



**Doncaster Community Care & Counselling Centre Inc.
(Doncare)**

**SUBMISSION TO THE ROYAL COMMISSION INTO
FAMILY VIOLENCE
May 2015**

'Family violence is a feminist issue, a cultural issue, a men's issue, a children's issue, a social issue, a legal issue, an educational issue, a workplace issue, an historical issue; it is personal; it is systemic; it is complex.'

Doncare submission to the National Council to Reduce Violence against Women and Children, 2008

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PREAMBLE

Doncare is a large community agency in Melbourne's eastern suburbs, with a range of cradle-to-grave- services for local residents including counselling, information and emergency relief, family services, social support and the women's support program.

Until 2004 there were no programs based in the City of Manningham specifically tailored to assist families where violence had occurred. In 2005, Doncare founded the Manningham Family Violence Reference Group, a group of service providers and local government representatives committed to see that Manningham has an adequate service response to family violence. This network continues to meet. Also in 2005, Doncare carried out a research project: '*Dimensions*', on behalf of the Reference Group. The results of this research, together with our ongoing support group work enabled Doncare to better understand the specific issues and needs of family violence situations and indicated a need for less formal support for women, especially those who feel unable to take part in group programs. Doncare has developed considerable expertise in some traditional services such as support groups and counselling, and has also pioneered some unique programs that assist in recovery and in prevention.

SUBMISSION

1. Doncare's Domestic Violence programs

1.1 Group Work

In mid-2004 Doncare developed and implemented two support groups for women: "*Living Free*" (an 8-week psycho-educational program) and "*Moving Forward*" (an ongoing support group). Over the years these seminal programs have evolved into four different support groups that can be attended individually or sequentially by clients, and the work in resolving trauma has been particularly influenced by the inclusion of creative arts therapy. The groups now offered are

1. **Living Free:** a psycho-educational eight week support group which runs twice a year
2. **Protective Factors:** a five week group process based on the Shark Cage model created in Melbourne by Ursula Benstead ('*The Shark Cage: the use of metaphor with women who have experienced abuse*. Psychotherapy In Australia. Vol 17 No. 2) and used as a vehicle to discuss risk and protective factors in relationships (runs once each year)

3. **Moving beyond Trauma:** a four week creative arts group specifically designed to assist women to integrate and recover from traumatic experiences (runs once each year), and
4. **Reclaiming Self:** an eight week group focused on women finding their own voice, increasing self-respect, reflecting on self, identifying and valuing internal strength and intuition, and reclaiming identity (runs once each year).

1.2 Doncare Angels for Women Project (DAWN)

In 2007 Doncare secured a grant to take its family violence initiatives to the next level for such women through the Doncare Angels for Women Project (DAWN), a pilot project funded by the Australian Government Office for Women under the 'Domestic and Intimate Partner Violence and Sexual Assault Funding'. This program is ongoing and to date has trained more than 70 volunteer 'angels' who work with survivors.

In the 12 months to 30 April 2015, 34 women have been assisted by this program.

Volunteers are trained by Doncare's domestic violence support team and matched with a woman who is safe and in recovery from domestic violence, for approximately one year. Clients in this program usually have significant practical and mental health issues, and are assisted by this mentoring relationship; volunteers meet with their client regularly, assist with practical issues and can attend appointments with the client such as legal and medical appointments, and court appearances. Ongoing evaluation of the DAWN Program indicates that the participants experience significant improvement in their mental health while in the Program.

1.3 Counselling

Doncare also provides counselling for women who have experienced violence at the hands of their intimate partners. In the 12 months to 30 April 2015, Doncare has assisted 123 women and provided 922 counselling sessions for these women, five times the number of counselling sessions funded by DHHS for this program. Doncare's Children's Counsellor also sees children affected by family violence and between half and two thirds of children seen in our general children's counselling service are referred for issues related to experiencing and/or witnessing family violence.

1.4 iMatter - a prevention program

Doncare is committed to maintaining and improving services to women, to assist in recovery and to contribute to the prevention of further violence. In 2011 Doncare secured

funding to commence a prevention program to work with young women. The iMatter Program trains Young Leaders (volunteers) aged 18-28 and they are supported to deliver workshops in local secondary schools to assist young women to navigate their early relationships safely. The iMatter team has also produced a set of iMatter discussion cards to support other professionals and to use in schools, and a popular smartphone App also called iMatter, which was launched by Rosie Batty in February 2015 and has reached 8000 downloads. iMatter aims to build self-esteem and resilience, and to educate women to prevent intimate partner abuse.

