

**ATTACHMENT HD 12**

This is the attachment marked "**HD 12**" referred to in the witness statement of Heather Douglas dated 20 July 2015.

# Mothers, Domestic Violence, and Child Protection

Violence Against Women  
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## 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

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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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> 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, 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).<sup>4</sup> 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 disproportionately 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 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 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 nothing 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 “Leave” Ultimatum

In circumstances where domestic violence is the identified risk, focus group participants claimed that it was common for child protection workers to issue an ultimatum to mothers. Participants claimed that women were often given a choice to either move to accommodation away from the domestic violence perpetrator and continue to care for the children or stay



with their abuser and lose the children. A similar approach has been identified in Scourfield's (2001) interviews with child protection workers in Cardiff, Wales (see also Davies & Krane, 2006). Participants in our study were asked whether it was the case that child protection workers give such ultimatums to mothers. Study participants in one focus group said,

Participant 1: Yep, that happens as well. That's the ultimatum that some of the women get.

Participant 2: But sometimes they do that [comply with the order] but still won't get their kids back. So it's like shifting them . . .

Participant 1: And instead of working with both, the whole family support is divided and conquered.

A participant in another focus group claimed that this ultimatum operated as a constant threat to women in some situations. She said,

I think some of the women who have had just a peripheral involvement with [Child Safety] is where they've been told "if you don't leave your partner," the threat of removal of children hangs over them.

Such a binary choice offered in the context of domestic abuse will rarely be either a realistic choice for women or an appropriate approach for child protection workers (Terrance, Plumm, & Little, 2008). To begin with, some women may have false information about their options that have been provided by the perpetrator of abuse. For example, women who are new arrivals to Australia may not believe that they are legally allowed to leave their partner. A participant in our study commented that women who came to the service where she worked were

often fearful, and often directly misinformed by her partner that should she leave the relationship that she would be deported and the children would remain in Australia . . . not knowing what support services are available and definitions of domestic violence in Australia.

Other studies have underlined the injustice women perceive when they, and not their violent partner, are required to leave the family home (Edwards, 2004). However, as noted earlier, dealing with the behaviors of abusive men has generally not been the focus of child protection services (Scourfield, 2001). In this sphere, the focus has very much been on requiring women to change (Davies & Krane, 2006). This emphasis on mothers is reflected in other related areas such as the family law arena. There, it has been argued that a case involving children will rarely be articulated as a "protective mother/harmful father problem" (Gray et al., 2007; Rhoades, 2002). Thus it is for the woman to take the necessary steps, including leaving, to find safety for the children (Terrance et al., 2008).

In Australia it is possible to obtain an “ouster order” as a condition in a domestic violence protection order.<sup>5</sup> Such a condition ensures that men are not legally allowed to enter the family home. The Australian Federal Government has recently publicly supported the availability of ouster orders and has announced an initiative to support women and their children to stay safely in their homes while the perpetrator of the violence is removed (Commonwealth of Australia, 2008). Yet, research has demonstrated the reluctance of courts to grant such orders. Magistrates are uncomfortable with excluding male perpetrators from their home, primarily due to the legal focus on property rights (Choudhry & Herring, 2006), especially when perpetrators of violence have legal title (Field, Carpenter, & Currie, 2000; Wilcox, 2000). The magistrates in Field et al.’s (2000) study suggested that they would be more prepared to grant an ouster order in more severe situations of violence. However, it is actually in these situations that such an order would be most dangerous for women; at this point of violence escalation, secure accommodation, such as refuge, may be more appropriate (Field et al., 2000). Thus ouster orders are most appropriately granted in the early stages of domestic violence and probably before child protection becomes an issue. The development of safe refuge accommodation for women has also limited the focus on ouster orders (Field et al., 2000), especially as the availability of men’s crisis accommodation remains very inadequate. One participant in our study noted that a women’s refuge was the best approach “in the absence of anything better, you know—in a fair world, he’d be off, he’d be sent off to a refuge.”

