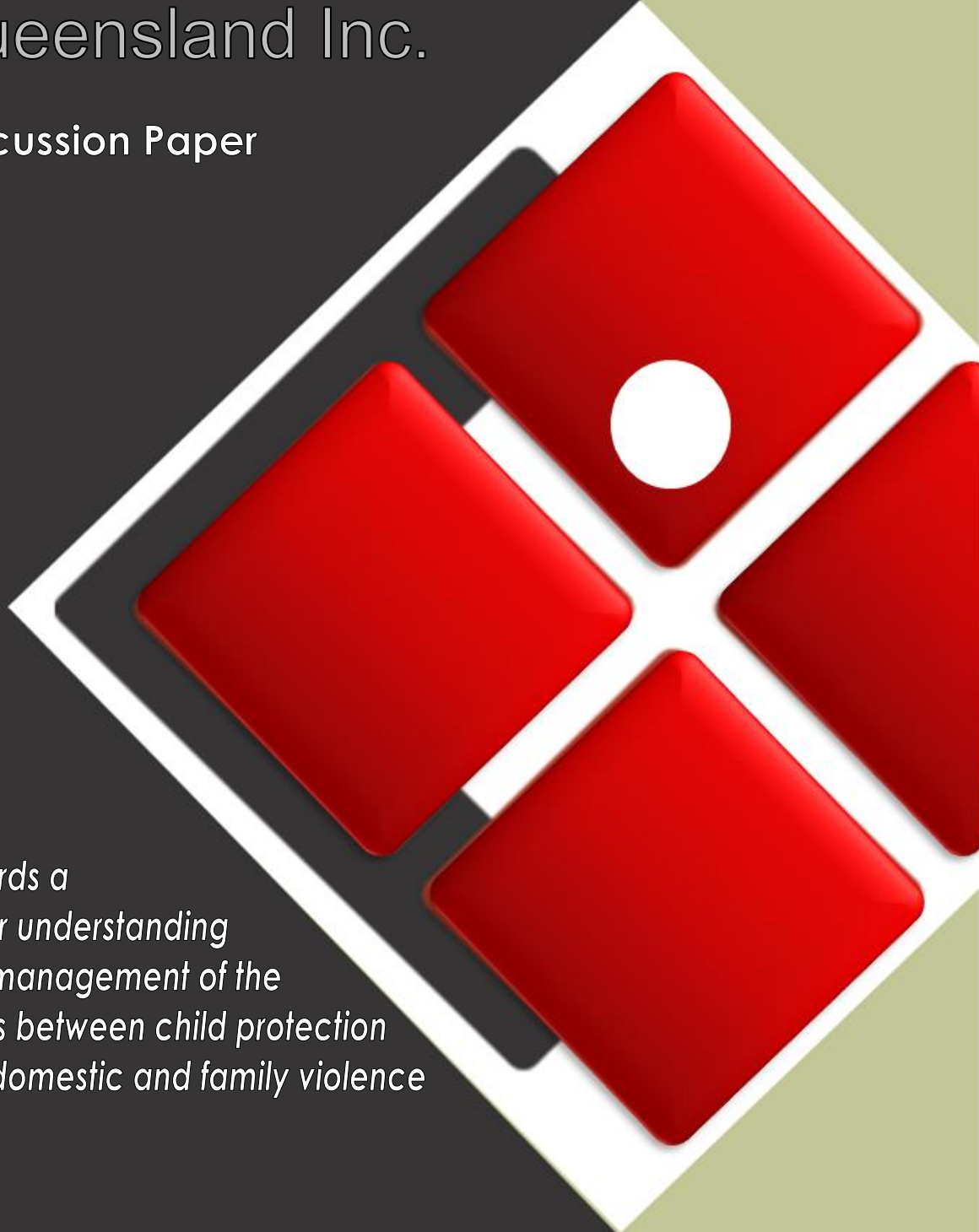


PeakCare Queensland Inc.

