that separation from an abusive partner does not always solve the problem of violence in the family. Instead, the nature and the focus of the violence may change and contact visits may well provide the opportunity for the perpetration and perpetuation of abuse." an unacceptable risk ; p39, Rendell et al 2002

The Family Law System was mentioned by many women at the forum as being a significant barrier to women and children's ability to stay safe from violent men. The 2006 changes to the Family Law Act which emphasised "shared care" of children were seen as especially dangerous. It is now almost impossible for women escaping violent fathers to move away. These changes give violent men increased access to children and their mother. Workers also noted that children may want to see their fathers, but it may be dangerous for them and their mothers to do so. Women who raise concerns of violence or child abuse in the Family Law System run the risk of being accused of "alienating" children from the father or of being an "unfriendly parent". This may mean that abusive fathers may be favoured in decisions around children's living arrangements. Since the

Government relies on the Department of Child Safety to provide frontline protection for children, some workers at the forum felt that the huge expectations placed on Child Safety workers are unrealistic and dangerous. Most or all workers at the forum agreed that the expectations placed on Child Safety staff were impossible to fulfil. While some concerns were raised regarding particular Child Safety Area Offices, participants' criticisms were largely directed at faults within the system. Poverty was a common point mentioned as a barrier to safety. Women who have enough money have access to resources and have far more options in terms of alternatives to remaining with violent men. Many women who have experienced violence are more likely to have debts and have reduced ability to earn a reasonable income. Women awaiting property settlements may be left homeless and poor for years while the slow legal process means that they accrue significant legal fees. Workers at the forum said that some services and staff presumed that women affected by violence were unable to budget and manage their money. Housing was similarly identified as a major issue affecting the safety of women and children. Finding safe accommodation is crucial basic step in establishing safety for women and children. Women with pets may find it extremely hard to find accommodation. The "Pets in Crisis Programme" is limited to one month (?) and women can't visit their pets while they are with the carer. Bad advice from solicitors can be dangerous for women and children experiencing violence. For women who speak little or no English, language, or a lack of access to interpreters and a lack of information in a woman's own language is a barrier to safety. Workers at the forum said that immigrant women don't have support and don't know their rights or options for resources and support. They may also be afraid of police and may not want the man to get into trouble. Women's visa status can pose real threat to her and her children's safety and it can take considerable time and support for women to apply for Australian residency. These women may not have access to any income and are vulnerable to exploitation. Abusive men may maintain control over women by telling them that they will be deported, or telling them other misinformation. Some workers gave examples of women clients being told that "they would be beheaded" or "imprisoned" A lack of information as to what constitutes abuse may also contribute to women's reluctance to seek support. Other women may not want to identify themselves as "victims" and so may not call police or approach domestic violence services. Women may also be so fearful and beaten down that they accept the rubbish that men tell them – that they couldn't cope, will be imprisoned / deported etc. Women are often pressured to return to violent partners by church authorities, family and community members or cultural norms. Other women may "choose" to return to a violent man for the sake of the children. A lack of childcare was identified as a barrier to women and children being able to stay safe from violent men. Women may be unable to access respite childcare without going through Dept of Child Safety. And forum workers told of some women who were refused respite care, when sick, and were told that they had to send their children to the (perpetrator) father, since there was a parent available who was able to care for the children. Women on Centrelink benefits are limited in the number of hours of subsidised childcare they can access each week. Women who are exhausted with the constant work of caring for children, while trying to establish new homes, an income and survive at the same time; may return to the perpetrator so that they are not alone with the children. Women's refuges were said by some at the forum to be a barrier to women's safety. While some women find their time in refuge liberating, others may find it a depressing and isolating experience. If a woman had had a bad experience of living in a shelter, she may be less likely to go into another one when needed. Other women at the forum commented on other hardships faced by women and children in refuge. Men's violence means that women and kids may have to leave support, homes, schools, community, family and go into refuge, where they may be lots of rules, isolation and hard living conditions. The lack of storage facilities at refuges meant that women often had to surrender their furniture and other large items. This added to the impoverishment of women. Women and kids are usually only able to stay

in refuges for up to 3 months. It was also agreed that a shortage of refuges was a barrier to women and children's safety. Participants at the forum were concerned at the current pressure to embrace the use of Ouster orders. They asked – "Who's going to stop the man returning and who will protect the woman and kids?" Technology can provide violent men with the means to locate and harass women. Global Positioning Systems in a woman's car can give the woman's location if the man contacts the company. Men commonly use mobile phones to constantly contact, intimidate and manipulate women. Centrelink's "Welfare to Work" changes mean that women have more hoops to jump through, more demands on their energy and time and may be limited to the lower income of a Newstart Allowance if they cannot show that they have the children more than 50% of the time. This may mean that they are unable to afford accommodation large enough to have their children sleep over.

