**Abstract**

This article explores the relationship between understandings of domestic violence and the child protection response drawing on material gathered in focus groups with workers who support mothers dealing with both domestic violence and child protection issues. The interviewees expressed concern that the dynamics of domestic violence are often misunderstood and inappropriately responded to by child protection workers.This article critically examines the interviewees’ concerns and concludes that to properly protect children, it is crucial that child protection workers have a clear understanding of the dynamics of and issues related to domestic violence.

**Keywords**

child protection, domestic violence

# Introduction

Domestic violence is now recognized as a risk factor in child protection matters. Given this position, it ought to be axiomatic that mothers who experience domestic violence should not fear the removal of their children from their care if they seek help from child protection agencies. The research presented here draws on five focus group interviews with workers who support mothers dealing with both domestic violence and child protection matters. Our study participants claimed that many of the women they support do fear that

their children will be removed from their care if they seek assistance from child protection services. The primary concern raised by study participants was that child protection officials often misunderstand the dynamics of domestic violence and that this has negative consequences for both mothers and children. Many workers interviewed suggested that the misunderstanding of domestic violence often leads child protection officials to hold nonviolent mothers responsible for ending the violence. Many study participants claimed that child protection officials may present an ultimatum to women in situations of domestic violence: that they leave and keep the children or stay and lose them. Although the accuracy of these perceptions might be challenged, they still have ramifications for the kind of advice the study participants give to their clients and their own willingness to report to or engage with child protection services. This article concludes that to properly protect children, it is critical that child protection workers have a clear understanding of the dynamics of and issues related to domestic violence (Kantor & Little, 2003). The article also argues that mothers experiencing domestic violence, and the workers who support them, must be able to trust and engage with child protection authorities if children are to be kept safe. After setting out the background to this study, the article moves to an exploration of the issues raised by our study participants.

# The Study

A purpose of this study was to find out about how community workers who work with mothers perceive the response of child protection workers to cases where domestic violence is a key risk factor.1 Organizations that support mothers were the focus of this research because it is mothers who are most likely to find themselves interacting with child protection systems and who are most likely to have care responsibilities for children regardless of whether they are sole parents or in relationships with men (Daniel & Taylor, 2001; Lewis & Welsh, 2005). It is also mothers, rather than fathers, who are more likely to be the victims of domestic abuse (Cowan & Hodgson, 2007).

For this study, the researchers invited community organizations that assist mothers in their dealings with child safety authorities to attend one of five focus groups. The focus groups were comprised of community-based lawyers and community service workers in Brisbane, Queensland, Australia.2 Thirty-two people participated in the focus groups. Twenty-five participants worked for women’s services, and 7 worked for services directed at young people, predominantly young mothers. Two of the participants were community lawyers, and the remainder were “community workers” (that is, social workers, youth workers, welfare workers or support workers). Five women’s services were approached and asked to participate in the study. Services were selected by the researchers on the criteria that their client base included many mothers “known” to child protection and because they were key services in the sector. All of the five services approached by the researchers agreed to participate on the condition that they remain anonymous, not only because they received at least some funding from the Queensland Government but also because they wanted to protect the identities of their clients. Although this study is limited in scope, it does underscore a number of ongoing dilemmas in child protection

and domestic violence work and the need for services to work together to support women and children caught up in domestic violence.

# Domestic Violence

Throughout Australia legislative regimes exist to provide for the protection of children.3 In Queensland the relevant legislative instrument is the Child Protection Act 1999 (Qld) (the Act). Similar to other regimes, the purpose of the Act is to provide for the protection of children (Child Protection Act, QLD s4, 1999). The Act supports the intervention of child protection departments in the lives of families when a child is considered to be at risk of harm. “Harm” is defined broadly as “any detrimental effect of a significant nature on the child’s physical, psychological or emotional wellbeing” caused by physical, psycho- logical or emotional abuse, or by neglect or by sexual abuse or exploitation (Child Protection Act, QLD s14(1)). A “child in need of protection” is defined as a child who “has suffered harm, is suffering harm, or is at unacceptable risk of suffering harm and does not have a parent able and willing to protect the child from the harm” (Child Protection Act, QLD s10).4 Research has demonstrated that children in households where there is domestic violence may be harmed as a result of witnessing the violence (Choudhry & Herring, 2006; Wangmann, 2008) and children are more likely to be physically assaulted at home if their mother is being physically assaulted (Harwin, 2006). In Queensland, the definition of harm in the child protection legislation does not specifically refer to domestic violence but is wide enough to include it. In some Australian States, exposure to domestic violence is explicitly included in legislative definitions of harm (Children and Young People Act, ACT s342, 2008; Children and Young People (Care and Protection Act), NSW s23, 1998). There is, however, no evidence that different legislative definitions of domestic violence have had a significant impact on the operation of child protection authorities (Humphreys, 2008).