Discussion Paper

*Towards a
better understanding
and management of the
nexus between child protection
and domestic and family violence*

May 2014



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1) INTRODUCTION

Children¹ and families affected by domestic and family violence require support to ensure their safety and promote family functioning. In the literature, increasing attention is being given to how best to respond to these needs with much of this attention being focused on the roles of statutory child protection and domestic and family violence services and sectors, and the need for greater collaboration between these sectors. Child protection and domestic violence services and sectors have developed separately in response to concerns for the safety of children and women. A review of the literature indicates that as a result, there are different understandings and emphases in relation to: the nature and context of domestic and family violence; its affect on children and parenting; who is the client; collaboration; and what services are required at what times. Far less attention is given in the literature to the role of non-statutory child and family support services delivered by non-government organisations in promoting the safety and well being of children affected by domestic and family violence, despite these services working with children and families affected by domestic and family violence.

Significant concerns have been raised about the current approach of funnelling reports of children affected by domestic and family violence through statutory child protection services. Most recently, the Queensland Child Protection Commission of Inquiry (2013) identified the policy of the Queensland Police Service to refer all children affected by domestic and family violence to the Department of Communities, Child Safety and Disability Services as contributing to unsustainable demand on statutory child protection services. The report of the Inquiry recommended the establishment of alternate community based pathways for referrals of concern about children and improved access to child and family support services. This highlights the important role of non-government child and family support services in preventing harm to children and domestic and family violence, and, where concerns have arisen, providing support services to address those concerns. The recommendations of the Inquiry and the Queensland Government's responses to the recommendations (2013) emphasise the important role of non-government child and family services in responding to children and families affected by domestic and family violence.

About this project

As a result, PeakCare Queensland Inc. (PeakCare) initiated a project to examine the nexus between child protection and domestic and family violence focusing, in particular, on the role of non-government child and family services.

The project seeks to improve the safety and well being of children and families affected by domestic and family violence.

¹ Children is used to refer to both children and young people

The objectives of the project are to:

- firstly, resource and support non-government child and family services in effectively managing the nexus between child protection and domestic and family violence including their practice, program designs, service delivery and workforce arrangements, and
- secondly, inform government policy, strategic responses, and program development with regard to the nexus between child protection and domestic and family violence.

The project is being conducted in three phases:

- Phase 1:** Sponsoring a symposium on the intersection of child protection and domestic and family violence (the symposium was held in December 2013).
- Phase 2:** Consulting with PeakCare members on the implications of working at the intersection of child protection and domestic and family violence for child and family services and for the broader service system (current phase).
- Phase 3:** Developing a practice framework and related resources to support non-government child and family support services in ensuring the safety and well being of children and families affected by domestic and family violence.

The project is primarily targeted at non-government child and family support services. However, other stakeholders including domestic violence services, statutory child protection services, prevention and early intervention services, and adult focused services (such as those focused on housing and homelessness, mental health and drug and alcohol abuse) may also have an interest in project.

About this discussion paper

This paper examines the nexus between child protection and domestic and family violence and has been developed through a select review of the literature. It is designed to support consultation with PeakCare members and other stakeholders about the issues and considerations for non-government child and family services, and the broader service system.

The paper covers:

- Section 1:** Introduces the project and this discussion paper.
- Section 2:** Sets out definitions of harm, a child in need of protection, domestic violence and a child exposed to domestic violence.



Section 3: Describes the background to the project including:

- the policy and legislative frameworks underpinning the domestic and family violence and the statutory and non-statutory child protection service systems
- the range of services provided, and
- the relevant recommendations of the Queensland Child Protection Commission of Inquiry impacting policy and service responses.

Section 4: Identifies and examines the key issues arising at the nexus of child protection and domestic and family violence:

- understanding the nature and context of domestic and family violence
- understanding the impact of domestic and family violence on children
- different values and perceptions of who is the client
- working in silos and at cross purposes, and
- getting the right service when needed.

Section 5: Concludes the paper including a summary of the key issues identified and setting out where to from here.

Areas for the consideration of non-government child and family support services, and systems design are identified under each issue.

Key questions relating to the issues and considerations for non-government child and family support services, and system design have been posed throughout the paper to guide and support the collection of feedback.