1.5 SaSSing: Survivors and Supporters Sing

Doncare also started a successful choir for survivors in 2010, which to date has given 33 public performances, assisting choir members to develop confidence and friendship networks, and raising awareness about family violence in the general public.

1.6 The Dorothy Rose Fund

Doncare started a fund, named after a survivor of domestic violence, to provide small grants for women to enable them to become safe, to stay safe, or to recover. These grants are used for expenses such as driving lessons, computer courses or English language classes. There is very little brokerage available to women trying to re-establish themselves and achieve independence and these small grants can make it possible for a woman to remain safely away from a dangerous partner.

1.7 Intersection between DVAS and other Doncare Programs

Doncare has a busy Emergency Relief Program and a Family Services Team which are part of the Child First response and many clients in both these teams deal with clients who have lived with, or are still living with family violence. Our Social Support for Seniors Program also makes referrals to the DVAS Team where there has been elder abuse or partner abuse of seniors. The oldest client supported by the DVAS Programs was 92 years of age.

2. This Submission

It is anticipated that there will be a large number of submissions to the Royal Commission, so this submission will concentrate on those issues that are particular to the experience of the Doncare team and to Doncare clients. It is assumed that readers of this report are familiar with current Australian and Victorian Statistics on the subject. It is also assumed

that submissions from the domestic violence sector and peak bodies will address major reforms and responses effectively and in terms with which Doncare would concur.

Doncare's limited resources have consequently devoted this response to ideas and suggestions that relate to specific knowledge and experience within this service.

Doncare is rarely part of the crisis response to domestic violence, but the breadth of services and the passion and experience in dealing with the aftermath of domestic violence gives Doncare ample opportunity to hear about recurring issues in the areas of systemic response to domestic violence, ongoing safety issues, understanding what aids recovery for women and for children, and the gaps and challenges in the systemic response to this scourge in the community. Doncare staff consulted with clients in the preparation of this report and their input is proudly incorporated into this submission.

The other area of interest is prevention and informing young women about the warning signs of abusive and controlling behavior, and about what is healthy and unhealthy in relationships. The iMatter work in schools and the iMatter smartphone App has enabled Doncare to learn about the issues faced by very young women and how to support them in early dating relationships.

3. Responses to Terms of Reference Topics

3.1 Prevention of family violence

Doncare believes that the language used about domestic violence is still frequently victim blaming and implies mutuality of responsibility for violence that has occurred, for example terms such as 'violent relationship', 'honeymoon period'.

There is a particular need for more general awareness about abuse that is other than physical; that is, violence can be silent and covert as well as overt and physical. Clients pointed out that many young people are ignorant about domestic violence and do not know what to look out for. They emphasized the need for early involvement in schools.

Suggested prevention initiatives:

1. Involve young people in education about healthy relationships in age appropriate programs, making sure to include discussion about the warning signs of controlling

and abusive behaviours, and clear messages about the necessity of gender equality across all aspects of society.

2. Schools programs should include what is acceptable behaviour and what is not in such issues as
 - a. safe personal space and the right to have boundaries
 - b. respect for others and self
 - c. assessing friendships – Doncare adopts the ‘shark cage’ model (Ursula Benstead, see above) when working in schools and in women’s support groups, as an effective psycho-educational tool
 - d. Bullying, and where it does and does not intersect with understandings about family violence. For example, children who bully other children may be witnessing such behaviour in the home, or experiencing it themselves.
3. It is important to have programs for both boys and girls in schools, and to provide attitudinal programs for boys in High Schools and boys-only schools. Doncare works with Nirodah, an organization that provides program a program for boys when working in co-educational settings. While Doncare delivers the iMatter Program to girls, Nirodah delivers the Be The Hero program to boys, and combined co-educational sessions are also held.
4. Community programs are needed that educate about ‘Bystander’ behaviour and rights – e.g. do neighbours have a right to intervene or report to police? What can they do? How they can assist? Clients identified that people are frequently unsure about whether to assist and how to best assist when they suspect or witness people at risk or being harmed.
5. The iMatter program, created by Doncare, has the unusual aspect of being delivered to young people by young people. Young leaders are trained and work in the program as volunteers, delivering the program to students. This seems to give them considerable credibility and makes their messages very palatable to the audience that is only a few years younger than they are. iMatter has also produced discussion cards and the iMatter smartphone App, and these tools are used in the program. Many students report that no other class or program invites them to have open discussions about the issues they face in relationships or teach them the warning signs of abusive behavior. The report released by the Australian Domestic and Family Violence Clearing House in 2014 found that one in five young women under 25 had experienced physical violence in a relationship and one in six had felt

