

**IN THE MATTER OF THE ROYAL COMMISSION  
INTO FAMILY VIOLENCE**

**ATTACHMENT BA-13 TO STATEMENT OF BETH ALLEN**

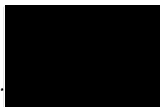
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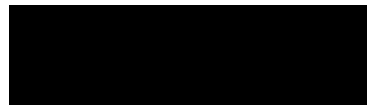
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This is the attachment marked '**BA-13**' produced and shown to **BETH ALLEN** at the time of signing her Statement on 13 July 2015.

Before me: .....  .....



**An Australian Legal Practitioner within  
the meaning of the Legal Profession Uniform Law (Victoria)**

## CHILD PROTECTION AND FAMILY VIOLENCE PRACTICE GUIDELINES CHECKLIST PRACTICE CONSIDERATIONS

**Family Violence is: Violent, threatening, coercive or controlling behaviour that occurs in current or past family, domestic or intimate relationships. This encompasses not only physical injury but direct or indirect threats, sexual assault, emotional and psychological torment, economic control, property damage, social isolation and behaviour which causes a person to live in fear (Women's Safety Strategy)**

### Principles underpinning Child Protection practice with family violence

- All family members have a right to a safe and secure domestic environment. The maintenance of the family unit should not override the rights of the individual to be protected from violence
- Children living in a home where family violence occurs are potentially at risk of significant harm
- Every effort should be made to ensure a child's safety and wellbeing within the family by enhancing the mother's capacity to protect her child.
- If the child's caregivers are unable to provide sufficient protection from significant harm to their child, Child Protection will intervene to ensure the child's safety
- When Child Protection investigates concerns of abuse and neglect arising from the impact of family violence they will make every attempt to directly address the behaviour of the man who uses violence and ensure his accountability
- Although child Protection is a service well placed to make significant difference to the safety of children who have experienced violence, a co-ordinated community service response is essential to ensure children's longer-term health and well-being.
- Women who have experienced violence should be actively resourced and supported to respond to their children's needs. They should not be blamed if unable, at a particular point in time, to do so.

### The impact of violence on children

- Children may be physically harmed either intentionally or as a result of being caught in the crossfire.
- Where there is violence within a family, children are more likely to be the direct victims of child abuse and neglect.
- Family violence during the first six months of a child's life more than triples the odds of physical abuse occurring and doubles the odds of psychological child abuse and neglect occurring at some point during the child's first five years. (McGuigan and Pratt).
- One of the most significant long-term effects of children witnessing violence is the transmission of abusive behaviour in subsequent generations.
- Witnessing violence affects children differently depending on their age and stage of development. This differing impact needs to be considered in the assessment of risk.
- It is not uncommon for children to feel they are responsible for the violence
- Children who experience violence often perceive punishment as an expression of affection.

### Conditions for Recovery

- The caregivers capacity to be emotionally present to the child/ren.
- The willingness of both parents to seek assistance in dealing with issues.
- Open and honest discussion about the impact of parental conflict on children
- Demonstrated understanding of impact on child/ren.
- Demonstrated capacity for change in the situation.
- Availability of support to assist parents to change and age appropriate counselling for the child/creation of an environment within which the child is able to discuss their feelings.

### Development and exposure to violence

Living in a home where family violence occurs causes uncertainty, stress and hyper vigilance in children, including babies.

**Pregnancy** – Family violence often starts during pregnancy or soon after birth.

**Infants and young children** - are at risk of being accidentally physically harmed during a violent incident with long term harm, occurring as a result of being physically injured or witnessing violence, outcomes include: developmental delay, excessive separation anxiety, sleep disturbances, disruptions in feeding schedule, failure to thrive.

Stress responses associated with family violence can affect the development of the infant's brain resulting in long term maladaptive behaviours.

**School-age children** - who experience or witness violence may suffer physical injury or psychological effects such as depression, anxiety, confusion, loss of self-esteem, anger, aggression, fear and withdrawal from social interaction, prone to accidents, self destructive behaviours and concentration problems.

**Adolescents** - are confronted with the additional stresses associated with adolescence and may be particularly vulnerable to adopting destructive behaviours such as: drug and alcohol abuse, running away, suicidal tendencies, criminal activity, seeking to escape through pregnancy or early marriage and may be more likely to leave school early.