Even where there is suitable refuge accommodation available, the world view of some women, especially those from different cultural backgrounds, may not include the possibility of leaving. Although participants in our study often accepted that in many situations the only realistic option was that women should leave the violent situation, workers emphasized the myriad practical issues that confronted mothers if they did make this decision. For example, one participant commented,

Very often the women who are here, even though they are with the violent partner, this violent partner is the only support that is there. It is the only family. So perpetrator and supporter at the same time. Leaving, thinking about leaving, not even knowing the system: that is an issue. And not knowing, just information, one off information, doesn’t cut. It’s a lot of information, it means for many women to change their world view. To really digest it, think about it and make a choice.

Wilcox (2000) has explored the costs women face if they decide to leave the batterer and family home. Her study suggests that women who leave with children face increased debt and living expenses, the possibility of accruing rent arrears and increased medical expenses and legal expenses. Wilcox also observes that the damage to self-confidence and self-esteem incurred after years of abuse may also make dealing with various support agencies more difficult. Accommodation may be unavailable or available only for a short period. One of the participants in our study noted, “. . . in many of the cases homelessness is a big thing.” Even though women’s refuges prioritize women with families, there is still large pressure on availability (Moe, 2007; Terrance et al., 2008). In any event, some participants suggested

that even if refuge accommodation was found it may not be considered safe for children. One participant commented,

Initially we had a couple of cases where [child safety] considered a shelter a “home.” Partly because they’d been there three months. And also we guaranteed to house them, as well. We had cases where it was like—well, they’re safe and they’re being supported. . . . But other [child safety] workers have considered a refuge “homeless,” and they will absolutely not give [mothers’] children back when they’re at refuge until they find something permanent.

Furthermore, given the priority on placing women with children in refuge accommodation, it may be very difficult for a lone mother to find accommodation and getting her children back may rely on her obtaining accommodation. One of the study participants commented, “[t]here’s a lot of single women who come to us who have lost their children because of domestic violence. It’s critical . . . then they get homeless. And it’s very hard to place a single woman.”

The private rental market may also be difficult to access not only because of both high demand and limited resources but also because many women experience active discrimination by landlords and real estate agents (Chung, Kennedy, O’Brien, & Wendt, 2000). Even when women do find housing, it may be difficult to convince child safety workers that the situation will be safe. For example, one worker in our study explained,

One of my clients actually left the relationship, we went through all the safety plans, security plans, we talked about a shelter but she said, “no I will not live my life in fear. I have a [protection order]. It’s my life.” She was that strong. Then somebody made a notification to [child safety] saying she wasn’t a fit mother . . . [child safety] intervened and said if she doesn’t go into refuge they would take her child.

Furthermore, in the Australian context there is now a presumption of shared care under family law legislation (Family Law Act 1975 (Cth) s61DA). Punitive action has sometimes been taken in relation to women who obstruct father contact and, as a result, some women may be reluctant to leave with the children on this basis (Overington, 2009, May 5). Fathers’ rights advocates have also stressed that fathers should not “abandon the family home” (Gidding, 2000). These factors further complicate the circumstances for mothers. The ultimatum approach demonstrates a failure to understand how domestic violence works. In many cases, women make an assessment that it is safer for both themselves and their children to stay in a violent situation rather than leave (Davies & Krane, 2006; Schneider, 2000). As noted earlier, research has shown that one of the most dangerous times for an abused woman is in the months after separation (Humphreys, 2007; Mahoney, 1991). Women (and child protection workers) will seek some assurance of safety for themselves and their children when considering leaving the family home. Such assurance is difficult to find. Although in many cases protection orders may contribute to a woman’s safety (Connelly & Cavanagh, 2007), orders are frequently breached, thus

limiting the protection afforded (Douglas, 2008). Frequently, women will have previously experienced agency failure (Moe, 2007). Research suggests that women continue to experience difficulty in getting police to respond to help-seeking requests in the context of domestic violence and that sometimes women fear that obtaining a protection order will exacerbate the violence (Connelly & Cavanagh, 2007).

