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 communitybased lawyers and community service workers in Brisbane, Queensland, Australia.2 Thirtytwo people participated in the focus groups. Twentyfive participants worked for womens 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 womens 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 childs physical, psychological or emotional wellbeing caused by physical, psychological 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 callout 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, Theres definitely that absolute approach that its between the parents, that its something about their relationship, its something about the parties. While another participant observed,

Theres a problem of understanding the dynamic of domestic violence in [the Department of Child Safety]. Its seen as more of an interpersonal conflict situation. Women participate in this. And so theres not, there doesnt seem to be much understanding 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 dont see that there is a protective parent when theres violence, theres 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 its 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 mothers 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.