### Prompts for Assessing Vulnerability of the child

- Did violence occur during pregnancy? What is the parent's view of the pregnancy?
- What is the age of the child? (e.g. Child under 2) have you consulted a SIPW?
- Is the child at the expected developmental level?
- Is the child especially vulnerable because of past family experiences (including abuse experiences)?
- What is the stress and anxiety level for this child?
- Is there the possibility of sibling-to-sibling abuse?
- Has a visual and physical check been conducted?
- Do the parents acknowledge and understand the impact on the child,
- Are the parents willing to seek assistance in dealing with the issues? E.g. counselling, preparedness to place child's needs first,
- Have the children ever tried to intervene between the mother and partner? What happened?

### Prompts for assessing the parents/parenting capacity

- What is the pattern and history of violence in this family?
- Have you interviewed (with an interpreter if required) each adult separately?
- How do they describe the violence issues?
- Does the mother think the children are aware of her partner's violence toward her?
- Does she think the children have been at risk physically or psychologically because of their experiences of violence
- Does the mother feel that the violence in the relationship makes it hard for her to be a good parent? Does she think the violence impacts on the way she responds to the children? In what way?
- What are the adult views regarding power and control?
- How do conflict, aggression and violence occur within the relationship?
- Is the victim ready to make positive choices to protect the children and what support would enable her to move from decision to action?
- Is the perpetrator prepared to admit they have a problem and will they participate in counselling or a men's behaviour change program?
- Is the family isolated from the positive influence and support of family and friends?
- How do cultural issues interplay with the violence? What beliefs and attitudes exist within the person's cultural community? What supports exist?
- What are the most powerful barriers to change?

### Prompts for assessing the need for protection and care

- Have there been previous Child Protection reports in which family violence is the key concern
- What is the cumulative effect of the violence on the child's development over time?
- Are there concerns about the quality of care generally?
- Is there evidence of alcohol/substance abuse, mental illness or disability?
- Have you referred to the Specialist Assessment Guides (SAGS) on the Intranet
- Who in the family is responsible for the protection and care generally?
- Does the man who uses violence make it difficult for services, including Child Protection, to talk with him or members of his family?
- What protection is currently in place for the child?
- Is the child safe in family in the immediate period?

### Considerations for the woman who has experienced violence:

- Her capacity, both intellectually and emotionally, to recognise and respond to the emotional and physical safety needs of her child
- Her capacity to effectively and safely care for her child
- In general, how does she rate the impact of the violence on herself?
- How does she think living with violence affects her and/or her children's physical and mental health?
- Does she think the violence is getting worse?
- Are there periods of calm and relative safety with the family or is fear and aggression always present?
- Has she also experienced violence in the past? If so, how did she manage that situation/s?
- Do the mother and child have any effective supports outside of the family and do these provide a real 'escape route' when violence is happening?
- Has she contemplated leaving?

### Considerations for the male who uses violence:

- His capacity, both intellectually and emotionally, to acknowledge the issues of violence and to understand the impact of his behaviour on others, specifically his children.
- Does he have the willingness and capacity to engage around changing his violent behaviour? What evidence is there of past attempts to change?
- Does he use charm, charisma or aggression and violence to control those inside and outside the family
- How strongly does he believe in his right to act in the way he does and control those with whom he lives?
- How strongly does he know that his actions may constitute a crime?
- Does he take any responsibility for his violent actions or demonstrate remorse? Does he believe that the use of violence is a legitimate response in a range of settings?
- Does he use his culture as a reason (or excuse) for his use of violence?
- Does he believe that he has a right to isolate his family from the broader community?

### Safety Planning should address

- The nature and severity of the abuse.
- The capacity of the parent to protect the child and respond to their needs.
- Supports and resources to address immediate and longer term safety
- The cumulative impact of severe abuse and violence for the child. (Treatment, education and care all become more difficult as layers of harm accumulate).

**This checklist should be used in conjunction with the Child Protection and family violence – Guidance for child protection practitioners - (incorporating the use of intervention orders) 2005. Child Protection/Protecting Children Manual webpage – DHS Intranet**

Department of Human Services - Victoria. 2006