Another complication identified by participants in our study was that even if the mother does obtain a protection order, child protection services will often require children to be listed as persons to be protected under the order. Sometimes magistrates may be reluctant to include them. Participants in one focus group observed as follows:

Participant: Even where women have chosen to leave the relationship to protect the children and thinking about getting a protection order, the pressure from [child safety] to have children named in the order, listed on the application . . . yet it's the magistrate's decision about whether to name the children and very often they are not named. There's continued pressure for the women to negotiate in these systems.

Facilitator: So if children are not named on the order, is that seen as a failure to protect?

Participants: Yes. [General agreement in the group.]

Clearly there is a long list of concerns and complications associated with leaving a violent relationship. In some situations staying may be a rational option rather than symptomatic of an inability to care (Terrance et al., 2008). Thus a binary ultimatum to stay or leave without significant support misunderstands the complexity of many mothers' situations. According to the participants in our study, the matters discussed in this article contribute to a climate of mistrust between mothers and their support workers in relation to child protection agencies, leading both mothers and their supporters to fail to both report child protection issues and seek help.

## Child Protection Authorities

Davies and Krane (2006) have found that women are often anxious and fearful of engaging with child protection authorities as they fear that they will not receive support and that their children will be removed. Other research suggests that sometimes their fears may be well-founded. A number of focus group participants in our study commented on the dangers of failing to assist women who seek help. One worker said that many of her clients are

very fearful in terms of engaging with authorities, which might be based on past experience with authorities in her country of origin or here in Australia. Women may have had very poor responses from police when police have been involved so are reluctant to engage with police again and fearful that police will simply get [child safety] to intervene.

. . . they're very fearful that the Department will take their children. That's the number one fear.

Other workers claimed that the fears of the mothers they supported were reasonable. In the view of a number of participants in our study, mothers' help seeking often led to child removal. For example, participants observed as follows:

I've known some people who have rung the department looking for help; people who've actually thought that the department would give them some help with their situation, and instead they find their kids being removed.

I mean, the woman might report these more subtle forms of DV, but what might trigger is that allegation of sexual abuse. And the woman might not want the children to be taken away, but she might want the Department to do something.

One study participant said this fear was particularly strong for Aboriginal women. For many Aboriginal people, the intervention of child protection services is a common experience that often goes back several generations (see generally Human Rights and Equal Opportunity Commission, 1997). Recently it was reported that child protection workers in Australia have begun removing the fifth generation of Aboriginal children from their parents, meaning that some Aboriginal families have an 80-year history of child protection intervention (Overington, 2009, February 20). Aboriginal children continue to be disproportionately placed in out-of-home care compared to non-Aboriginal children (Australian Institute of Health and Welfare, 2009). One participant observed as follows:

Especially with Murri [Indigenous] kids. If they have a negative experience when they were children then they're very scared that even being seen as pregnant will be a black mark. There again, you get three or four generations of this kind of thing.

Many scholars have observed that as a result of the intersecting factors of poverty, race, and gender, Aboriginal women, and women who are recent immigrants, are particularly disadvantaged and discriminated against in their engagements with institutional processes (Cossins, 2003; Crenshaw, 1991).

The professional pressures on child protection officials are undeniable. Child safety officials shoulder the considerable personal and professional burden, on behalf of the state, of determining the degree of risk of harm to a child, and whether such risk warrants the removal of a child from his or her family. It seems logical that such an important role should only be undertaken by the most experienced and skilled of workers. Yet on the contrary these workers are most commonly new graduates of tertiary institutions. They generally hold social work degrees, although this is not mandatory, and they are generally very young. A large number of participants in our study stated that child safety officials' educational credentials failed to equip them to undertake the tasks set for them. Participants made comments such as, "[t]hey're so educated and yet they don't know anything" and "some of the comments from women are like, 'Who do they think they

are, coming out of uni or something and then telling me what's best for my children?"