Summary of forum themes

Domestic violence is commonly characterised as interpersonal conflict, according to forum participants. The attitudes of child protection workers were thought to reflect common societal attitudes. Workers at the forum identified that men's violence is normalised and women are blamed for being abused. Many child protection interventions are seen to focus on mothers, with women required to "jump through many hoops" in order to meet the demands of case plans. Violent men seem to be guaranteed at least supervised contact while women become compliant with case plan demands in order to see their children or have their children returned to their care. Those attending the forum thought that interventions should focus on perpetrators, and that women and children should be offered support and resources such as money, childcare and housing. Child protection policies and practices were thought to compound the victimisation of women and children survivors of violence. Women are disempowered in court processes as they are often intimidated and seen as lacking credibility. A recurring theme in the forum was the impact of poor cross-cultural practice on outcomes for women and children experiencing violence. This was identified as an issue across government departments and in the non-government sector as well. A failure to account for the cultural context in which women and children exist can result in interventions that are not only inappropriate and unnecessary, but also potentially traumatic. Child protection assessments mirror the beliefs, values, class and cultural lens of those making assessments, according to those at the forum. Workers said the department needs to act on evidence, rather than hear-say and needs to make the removal of children a last resort. The child protection system is seen to be driven by time frames, fear, avoidance of 'risk' (to the government) and knee-jerk reactions. The Child protection system places unrealistic demands on its staff, which is often young, inexperienced, under-resourced and overloaded with high-level cases. Some areas of police practice were identified as aiding perpetrators. Police failure to act on breaches of domestic violence protection orders was described as giving perpetrators a "license to use further violence". While police Domestic Violence Liaison Officers were said to do some great work, workers at the forum generally felt that police lack an understanding of the dynamics of domestic violence and often side with perpetrators. Aboriginal and migrant women were thought to be less likely to call police for protection. Many workers felt that various government systems fail to hold men accountable for their violence and fail to recognise the power that perpetrators have. Men may appear logical and together whereas women who've been abused may appear to be not coping and emotional. Workers at the forum identified many barriers to women and children remaining safe from violent men. Women and children attempting to leave violent men may be the target of escalating violence. Other barriers to safety discussed at the forum included threats to kill, poverty, lack of affordable and appropriate housing, a lack of child care and the Family Law System. The Police, Family Law and Child Protection Systems and many non-

government support services need to incorporate an understanding of post-separation violence into their framework and work-practice. Most forum participants named the Family Law System as an area adversely effecting child safety. Many workers thought that the pressure to consider shared parenting has led to dangerous parenting arrangements, with women and children unable to get away from perpetrators. They also believed that fathers' rights have become more important than children's rights. Workers attending the forum said that the divide between federal and state laws and courts has led to fragmentation and that this endangers women and children experiencing violence. A review of the Family Law System is needed and safety needs to be prioritised. Women's refuges came under scrutiny in terms of practices relating to child safety. While some women may find their time in refuge an empowering and liberating experience, refuges can also be depressing, isolating places where women become dependent upon refuge staff. There may be many limits placed on women due to safety concerns or because of particular refuge rules. Some shelter policies continue to blame women and pathologise women and children escaping violence. Refuge workers who supervise visits or make child safety notifications inappropriately blur the distinctions between support workers / advocates and the child protection system. We need to look at ways we can build women's connection with others, promote women's autonomy and minimise the negative effects of needing to hide from violent men. Many participants suggested that domestic violence services, in their role as advocates for women and children, should develop a working relationship with their local Department of Child Safety area office. Another common theme raised was housing. Domestic violence was identified as a major cause of homelessness. There is not enough affordable and appropriate housing / accommodation of all types. Ouster orders may have some benefits but women attending the forum raised strong concerns in regards to the safety of women and children. In order to prevent future violence against women, many forum attendees thought that school programmes such as those that address violence and masculinity, would be valuable.

Practice Recommendations

Forum participants also took some time discussing possible solutions to some of the problems identified, a summary of this discussion is outlined below. It was pointed out, during the discussion, that the recommendations for practice made seem totally inadequate when what we need to change are our institutions and social structures that perpetuate oppression – men's domination of women and children, racism and white supremacy, poverty and privilege etc. However, there was agreement that some changes, such as those suggested below, could be a small start towards a safer future for women and children in Queensland.

1) Problem

The "Invisible man" (interventions focus on mothers and leave perpetrators free of scrutiny and demands)

Solution

1a) The Department of Child Safety needs to find ways to make violent men the focus of their interventions.

2) Problem

Children are removed from mothers because of men's violence

Solution

2a) As above and –

2b) Interventions such as exclusion orders could be introduced to arrest perpetrators residing with children and their mothers, rather than expecting women to control the perpetrators'

movements. However, it should be noted that this type of intervention may not work for all women.

2c) In their capacity as advocates, domestic violence agencies could improve outcomes for women and children by networking with their local Department of Child Safety area office. Workers must, however, be careful to maintain the distinction between their role as advocates and the role of Department staff.