pressured sexually.

[http://www.adfvc.unsw.edu.au/PDF%20files/Thematic%20Review 4.pdf](http://www.adfvc.unsw.edu.au/PDF%20files/Thematic%20Review%204.pdf)

6. Build community awareness through bill-board advertising, TV and radio announcements to educate the public about healthy and unhealthy behavior in relationships.

3.2 Early Intervention to identify and protect those at risk, and prevent escalation

1. The best way to encourage early intervention is to take whatever steps can be made to ensure that
 - a. disclosure is safe for victims and
 - b. responses are prompt , appropriate and reliable and
 - c. perpetrators are held accountable
 - d. Practice at Doncare has taught us that timely and respectful intervention can prevent future violence. For example, clients who receive support from Doncare report that they are more aware of the indicators of disrespect and less likely in the future to return to or remain with partners who use controlling and abusive behaviours. The link between intervention and prevention is an important one.

3.3 Support for victims and measures to address the impacts on victims

Doncare believes that the primary way for victims to be safe is that perpetrators are held accountable (see below). The following are seen as essential in responding well to those living with violence:

1. Victims, adults and children, need to be believed.
2. The first priority is to try to ensure and maintain safety. It is not enough to move away from a partner that uses violence. Separation is the time of highest personal risk, physical and psychological.
3. Children must be protected from ongoing exposure to violent and controlling behaviours. It is widely known that very high percentage of prison inmates grew up as children witnessing violence at home. There are also high rates of exposure to childhood violence among sufferers of high-prevalence mental illnesses. Reducing the exposure of children to violence is a key to reducing the cost to the community of both mental illness and domestic violence.

4. The community must take responsibility to keep identified perpetrators away from their victims until it can be demonstrated with confidence that they will not re-offend. Many clients report that even when charged and convicted of assault and related crimes, their partners and ex-partners are rarely incarcerated and often receive only token penalties. *One Doncare client, whom we supported in court, had received fractures in two separate incidents, months apart, the second being a spinal fracture. The perpetrator was given a 2 year Good Behaviour Bond and walked from the court.*
5. A domestic violence hotline, such as 1800RESPECT, must be funded sufficiently to ensure phones are able to be answered and appropriate support to be given
6. Professionals who are likely to receive disclosures of domestic violence must be trained to respond appropriately. Many clients are still reporting poor experiences following disclosure from police, lawyers, counselors, psychologists, doctors, maternal and child health nurses and clergy.
7. Priority must be given to enabling women and children to suffer the least disruption to their lives when they try to become safe. Victims are still frequently required to relocate because the community cannot ensure their safety from their aggressor. Domestic violence is the leading cause of homelessness for women and children in Victoria. These victims are usually without the means to relocate or to set up another residence.

3.4 Issues related to children

1. Workers and clients emphasized the importance of stopping the cycle of abuse both with a particular perpetrator and victim, and inter-generationally for children growing up with an abusive parent, or having regular unsupervised access with a parent who uses violence.
2. They also feel strongly about the need to understand that for these children this leads to trauma and resultant emotional dysfunction, learning difficulties and an increased risk of becoming a future victim or perpetrator.
3. Schools need to have staff trained in identifying and responding to family violence.
4. It is hard to get specialized help for the children affected by violence. The service funded for work with children affected by family violence in the eastern metropolitan Region is the Australian Childhood Foundation. This service always has a long waiting list, four to six months being common. Doncare now employs children's counselors and more than half of the children seen by Doncare's child psychologists

have been referred for issues related to domestic violence. Another issue for all such services is that children cannot usually be seen without the permission of both parents, and this can be hard to obtain when violence is present or has occurred.