Regardless of whether domestic violence is included in definitions of harm, domestic violence is a factor to be considered pursuant to risk assessment tools used by child protection workers (Davies & Krane, 2006). The definition of domestic violence varies between jurisdictions. In Queensland, domestic violence is defined in state domestic violence protection legislation and includes personal injury, harassment, intimidation, indecency, and damage to property and threats of any of these behaviors (Domestic and Family Protection Act, QLD s11, 1989). A further requirement of the definition is that the behavior must occur in the context of an intimate, spousal, family, or care relationship (Domestic and Family Protection Act, QLD s11A). In Queensland, as in other jurisdictions, child protection authorities are overburdened with increasingly high case loads so they are unlikely to ever be able to investigate every circumstance where children are present in domestic violence situations (Australian Institute of Health and Welfare, 2009; Bledsoe, Yankeelov, Barbee, & Antle, 2004). However, our study participants claimed that police frequently alert child protection authorities when they attend a domestic violence call-out and children are present. Such reporting usually occurs pursuant to police operational guidelines (Queensland Police Service, 2008). Domestic violence refers broadly to violence, whether

physical or emotional, between intimates (including spouses) and it is understood to have complex power dynamics whereby the abuser seeks to control the victim (Easteal, 2001). Research has shown that domestic violence often continues after the parties separate (Cowan & Hodgson, 2007) and that violence and danger may become heightened after separation (Mahoney, 1991). Research has also consistently confirmed that domestic violence is gendered and women suffer disproportionally to men (Graycar & Morgan, 2002). However, some of the participants in our study suggested that child protection workers accepted dominant myths about domestic violence, for example, that domestic violence is just a relationship issue (Hunter, 2006; Wangmann, 2008). For instance, one participant said, “There’s definitely that absolute approach that it’s between the parents, that it’s something about their relationship, it’s something about the parties.” While another participant observed,

There’s a problem of understanding the dynamic of domestic violence . . . in [the Department of Child Safety]. It’s seen as more of an interpersonal conflict situation. Women participate in this. And so there’s not, there doesn’t seem to be much under- standing of the actual power dynamic, and so . . . you get these very . . . strange kind of perspective[s] and strange responses.

The failure to recognize and identify the particular dynamics associated with domestic violence is likely to have ramifications for the way in which child protection workers respond to abused mothers and their children. Studies have demonstrated that notwithstanding circumstances of domestic violence women actively seek safety for both themselves and their children (e.g., Wilcox, 2006). Yet our participants suggested that many child protection workers saw the parties to domestic violence as failing equally to be protective. One participant observed,

I think Child Safety don’t see that there is a protective parent when there’s violence, there’s this assumption that both parents are problematic if there is any violence. Rather than, that violence is gendered, and that women actually do . . . or that there is often a protective parent. And it’s better to have a system that works with the protective parent.

If a child protection worker fails to see that an abused mother is taking action to protect her children in the context of domestic violence, this may also have ramifications for how a child protection worker responds to the situation. If a mother is perceived to be acting protectively, presumably the child protection worker may be more willing to provide assistance and support. In the alternative where a mother is seen to be part of the reason for the dangerous environment, removal from the mother’s care may be much more likely. Although some child protection workers may not understand the dynamics of domestic violence, they are likely to recognize it is unacceptable. Yet participants in one focus group in our study observed that mothers who are new arrivals to Australia may not even understand that domestic violence is not acceptable in Australian society (see also Hunter, 2006). In such cases, women need information about their legal rights and about available supports such as

domestic violence protection orders and refuge accommodation so that they can make informed decisions about what to do. In such cases child protection workers need to be able to explain the concept of domestic violence to mothers. This is problematic if child protection workers misunderstand the dynamics of domestic violence in the first place.