“Advocates must offer absolute confidentiality, a clear commitment to the safety needs of a woman, and the ability to speak out on behalf of women without risking reprisal—conditions that do not exist when we merge with the institutions that we are committed to changing.” (Ellen Pence, *Advocacy on Behalf of Battered Women*, page 9; Chapter 17 of *“Sourcebook on Violence Against Women”*, p. 329-343, Reprinted by Permission of Sage Publications, Inc., copyright © 2001 www.Sagepub.com)

2d) An understanding of post-separation violence – where men continue to use violence against women and children after separation - needs to be incorporated into all work with survivors and perpetrators of domestic violence. Reprinted by Permission of Sage Publications, Inc., copyright © 2001 www.Sagepub.com)

2d) An understanding of post-separation violence – where men continue to use violence against women and children after separation - needs to be incorporated into all work with survivors and perpetrators of domestic violence.

3) Problem

Women blamed and further victimised

Solution

3a) Women shouldn't be held responsible for men's violence against them and their children.

3b) Children may be safer when they are not viewed in isolation from their mothers

“As best practice in the child protection field has identified, ‘the best interests of children in families with domestic violence cannot be separated from the best interests of their mothers’ (Aron & Olson 1997, p.7).” Dr Lesley Laing; *Children, young people and domestic violence*, page 21; from <http://www.austdvclearinghouse.unsw.edu.au/PDF%20files/issuespaper2.pdf>

“Partnerships with battered mothers are an essential element to safety. Courts and child welfare systems that have integrated domestic violence specialization operate from a belief that helping mothers stay safe is in the best interests of their children and is directly correlated to children's safety.” (Taggart and Litton, 2008, *Reflections from the Field: Considerations for Domestic Violence Specialists* <http://www.thegreenbook.info/documents/Reflections.pdf>

4) Problem

Unrealistic and unfair demands and scrutiny placed on women / mothers

Solution

4a) Those working with mothers should consider the context in which the family exists. What are the barriers to safety? Does the planned intervention account for the ways in which the perpetrator has impeded the mother's care of and relationship with, her children? Will the planned intervention result in increased safety for the mother and her children?

4b) Protective mothers and their children should be offered resources to meet their need for safety, interpreting, accommodation, income, childcare, emotional support (if requested), legal advice and support to obtain court orders.

4c) See solution 1

5) Problem

Government / Department of Child Safety seen to be reactive and defensive and concerned with “risk management” (actions centre on protecting govt from criticism)

Solution

5a) Government / Department of Child Safety needs to learn from mistakes and proactively protect women and children

6) Problem

Poor practice re cross-cultural awareness and use of interpreters, impacts on child protection outcomes and safety of women and children

Solution

6a) Need to use appropriately qualified interpreters and improve cross cultural work practice and awareness in all areas of the govt and nongovernment work regarding child protection / domestic violence.

7) Problem

The Family Law System is endangering women and children. Women and children are unable to move away or hide from perpetrators.

Solution

7a) Department of Child Safety staff need to “take sides” to protect children and their mothers. Providing statements to the Family Law Courts which identify protective parents and outline safety concerns should be seen as acting in the best interests of children. 7b) The Family Law System and Child Protection System need to better integrate their operation to prevent fragmentation

7c) Safety needs to be made the primary consideration in Family Law.

7d) Refer to solution 2d.

8) Problem

Domestic Violence is seen as conflict or relationship breakdown, anger or substance abuse issue. In the child protection system, this can result in inaccurate assessments, which in turn can lead to unsafe and unfair interventions.

Solution

8a) Need for community education.

8b) Need for a critical examination review of the underlying assumptions on which assessments are based in all areas relating to child protection and domestic violence.

8c) A “Praxis” style Safety and Accountability audit of the Queensland child protection system could be undertaken.

“It can be argued that the best way to operate within institutions is to make these frameworks and institutional directives, which are key to case processing, transparent by asking, first, whether they serve to protect victims of abuse; and, secondly, whether they hold abusers and those who intervene accountable for safety of victims. “(Pence, E., Mitchell, S., Aoina, A. (2007). Western Australia Safety and Accountability Audit of the Armadale Domestic Violence Intervention Project, Page 15)

9) Problem

Women arrested for domestic violence or assessed as a perpetrator by the Department of Child Safety staff.

Solution

9a) Police and child protection workers need to identify the “predominant aggressor”.

10) Problem

Refuges can be depressing places that women wouldn't want to return to.

Some women have bad experience of living in refuge.

Solution

10a) Need to improve the public image of refuges *and* make refuges more pleasant so that more women feel that going into refuge is an option. Need to raise awareness that restrictions on visitors, school, work etc are necessitated because of men's violence, not (necessarily) refuges' love of restricting rules.

10b) Refuges with pathologising practice need to change. While many women and children may appreciate offers of support, we need to remember that women and children primarily come to refuges because they need a safe place to stay, not because they are deficient in skills or needing therapy.

10c) All agencies need to ensure that their services are accessible to all women and children affected by domestic violence, without discrimination.

We need to keep women's and children's safety at the forefront of our work.