5. See Legal Issues (below) for further child-related issues

3.5 Perpetrator accountability

1. While there has been progress in the last 10 years towards domestic violence being treated as a crime, anecdotal evidence from many clients and daily newspapers indicates that consequences for assaults differ when the offender is a partner or former partner of a victim. *For example, an AFL footballer, convicted in March 2015 of 12 offences including bashing his former partner's head repeatedly into the kitchen tiles is on bail till November. If he had committed this crime by visiting Doncare and bashing a worker's head into the kitchen tiles, would he be out on bail?*
<http://www.heraldsun.com.au/news/law-order/former-carlton-star-nick-stevens-sent-bashing-victim-2500-text-messages-court-told/story-fni0fee2-1227258551469> ;
<http://www.smh.com.au/national/lauded-former-afl-star-nick-stevens-sentenced-to-jail-term-on-domestic-violence-charges-20150325-1m7jjq.html> ;
https://www.google.com.au/?gws_rd=ssl#q=nick+stevens+appeal
2. Intervention Orders are more frequently being taken out and in many cases they can help victims feel and become safe. However, due to their civil rather than criminal status, the presence of an Intervention Order is often disregarded as evidence in assessing future dangerousness. *One Doncare client was supported in Court when her former partner was charged with two counts of assault, following which an Intervention Order had been granted. The client was unaware that Doncare staff had assisted two former partners of this same man who had in previous years also had Intervention Orders against this man. Apparently the Magistrate was also unaware of this. The perpetrator received a Good Behaviour Bond, and a dressing down by the Magistrate, during which the Magistrate said "It is lucky you do not have a history of violence".*
3. There is a frequent mismatch in terms of how different courts assess dangerousness. Clients have reported being advised by Child Protection Authorities not to allow their child to have access with the other parent following substantiated violence, only to have a Family Court process insist that such access is enabled. Doncare believes that the community needs to be clearer about what would cause a parent who has used physical, emotional or psychological violence to forfeit his or

her right to parent their child, or to have unsupervised access to their child. This is especially relevant to the witnessing of violence by children and the long-term effects on those children of continued exposure to a parent who uses emotionally manipulative, coercive and controlling behaviours, or overt violence.

4. Doncare strongly believes that much more is necessary for adequate parenting than merely the absence of physical violence. Our work with children indicates that fear and intimidation of children can often continue even when no physical violence is reported, and that this has significant effects on their mental health as children and as future adults.
5. Clients report that their children have been told not to report violence, and there are children too afraid, loyal, to (or for other reasons do not) report violence. *One client reported that her young daughter falsely accused her of causing bruises that had been caused by her father but she was too afraid to tell the truth. This child apologized 3-4 years later, after the father had been given custody of this child. The mother explained to workers that she understood why the child had lied; as she herself had lied to other adults about bruises she had suffered herself at his hands.*
6. Both clients and workers report that it is especially difficult both to become safe and to achieve justice if the perpetrator is 'in the system', eg a policeman or a lawyer. When the perpetrator works in the system they 'know how to work the system'. This can make leaving an abusive partner much more dangerous.
7. There are few consequences, or none, for most men who use violence and who promise to attend behavior change programs but do not do so. Many clients report that there seems little follow up and no consequences, or that their partners have either dropped out of these programs after a few sessions, or claim to have changed their behaviours when they have not, or in some cases learn new ways to be abusive or to cover up abuse.
8. Men's behavior change programs need to be flexible in approach and also to be evaluated as to their effectiveness. One worker described them as a 'blunt instrument'. Currently in the Eastern region availability of places in such programs compared to the number of Intervention Orders granted by Ringwood Magistrates Court is in the ratio of approximately 1 to 12. We urgently need an enlarged and effective suite of programs which teach adaptive behaviour, giving enduring tools to improve social skills, ways to communicate with partners, family and peers, emotion regulation techniques and which reinforce positive gender equitable attitudes towards women.

9. The use of duress alarms, ankle bracelets, effective security cameras and similar technological aids to safety should be explored and funded widely.