Other participants observed as follows:

You can just go straight out of school, do a degree, and just go straight into Child Safety because it's a government job. Probably over half the people when I went through my degree have gone straight into Child Safety and have no experience of real women apart from what they've learnt at uni.

They're sending out 1st-year university graduates with no kids and no experience, quite judgmental. I mean, if you've never had toddlers and you've never seen what a tantrum's like, you can be quite judgmental. . . . And a lot of women are quite resentful when there are these [young workers] making judgments about their supervised access.

Some participants noted the high turnover of child safety officials, implying that this was the result of worker burnout due to high caseloads and inadequate or ineffective professional supervision. The incidence of worker burnout and high staff turnover rates in child protection settings is often mentioned in the literature (Gibbs, 2001; Goddard, Saunders, Stanley, & Tucci, 1999).

There are structural factors that affect the work of child protection officials. The legislative framework under which they operate requires them to be accountable for children's safety, not the safety of children's mothers, yet these matters may go hand in hand, especially in the context of domestic violence. Furthermore, there are few resources available to child protection workers to assist them in addressing male violence or in supporting abused women. Although some participants in this study recognized this, they suggested that it was workers' sense of being overwhelmed that led them to rely heavily on structured tasks, such as meetings and documentation, at the expense of providing one-on-one support to children and their families according to their needs. This fact is reflected in the Australian literature (Bingley Miller & Fisher, 1992; Gibbs, 2001; Healy, Meagher, & Cullin, 2007). Relatedly, many participants said that child safety officials seemed preoccupied with "winning the case" and "building evidence" to justify their actions. This is consistent with the "science of risk," which has been adopted by child protection agencies, whereby risk is considered to be quantifiable and thus capable of being "proven" (see McCallum & Eades, 2001; Stanley, 2007).

Regardless of their accuracy, the dangers of perceptions such as those conveyed by the participants in our study are clear. If mothers do not believe that services such as police and child protection services will provide them with the help they need, they will be reluctant to call on them for support. Women who are living, or who have recently lived, in the midst of domestic violence may often need care themselves; however, this does not necessarily mean that they are unable to act as effective caregivers to their children. Wilcox (2000) has described this as a "tightrope" women walk; to admit to needing care "may be seen as jeopardizing their ability" to care for their children. The concern is that a decision to avoid police and child protection authorities may leave both mothers and children in great danger. To ensure the safety of children at risk through

living with domestic violence, both mothers and their support workers must be convinced that child protection officials will not take hasty punitive action (i.e., remove children) before attempting to support mothers to continue to care for their children.

The relationship between women's services and child protection authorities is complex, and there have been a number of philosophical collisions between approaches to intervention by women's service providers and child protection authorities. Although all survivors of domestic violence need help, support, and information, it has been shown that the way these matters are approached differs markedly depending on the sector (Humphreys, 2007). Davies and Krane (2006) suggest that women's support agencies have engaged with women, and child protection agencies have engaged with mothers, but neither agency has engaged with women as mothers. The participants in our study generally reflected an ambivalent view about when or even whether to initiate engagement with child protection services. Although none of the workers in our study was subject to mandatory reporting laws around child protection concerns,<sup>6</sup> they had complex and variable responses to this issue. Those organizations that had ongoing relationships with clients seemed to be less willing to report child safety concerns than organizations that tended to offer one-off advice and referral. This was related to the fact that participants with ongoing contact with the mother and her children often felt that they were best placed to deal with the issues of violence and to help keep the mother and children safe. For example, workers from services where client contact is ongoing observed as follows:

We don't readily notify [child safety concerns], we don't take it lightly and we have significant discussion with the people we work with. Most of the time if we are concerned with child safety, where there are high levels of DV, there is often a lot of information sharing in relation to the impact on children and issues in relation to safety and protection, particularly recognizing the capacity for women to protect their children from violence where she is exposed to violence. So we look at providing support to women and recognizing the challenges of living in a violent or abusive situation and the effect on children.

