

**Submission by**

**Centacare Gold Coast – Domestic Violence Assistance  
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**To the**

**Queensland Child Protection Commission of Inquiry**

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This submission is informed by the practice knowledge and experience of specialist domestic violence practitioners as well as research conducted in the fields of domestic violence and child protection. It specifically looks at child protection issues closely related to women and children experiencing domestic violence. Domestic violence is defined as

*...an abuse of power perpetrated mainly (but not only) by men against women both in relationships and after separation. It occurs when one partner attempts physically or psychologically to dominate and control the other. The most commonly acknowledged forms are physical and sexual violence, threats and intimidation, emotional and social abuse and economic deprivation...For many indigenous people the term family violence is preferred as it encompasses all forms of violence in intimate, family and other relationships of mutual obligation and support (Australian Law Reform Commission, 2010; Edleson, 1999).*

We acknowledge that both, men and women can be perpetrators of domestic violence, but due to the continued and overwhelming research in the area (Mulroney, 2003), for the purposes of this paper it is taken that domestic violence is a gendered issue with a majority of victims being women and the majority of perpetrators being men.

The negative impact of domestic violence on children and families is well recognised (Kolbo, Blakely, & Engleman, 1996). Further it is clearly documented that domestic violence and child abuse co-exist in a large number of cases (Laing, 2000; Radford & Hester, 2006). In practical terms this means that Domestic Violence and Child protection services often work with the same families. Therefore, as specialist domestic violence practitioners we feel that it is important to include this perspective in the inquiry.

The terms of reference addressed are:

- i Whether the current use of available resources across the child protection system is adequate and whether resources could be used more efficiently;
  - ii The current Queensland government response to children and families in the child protection system including the appropriateness of the level of, and support for, front line staffing;
  - iii The standard of tertiary child protection interventions, case management, service standards, decision making frameworks and child protection court and tribunal processes.
1. Women have reported feeling a strong expectation from child protection services that mothers must act protectively towards their children, whereby they are closely scrutinised and expected to 'jump through the hoops' to ensure the children are able to remain with them while still experiencing domestic violence. Perpetrators on the other hand, remain largely invisible. There is ample literature documenting this trend (Douglas & Walsh, 2010; Radford & Hester, 2006). This approach can easily lead to a 'mother blaming' ideology which fails to put the responsibility for the violence and abuse with the perpetrator. Hester & Pearson (1998) have found that in most cases where domestic violence and child abuse coexists, the same perpetrator (usually the children's father or father figure) abuses both the children and their mother. Out of fear to lose their children, mothers often fail to seek support from child protection services when their partner is violent to them and their children (Douglas & Walsh, 2010). Many women do act

protectively the best way they can under the circumstances but that is often not recognised by the child protection agencies (Hester, Pearson, Harwin, & Abrahams, 2006).

### Recommendations

- We recommend that the perpetrators of violence against women and children be made accountable for their abuse rather than blaming the mothers for their failure to protect. Perpetrators need to be engaged by both Child Protection and Domestic Violence services as part of a common approach to protect child/ren. This change of perspective will lead to a more constructive framework where the safety of the mother and the children becomes the central issue.
  - In cases of domestic violence, mothers and children should not be seen as two separate entities but be looked at together as both being in need of protection. Where remaining with the mother was in the best interest of the child/ren it would require an increase in joint case work between Child Protection and Domestic Violence services to ensure the safety of the mother and the child/ren.
  - We recommend that women should be engaged in a supported consultation process such as a Family Group Meetings that is inclusive of partner agencies (NGO's) that could provide additional supports to enable the development of strategies that would ensure the safety of themselves and their child/ren. Women who have survived domestic violence are extremely resourceful and their contributions to their future survival should be highly valued.
  - It is acknowledged that there are some services that increase security in the home, however this area needs further resourcing to provide effective security systems for women in their own homes. Child Protection services could play an active role in supporting women and their child/ren to remain in the family home by making a recommendation that the perpetrators remove themselves from the home rather than removing the children. This would need to be implemented with the support of a local domestic violence service to ensure that the woman has appropriate safety plans in place. This may help to reduce the risk of homelessness for women fleeing violent relationships as well as the cost of foster carers.
2. In our experience as court support workers, we regularly come across women who are pressured into applying for domestic violence orders prohibiting contact with their partner and children named on the order. They often report being told that they might lose the children if they fail to comply. This puts women who are already in a difficult situation under further unnecessary stress. However, child protection workers are not always familiar with the domestic violence legislation and have unrealistic expectations regarding court outcomes. In many cases, the magistrate may not think that there are enough grounds for a temporary order to name the children on the order and therefore does not grant it. This point has also been raised by workers participating in Douglas's (2010) study.
- The difficulties and barriers women face when leaving a violent relationship are complex and often poorly understood. The perpetrator might be seen as the only support system a women

has, there might be economic reasons for remaining in a relationship and women are at risk of becoming homelessness (Douglas & Walsh, 2010).