3.6 Systemic responses to family violence

3.6.1 Police

1. The response of police seems to have improved over the last decade, but Doncare's clients indicate that responses can still be both positive and negative. *One woman with a disability reported being assaulted by police, and more than one woman has complained that she had to relate her story at a public counter. One of these women asked if the interview could be held in a private room and this was denied.*
2. Excellent feedback has been received from women involved with the High Risk Intervention programs by police in the eastern metropolitan region.
3. Clients frequently report breaches of Intervention Orders and Court Undertakings occurring, but not being followed up or prosecuted. They have reported partners being called and given warnings, but not being charged.
4. The delays in police follow-up can leave women and children at risk. Delays in servicing an Intervention Order create high anxiety, and some processes take far too long, or there is confusion about who holds the responsibility for some actions. *One Doncare client had threatening voicemail messages in language other than English, and it took over four months and many phone calls from Doncare and visits to the police station by the client to have these translated, even though we were told the only unusual aspect of this request was that the language was uncommon.*
5. Women report that police are sometimes reluctant to record a complaint, especially about a breach of an Intervention Order. Doncare advises clients to call 000 as police must then log, attend and report the incident.
6. A specific Domestic Violence Unit within the Victoria Police, properly trained and resourced, would make women feel safer, reporting of abuse more likely and ensure better and more consistent responses. There are some very sensitive and practical police officers doing great work, but many women still experience responses that do not address the risk, minimize it, or leave the woman wishing she had not complained.

3.6.2 Legal Issues

Many women expressed little faith in the legal system both to protect them and their children and to give them justice. In fact, this is the most common source of dissatisfaction about the system's response to their experiences of domestic violence. *'Violence never goes away'*, said one client. Doncare believes that this is due to the circumstance that the community and systems have become better over the last generation at supporting women and children who are seeking safety, even though there are still many gaps and inadequacies in that safety net. However, the community has made little progress in making perpetrators accountable and this is reflected in many perceived injustices and the continuation of abusive, manipulative and controlling behavior by perpetrators using the court processes to continue the abuse by proxy. One client described the legal system as an 'uncaring conveyor belt', another stated that legal teams 'prey upon the vulnerable'. Various complaints were repeated by many clients, including

1. The very lengthy delays in getting a court date and going through court processes.
2. The enormous cost of legal processes and lack of availability of legal aid.
3. The difficulties for children in feeling safe to disclose abuse, and of being believed when they do.

Doncare believes that the hierarchical, adversarial, predominantly male legal system tends to favour those more used to dominating and bullying, rather than the victims of domestic violence who tend more to have used appeasement and acquiescence to avoid being hurt or violence escalating. Some specific issues addressed by clients and workers are as follows.

3.6.3 Victims not being believed by the justice system

Attitudes suggest that many believe that women 'make up' allegations of domestic violence to help gain an advantage in custody battles. In a Victorian Community attitudes survey 48% of people believed that women make up or exaggerate claims of domestic violence to gain increased custody or contact with their children.

<http://www.coronerscourt.vic.gov.au/resources/54bbc2f9-bb23-45c0-9672-16c6bd1a0e0f/vsrfvd+first+report+-+final+version.pdf>

A study by the Australian Domestic and Family Violence Clearinghouse addressed this concern and found that 'the evidence is that men tend to over-estimate their partner's

violence while women under-estimate their partner's violence by normalising or excusing it ... men upgraded women's violent behaviour while women discounted or downplayed their male partner's violence'.

Furthermore, research consistently shows that 'men's (domestic) violence is six times more likely to inflict severe injury and is more humiliating, coercive and controlling. Women's violence is more likely to be expressive in response to frustration and stress rather than purposeful with the intention to control and dominate.'

[http://www.adfvc.unsw.edu.au/PDF%20files/Men as Victims.pdf](http://www.adfvc.unsw.edu.au/PDF%20files/Men_as_Victims.pdf)

Many victims report that while their reports of incident of violence are discounted, that of their former partner is believed.

3.6.4 Difficulties with Evidence

Many women believe that the laws relating to psychological abuse are 'not worth the paper they are written on'. They cite the long term damage psychologically for women and children of behaviours such as constant criticism, threats and alienation from family and friends, frequent and prolonged 'silent treatment abuse', 'crazy-making' behavior such as denying a victim's reality. There is great difficulty producing evidence of such abuse that generally occurs in private, which again contributes to victims not being believed. Breaches of Intervention Orders are often difficult to prove, even when repeated in their hundreds.