We don't generally report. Our bottom line is that we wouldn't report unless we absolutely had to. But there have been these three cases where we've had to almost have a mini case to really talk about those issues.

However, there does not appear to be a consistent approach; one worker noted that "the different refuges have different relationships with the [Child Safety] Department." A participant who worked in advice and referral and had no ongoing contact with clients had a different approach. She commented,

The dilemma for me is, she's told me these kids are actually at risk, right. I have to move, I'm sorry, I have to move. I discuss it with someone else. We do it very very

gently. We know . . . that women have a terrible history—especially Murri women—it’s really tough, but you have to think, “crikey, how am I helping, what am I doing here? I have to act on behalf of the child.”

Although this particular worker was certain about her duty to report, this study does not support the introduction of mandatory reporting for those serving women coping with domestic violence who have children. Some research from the United States has suggested that mandatory reporting of domestic violence may have unintended effects. It has been criticized on several grounds: that it may inflame an existing situation, it may discourage those who are abused from seeking assistance, and it may disempower abused women (Bledsoe et al., 2004; see also Humphreys, 2008). According to Bledsoe et al. (2004), some physicians also oppose mandatory reporting on the theoretical basis that there is no evidence that it benefits victims. However, if it is the case that women’s advocates are reluctant to report child protection concerns to relevant authorities, it may be that child protection workers are in turn hesitant to trust women’s advocates as protectors of children.<sup>7</sup>

## Conclusion: Layers of Difficulty

Scourfield (2001) identifies three contradictory discourses about women as mothers, which are present in child protection work. He notes that women are seen as oppressed by men, as responsible for child protection, and as making choices about their children’s care. These discourses sit uneasily together and are reflected in the study participants’ views about the way in which child protection workers engage with battered mothers. Although children who experience domestic violence, whether physically or as observers, are at risk, this article supports the view that children are sometimes better protected where the battered woman is properly supported and protected (Horner, 2008), but there are layers of difficulty to be overcome in each case. We stress that there are clearly limitations to the data gathered here; 32 workers is a very small sample and given the contexts in which the participants work, many may not be considered objective. However, the concerns identified by the workers in our study have been identified elsewhere (Radford & Hester, 2006).<sup>8</sup> It seems clear that the apparent deficiencies within child protection departments must be addressed. It is repeatedly stated in the literature that although the personal and professional pressures on frontline child protection officers are widely acknowledged, little is being done to address the problems (Gibbs, 2001). Many have postulated that the answer lies in more effective supervision, rather than accountability measures (Bingley Miller, & Fisher, 1992; Gibbs, 2001). A focus on accountability promotes hostility, whereas encouraging contemplation and reflection may encourage “meaningful” and empathic interactions with children and families (Darlington, Osmond, & Piele, 2002). Similarly, criminal justice interventions in relation to domestic violence must be enhanced. Cowan and Hodgson (2007) have suggested that police failure to respond to domestic violence at an early stage has ramifications for children as early police intervention may help to ensure that appropriate protective orders are made. Evidence gathering and associated charging practices



should also be improved (Choudry & Herring, 2006). Once domestic violence matters reach court, sentencing outcomes should be used as an opportunity to focus on protection of women and behavior change for violent men (Douglas, 2007). As has been noted elsewhere, the disconnect between various services—police, child protection, housing services, and women’s services—has serious implications for ensuring the safety of mothers and children (Humphreys, 2007). Furthermore, if women’s advocates are as distrustful of child protection authorities, as our limited research suggests, it is likely that they are making a contribution to this disconnect. A holistic approach to service delivery must be taken to ensure that women, who are victims of domestic violence, and their children are safely housed so that the threat of unnecessary child removal is reduced. Women require practical assistance including housing and income support, emotional support, and other forms of specialized assistance such as immigration advice.

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### **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 department, 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).

7. This point was made by one of the reviewers of this article.
8. 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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