# The Mother Is to Blame

Scourfield (2001) has found that mothering “is central to occupational constructions of women in child protection work.” Many of the participants in our focus groups claimed that child protection workers appeared, first, to construct women as the one with the responsibility to care for children, and then to blame women for the domestic violence in the home and the consequent failure to protect their children. Where this is occurring, mothers may experience a much higher degree of scrutiny than their male batterers. This approach has been noted elsewhere (Humphreys, 2007; Powell & Murray, 2008; Radford & Hester, 2006; Schneider, 2000). The central concern here is that such constructions and blaming also have practical ramifications for how child protection workers respond to situations of domestic violence. For example, participants in our study commented,

[These mothers] are fine and decent women but they’re just being blamed for the domestic violence, and they’re actually being blamed for his violence, because they’re not being protective enough. And the [Child Safety] Department is quite punitive in the measures that need to be in place for them to get their children back . . .

What concerns me is the framework of [the Child Safety Department] in dealing with domestic and family violence . . . even where there is recognition of the violence that a male might be using in a relationship; their focus is on the woman and her capacity to protect the children. Not about his capacity to cease using violent or abusive behavior, the emphasis is on her capacity. The focus is on her and the level of misplaced and transferred responsibility onto the women is quite dangerous and has significant implications for women.

Parton, Thorpe, and Wattam (1997) have emphasized that the way in which child protection workers perceive the mother’s response to circumstances are often pivotal in determining the approach to be taken (see also Lapierre, 2008). As suggested previously, if mothers are perceived as unprotective, they may not receive appropriate support. Furthermore, an approach that blames a mother’s failure to protect her child from domestic violence is unlikely to address the perpetrator’s violence, meaning that a violent cycle of domestic abuse is more likely to continue. It has been argued elsewhere that parent blaming and the adoption of a child rescue framework by child protection agencies can be a negative approach as it reduces the possibility of a “therapeutic alliance” between workers and parents that may help to resolve safety issues (Hansen & Ainsworth, 2007). This is a particularly important issue in domestic violence situations where work with both parents is important if the cycle of abuse is to be stopped.

A related matter identified by participants was that child safety officials appear to have double standards for abused women as compared to male perpetrators of abuse. Some of the participants in our study reported that while women were burdened with responsibility to remove children from abusive situations, male perpetrators of violence were sometimes judged to be satisfactory fathers, just not good husbands. Similar concerns have been raised in other research (Powell & Murray, 2008). One participant in our study commented, “[i]t’s like, how can you say that you’re violent but still a fine father?” while another observed that, “[Child Safety] workers were saying that they believed that a man can be violent to the mother but still be a good father.” In a similar vein another participant commented,

I think the critical thing for me is that it’s the concept that . . . while he beats the shit out of the wife, but he’s a good Dad because he takes ‘em to soccer. You know, children inhale what they’ve observed.

According to several of the participants in our study, these assessments can lead to children being removed from the mother (who is judged as failing to protect the children) and placed in the care of the father (the perpetrator of the violence against the mother). For example, one study participant stated, “Our experience is that Child Protection will give the children to [fathers] . . . who have long histories of violence.” Another observed,

. . . I remember one case where there was obvious domestic violence. The police came and the police put in a [protection order]. And he said something as the police were there that she was crazy, and as soon as he said that the children were taken off her.

Workers in one focus group identified a specific situation where the mother claimed there had been significant domestic violence. The mother was in hospital birthing a child and thus was willing but not able to care for her other children. In the circumstances the participant in our study commented that the Child Safety Department

played down the violence. They located a relative, related to the father. The mother refused [the placement] because she was concerned about the children’s safety with this relative. But they had found someone who could provide care and even

without the mother’s consent they were going to go down the path of placing the children with this relative really not hearing the concerns of this woman.