Financial abuse is also hard to establish and has devastating effects. Often the victim of social, financial and emotional abuse loses the ability to cope and any positive sense of self. Even though the scars are invisible, symptoms can take years to diminish. *In the DAWN Program we have seen women who have not been allowed by their partners to drive, to have their own bank account, to decide when they can feed their own infants, and even one woman who had to ask permission to take the washing off the line, as she was not allowed outdoors without her partner's permission.*

3.6.5 Intervention Orders

Clients generally agreed that Intervention Orders are more effective at dealing with physical violence. They emphasized that 'violence' can be covert and silent as well as overt and physical, and that this type of violence can be just as frightening and just as dangerous, as

it can be harder to predict when such violence will escalate. Some clients complain about being talked out of getting an Intervention Order and urged to agree to a Court Undertaking.

3.6.6 Family Court Difficulties

Family Court legislation is intended to prioritise the best interests of the children when their parents separate. The two primary criteria are that children should have a meaningful relationship with both their parents, and that children should be protected from harm and abuse. Unfortunately, these basic principles come into conflict when the child has a parent who uses violence, abuse or coercion to achieve their ends. Where you are dealing with reasonable people who can put the needs of their children first, they can and do apply these principles. Most parents who separate manage to sort out their parenting arrangements and their finances without requiring adjudication by a court. Not so where there is a pattern of abuse. A study done in 2007 found that in judicially determined cases in the Family Court of Australia, 79% involved allegations of 'spousal abuse'.

<https://aifs.gov.au/publications/allegations-family-violence-and-child-abuse-family-1/5-prevalence-and-nature>

Abuse often escalates following separation. The adversarial nature of the court processes make it much more suitable to those who have well developed tactics of asserting their power and control, and it works against those who are emerging from a situation of fear and trauma where giving in to intimidation has been a matter of their and their children's survival. Study after study shows that women and children escaping domestic violence receive less in property settlements, little or no child support and that child contact becomes an opportunity for perpetrators to continue harassment and abuse. At the extreme end of the scale, more women are killed when they leave or discuss leaving their partners, than at any other time in their relationship. The conflict that is the hallmark of a relationship with an abuser, seems often to be replicated in a Family Court battle, with the woman having to prove the abuse, and where abuse, manipulation and intimidation continue throughout and beyond. *As one of our clients told us "I now feel safe in my home, but I do not feel safe in the system."*

Clients complain that there is a lack of accountability or analysis in relation to decisions made by magistrates and judges. A number of comments and suggestions were made in relation to this:

1. All legal issues related to the finalising of a relationship should be dealt with **at the same time in the one court**: property, custody and family violence allegations and

charges. Views about dangerousness are then much more likely to be consistent, and patterns in the history of the relationship, and of any abuse, are more likely to be recognized. Justice in such a court would depend on the judiciary having a full and informed understanding of the nature and dynamics of domestic violence.

2. There is a need for a better understanding of patterns in the behavior of the participants rather than a focus on individual incidents. The previous history of abuse by perpetrators needs to be taken into account when assessing current risk and future parenting capacity. This should include Police and Child Protection files and evidence and an Australia wide Criminal History Check of parties to the legal action.
3. Experts in family violence and child development are needed in family courts. It is not accepted by clients or staff at Doncare that Family Court Assessment report writers are all currently competent in their knowledge of these fields, or that judges and magistrates were similarly competent. *For example, one client spoke of her ex-partner using explicit photographs of her, shot and used without her permission to open a number of accounts in her name on adult dating sites. When she complained to the Family Court judge in a custody hearing about this behavior, the comment by the judge was "What has that got to do with him seeing his children?" There was no acknowledgement of the deception, dangerousness, intimidation, invasion of privacy or fraud inherent in this behavior.*
4. Some clients stated that in their experience women who are seen to stand up for themselves in court can be labeled 'mutually abusive' or aggressive or hysterical. *'Women are seen as 'abusive' when they become empowered', said one.*
5. There is another way in which the effect of the legal system can be 'domestic violence by proxy'. The legal process can be as abusive as a perpetrator, with lengthy and time-consuming legal hearings and court appearances over Intervention Orders, custody, divorce and property matters constantly reviving memories of traumatic episodes and frequently re-traumatizing victims. Some victims report feeling bullied by lawyers on behalf of the perpetrator.
6. *One woman reported the court would not allow her to move house, to live closer to her family support network. Her former partner was so allowed and did.*