It might also simply be too dangerous for women to leave with many women experiencing ongoing violence post separation (Davies & Krane, 2006; Humphreys & Thiara, 2003). There is also a significant risk of domestic homicide post separation (Brownridge, 2006) as well as a risk of children being killed (Kirkwood 2012). Many scholars believe that forcing women to separate from their abusive husbands is not an acceptable solution (Humphreys, 2010).

### Recommendations

- Further joint training between child protection workers and local domestic violence workers regarding domestic developing joint case work responses and violence legislation that is inclusive of access to local support and advice regarding the legislation and expected court outcomes.
  - There would be a great deal of benefit if child protection workers undertook an advocacy role by either accompanying the women in court and or writing an affidavit that supported the application and naming of the children on the order.
  - It is important that the dynamics of domestic violence are well understood and that the risk of separation is taken into consideration when working with women who experience domestic violence. We suggest that close collaboration with domestic violence services will help with safety planning.
3. Gender entrapment is a concept used by Radford and Hester (2006) to look at domestic violence in a broader social, political and cultural context and how this impacts on women's self-perception as mothers and the way they see their partners as fathers. It helps to gain insight into the strategies violent men use to undermine women's role as mothers as another form of control. They range from overloading women with domestic chores to control over finances and isolating them from support systems such as family and friends. It also includes things such as turning children against their mother, abusing children as a form of abuse of mother and threatening to harm or abduct children. Often women can't leave a violent relationship because they don't want to leave their children behind when the violent father refuses to let the children leave.

However, despite extremely adverse and difficult circumstances, it has been shown that many women are able to mother their children successfully while in a violent relationship (Radford & Hester, 2006). Anecdotally women have also reported being able to more safely monitor the abuser-child relationship while living in the same house, as opposed to parenting plans post separation that offer no mandatory supervision for up to days at a time.

### Recommendations

- It is important for professionals to understand those complex dynamics of domestic violence and use that knowledge to avoid the unhelpful mother blaming discourse. Instead, a collaborative approach between services, to support women in their roles as mothers and to strengthen the mother-child relationship is needed (Douglas & Walsh, 2010; Humphreys, 2010). Humphreys (2010) questions the notion of the 'bad husband, good father' in relation to domestic violence, describing it as an oxymoron. Especially

now that the Domestic and family Violence Protection Act (2012) names children's exposure to domestic violence and its effects as grounds for protection.

- We feel that it is important to recognise the strength and resilience many mothers and children show and to build on that resilience to support them as a unit.

4. Domestic violence has a detrimental effect on women's health. One of the effects of long term abuse is mental health issues such as post-traumatic stress, depression and suicidal thoughts (Humphreys, 2009). When women who are experiencing or have experienced domestic violence present to child protection agencies with mental health issues, their mental health status is often seen as a primary problem rather than a consequence of abuse (Humphreys & Stanley, 2006). It can also often be seen as a reason for intervention and removal of children, which leads to further anxiety and depression.

#### Recommendation

- We recommend that mental health issues in women who have experienced domestic violence be recognised as possible secondary issues caused by the domestic violence and that those women are given the necessary support to address the domestic violence.
- We also suggest that women who are showing signs of mental health issues, particularly post-traumatic stress, depression and suicidal ideations are assessed for domestic violence.

5. Domestic violence consists of many intricate issues, some of which are outlined above. The complexity of domestic violence is often poorly understood by child protection workers. Similar to child protection, domestic violence is a specialised field that has a solid knowledge base which is informed by extensive research. Despite the large overlap between child abuse and domestic violence in the same families (Laing, 2000; Radford & Hester, 2006), there is a fragmented approach between child protection agencies and domestic violence services (Humphreys, 2010; Laing, 2000). However, as Humphreys (2010) points out, there is an increasing body of innovative models and projects that endeavour to break down the divide between child protection and domestic violence services in order to achieve better outcomes for women and their children.

#### Recommendations

- There is a strong need for more interagency coordination and collaboration between all sectors involved in domestic violence and child protection issues. There exists several models working in other community service sectors proven to be successful that could be used as a precedent.
- The development of practice frameworks that integrate domestic violence and child protection best practice principles would allow workers to develop a common language, understanding and framework, enabling better communication between workers. Joint training and consultancy between domestic violence and child protection services should be introduced across all regions.

- The adoption of models such as Feminist- Child Centred Practice described by Dillon (2012) which challenges policies and practices that look at children and parents as two separate entities and integrates feminist practice and child centred practice.
- The continued funding and expansion of projects such as the Helping Out Families initiative which is a collaborative, early intervention program currently on trial in the Logan, Beenleigh and Gold Coast area.

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