The mother referred to in the extract above had real concerns for her children if the children were in contact with their father. This possibility was obviously increased when the children were placed with the father’s relative. It is common for many women caught up in domestic violence to become isolated and for her family and social networks to break down (Easteal, 2001) resulting in women being unable to identify safe people in their own networks to care for children. This was the case for the woman in the above example. Workers in our study also claimed that some

violent men were more adept at harnessing the child protection system and family law system for their own interests. This has also been noted elsewhere; for example, in their exploration of family court mediations, Field and Crowe (2007) observed that men may be better able to navigate family law mediations because they are more familiar with recognized norms of rationality. The confidence of men in navigating relevant systems is reflected in the comments made by one participant, “I think guys will just be like, ‘I’m doing this; I’m getting the kids.’” Other participants said,

It’s really prevalent. And women are just incredibly disempowered in this day and age with children, especially with men who are really violent, and like I said, use the family law against them, and present as this big yogi bear of a man, but in reality . . .

And also perpetrators use the family law against women. They might have had noth- ing to do with the children, but that’s like using family law against the women is just another way of putting them under. And are they using the child protection system as a way of getting what they want.

Research has identified the “absence” of fathers in programs to improve child welfare. In the context of vulnerable families, it has been suggested that the father’s violence often becomes invisible as child protection agencies focus on change of the mother to improve her capacity (Humphreys, 2007; Powell & Murray, 2008; Schneider, 2000). However, holding men accountable for their violence may often ensure better outcomes for mothers and their children (Fleming, 2007). Similar views were echoed by some of the participants in our study. For example, one participant commented,

If you’re gonna work with women and you don’t work with men you’re wasting your money and you’re wasting your time. If you’re just going to resource women and don’t change the male, it’s gotta change, and there’s many, many ways of doing it. Programs are just one way. The whole culture of the thing—we need sporting icons to come out and say [something].

However, work with men who engage in domestic violence remains unusual, especially in the child protection context. The focus continues to be on mothers. One way in which participants emphasized the focus on mothers was through the ultimatum sometimes delivered to abused women by child protection workers: leave the abuser and keep the children or stay and lose them. This issue is discussed further below.

The authors wish to thank the women who took part in this research and research assistance from Sarah-Jane Bennett and Holly Baxter.

## Declaration of Conflicting Interests

The authors declared no potential conflicts of interest with respect to the authorship and/or publication of this article.

## Funding

The authors disclosed receipt of the following financial support for the research and/or author- ship of this article: This research was supported by a grant from the University of Queensland.

## Notes

1. Other purposes also included interrogating the role and availability of advocates for mothers in child protection interactions. See Douglas and Walsh (2009) and Walsh and Douglas (2009).
2. All of these services have chosen to remain anonymous in view of the fact that many of them receive at least some funding from the Queensland Department of Child Safety. Although the makeup of the focus groups is described further below, given the small size of the sector in Queensland it is difficult to provide further information without compromising the anonymity of the workers interviewed.
3. See Children and Young People Act 1999 (ACT); Community Welfare Act 1983 (NT); Children and Young Persons (Care and Protection) Act 1998 (NSW); Children’s Protection Act 1993 (SA); Children, Young Persons and Their Families Act 1997 (Tas); Children, Youth and Families Act 2005 (Vic); Children and Community Services Act 2004 (WA).
4. Child Protection Act 1999 (Qld), s 14(1). A child is defined as an individual under 18 years of age: Child Protection Act 1999 (Qld), ss 8& 9.
5. See, for example, Restraining Orders Act 1997 (WA), s 13(4); Domestic Violence Act 1994 (SA), s 5(3).
6. Currently, certain individuals are obliged to report reasonable suspicions that a child has been, is being, or is likely to be harmed. They are authorized officers, employees of the depart- ment, and persons employed in departmental care services or licensed care services (Child

Protection Act, s148 (1999) Qld); staff of the Commission for Children and Young people and Child Guardian (Commission for Children and Young People and Child Guardian Act (2000) Qld, s20); doctors and registered nurses (Public Health Act, (2005) Qld s191 & 192); family court personnel and counselors (Family Law Act, (1975) Cmth s67ZA).

1. This point was made by one of the reviewers of this article.
2. In the United States context see also *Nicholson v Williams et al* (2003) F. Supp. 2d

153 (E.D.N.Y. 2002) where the court found that the Administration for Children’s Services (ACS) did not conduct sufficient investigation before removing the children of abused mothers and failed to adequately investigate what the mother had done to protect herself and her children. The court found that the removals of children based solely on ACS representations infringe mothers’ due process rights. For further discussion of this case see Lyon and Mechanic (2005).

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