3.6.7 Children's Issues

Many women report that they are regarded suspiciously by court assessment report writers, and by lawyers, if they raise allegations of domestic violence or child abuse. Even if they have evidence, there are difficulties in making sure it is conveyed to decision makers, and

some report that their lawyers warn them about making false allegations. It is very difficult to establish you are acting protectively in not wanting your child to have contact with an ex-partner. For the child, this is a no-win situation. This is even more the case if the allegations raised are about child sexual abuse. Doncare workers and clients had the following suggestions and comments:

1. In cases where violence has been substantiated, or serious allegations have been made, children should be seen and assessed regularly by competent and experienced children's counsellors with specific training and experience in working with victims of family violence, both after separation and at regular intervals following court ordered custody arrangements. This would provide the courts and the community with long term understanding about whether the decisions made by the court are indeed in the child's best interests.
2. It was suggested that surveillance cameras be used where unsupervised access is ordered even though evidence of abuse had been tendered to court.
3. Family Courts must understand that the perpetrator of violence towards a mother is not an appropriate custody parent for a child unless they can establish that they are safe for the child to be with.
4. The research regarding overnight access for very young children needs to be reviewed. Both staff and clients suggested that overnight access for infants and toddlers, especially with a parent who has poor impulse control and a sense of entitlement, is at best disruptive and at worst dangerous.
5. It was suggested that there be courses for grandparents where children have witnessed or experienced abuse.
6. Records of counselling sessions held with children need to be protected from becoming court evidence, as children can be constrained in counselling, or punished for what they reveal.

3.6.8 Assessment of the child's best interests

A hallmark of domestic violence is the harm caused to the mother-child (or parent-child) relationship. Perpetrators are more likely to use physical or harsh discipline, to undermine the other parent and to have inappropriate age expectations of their children. (AIFS study) Psychologists need to be able to assess a perpetrator's capacity to admit and acknowledge abuse that has occurred, and that it was a choice, their choice. Can they demonstrate a capacity to accept responsibility and to understand that their partners and children have

been impacted and also that it may take a long time to recover trust and a sense of safety with them? Can they understand and relinquish their destructive sense of entitlement? Can they reassure the court that their children will be safe in their care?

The Doncare team hears almost weekly about instances of professionals who are misinformed, biased or untrained, or who assume erroneously that a 'higher qualification' in a different field gives them sufficient knowledge and understanding of domestic violence. The 2007 report *Women, Violence and Family Court Assessments* provides numerous examples and some recommendations on this topic. (Taylor, Dr. S. Caroline, and Ward, Janet; July 2007 *Women, Violence and Family Court Assessments in Residential Custody Cases in the Victorian Family Court*. Prepared for the Victorian Women's Trust and Reichstein Foundation.)

The Family Court Assessment writer has a great deal of power and the comments above about the expertise in family violence and child development are relevant here. From the perspective of workers with domestic violence expertise:

1. Court assessment writers must view substantiated violence as relevant, even if it has occurred in the past. *Victims alleging violence report that they are told 'this is about the children' and/or that violence towards the protective parent is not seen as relevant.* This shows a marked ignorance about both child development and the dynamics of domestic violence, which usually continues in some form after the relationship has broken up.
2. Court assessment writers must take into account all types of violence, especially the verbal, psychological or emotional abuse and any stalking or threatening behaviour occurring after separation.
3. Some clients describe their experiences of a family court assessment as 'horrific' and 'demeaning'. One disabled woman was told not to mention her disability or she would not be given custody of her children.

3.6.9 Child Support and Financial issues

1. One client suggested that the assessment of child support should be based on a percentage of income not on the percentage of time the child spends with the parent.

2. Many clients gave examples of men deliberately reducing work or income to pay less child support, or going overseas to avoid paying child support altogether
3. Some clients reported problems relating to disclosure about partner's superannuation where privacy laws prevent disclosure and allow miscarriages of justice.
4. One client suggested that in some cases it would be good to have guardianship of family funds for 1-2 years until property issues are settled, to prevent squandering, siphoning or hiding of funds. Another suggested more use of forensic accounting.

4. Support services for victims of Family Violence

4.1 We need to provide effective services for men as well as for women, for perpetrators as well as victims, and especially for children and families. If we can reduce the chance of children growing up witnessing or experiencing violence, we will, in the long run, have less Domestic Violence and fewer people in prisons. The experience in Quincy, USA has shown this over the last 30 years. As outlined in *The Quincy Solution* (Barry Goldstein, 2014) this model is alarmingly simple: strict meaningful sanctions for perpetrators and an effective support network for victims.

4.2 A new approach to homelessness caused by domestic violence is needed. Funding for domestic violence accommodation needs should be a discreet specific Government funded program and not funded by association with the Supported Accommodation Assistance Program (SAAP) funding. In Victoria over 60% of the occupancy rate of SAAP services is taken up by women with children escaping DV. Consequently these citizens are labelled twice – as a victim of DV and as homeless. It seems odd that women are categorised as homeless first and a victim of crime second. These agencies are funded usually to work with a woman for up to 13 weeks only, even though she may have endured violence for many years and have complex issues to resolve.

4.3 Our clients made a number of suggestions about accessing information about services. Some have found information about Doncare's programs from counsellors, the local paper and church newsletters. They recommend increased ability to find information in common places as women don't know where to look and often do not know they are eligible for services. Suggestions were made about how services could be advertised: shop-a-dockets, newsletters, local paper, bus shelters, public notice

boards, women's gyms, doctors and other waiting rooms, in the mailed notice with PAP smear and Breast Screen reminders, on television, through CALD communities, anywhere where women are is a place that could be used to disseminate information and especially places that are 'women only'.

4.4 Leaving a message either on an answering machine or with a receptionist makes women back away from seeking help. This is even more the case where her call goes unanswered. They want the person they speak to first to be able to reassure them immediately, and if necessary to take action. A 24 hour hot line and online support needs to be not just an emergency line, but also able to listen, reassure, support and advice people of their rights.

4.5 Doncare recommends the DAWN Model (see 1.2 above) as an extremely cost-effective means of supporting women and their children in recovery. Currently this program at Doncare provides up to 20 home visits per week at the cost of a 0.7 EFT position to support the volunteers in this program, with excellent outcomes for clients.

4.6 Programs in schools are vital, and Doncare's iMatter program is one example of such a program. There are many ways in which this could be enhanced, including training more leaders, providing trained volunteer Young Leaders in other organisations to run iMatter school workshops, More iMatter school workshops,

4.7 Parenting after violence groups are very scarce, but have been run at Doncare for some years when funding allows. There are many issues that protective mothers (and fathers) face after separation, including managing difficult emotions and dealing with problematic behaviours or traumatized children who are still having access with another parent who has been or still is violent. Helping children with fear, anger and other emotions, and dealing with behavioural problems is an important part of recovery and good daily functioning.

4.8. Financial counselling for women is very important, as are classes or courses for women who have never been allowed to manage family finances or legal issues.


5. Closing statement

There are two main pillars of success in reducing domestic violence, an effective and integrated safety net for victims and consistent and effective sanctions for perpetrators. Achieving this level of safety in the community requires a whole of government approach,


a whole community sector involvement and a shift in community thinking. We see this Royal Commission as a golden opportunity for Victoria to lead the way to its own "Quincy Solution".

Doncare supports calls for more funding for all areas of the system to protect victims of domestic violence, and to halt the violence occurring, and what is needed primarily is a steely determination to take action and to persevere until there are indications of progress. In order to help victims of domestic violence become survivors of domestic violence they must be reliably and consistently made safe and protected to remain so. Some of our saddest cases are those where a woman returns to a man who uses violence and abuse because there are simply not enough supports for her to survive and she is choosing what she sees as the lesser of two evils. This is more common with women who are young and those who have young children. We also see women who have made this decision and found it much harder to achieve safety down the track and their children have suffered much more. Let us stop this from happening, before the intergenerational fallout affects all of us, not just one in three.

Thank you for considering this submission.



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