Members and other stakeholders will be consulted through:

- distribution of the consultation paper and requests for written feedback
- focus group discussions with members and other stakeholders in both 'face-to-face' forums and via social media networks, and
- targeted discussions with key individuals and groups.



2) DEFINITIONS

Harm (Section 9, *Child Protection Act 1999*) is defined as:

- (1) any detrimental effect of a significant nature on a child's physical, psychological or emotional well being
- (2) it is immaterial how harm is caused
- (3) can be caused by physical, psychological or emotional abuse or neglect, or sexual abuse or exploitation
- (4) can be caused by a single act of omission or circumstance; or a series or combination of actions, omissions or circumstances.

Child in need of protection² (Section 10, *Child Protection Act 1999*) is defined as a child who:

- (a) has suffered harm, is suffering harm, or is at unacceptable risk of suffering harm; and
- (b) does not have a parent able and willing to protect the child from harm.

Domestic violence (Section 8, *Domestic and Family Violence Protection Act 2012*) is defined as behaviour by a person towards another person with whom the first person is in a relevant relationship that:

- (a) is physically or sexually abusive; or
- (b) is emotionally or psychologically abusive; or
- (c) is economically abusive; or
- (d) is threatening; or
- (e) is coercive; or
- (f) in any other way controls or dominates the second person and causes the second person to fear for the second person's safety or well being or that of someone else.

A **relevant relationship** is defined as an intimate personal relationship, a family relationship or an informal care relationship.

A child **exposed to domestic violence** (Section 10, *Domestic and Family Violence Protection Act 2012*) is defined as if the child sees or hears domestic violence or otherwise experiences the effects of domestic violence.

² An amendment of this section of the Act arising from the government's response to an Inquiry recommendation is currently before Parliament

3) BACKGROUND

The child protection and domestic and family violence service systems represent two distinct but related pathways through which children and families experiencing domestic and family violence may be identified and assisted. Whilst both are concerned with the children and adults involved, the child protection system is primarily focused on the child and their safety, whilst the domestic and family violence system is primarily focused on securing the adult's safety and therefore the safety of their children. In some instances, the child and family are in contact with both service systems at the same time. This section briefly outlines:

- the policy and legislative frameworks underpinning each of the service systems
- the range of services provided by the service systems, and
- the relevant recommendations of the Child Protection Commission of Inquiry impacting policy and service responses across the two service systems.

Whilst not the focus of this paper, this section also acknowledges the interface between child protection, domestic and family violence, and family law.

Child protection

Child protection is concerned with ensuring the safety and well being of children and young people within their family, community and culture.

Child protection is often understood as being about reporting and responding to abuse and neglect, and seen as the responsibility of the State government and, in particular, the Department of Communities, Child Safety and Disability Services. These particular sets of responsibilities and child protection responses are referred to as statutory child protection services.

Whilst the delivery of 'statutory child protection services' is important, child protection is also about:

- preventing abuse and neglect from occurring or getting worse, and
- working with families to support and assist them in parenting and safely providing care for their children.

The *Child Protection Act 1999* sets out the legislative framework for the protection of children in Queensland. The *Act* defines harm and when a child is need of protection as a result of experiencing or being at risk of such harm. While these definitions do not specify domestic and family violence, it is generally understood that the types of harm and how it may be caused cover the impacts of such violence on children.

The Department of Communities, Child Safety and Disability Services acknowledges the interface between child protection and domestic and family violence including the affects of domestic and family violence on children and the need to work collaboratively to address all forms of family violence within the family and secure the safety and well being of the children involved (DCCS&DS, 2012).

The Queensland Police Service has a policy³ that mandates the reporting to Child Safety Services of all domestic violence incidents where at least one of the persons involved has a child residing with them (QCPCI, 2013). As with any reports of harm or risk of harm, Child Safety Services may respond by:

- providing information and advice and/or referral to another agency (child concern report), or
- through investigation and assessment (notification) to establish whether a child is in need of protection.

Services

The Department of Communities, Child Safety and Disability Services' role in protecting children and young people is to:

- investigate concerns that a child has been significantly harmed or is at risk of significant harm, and
- provide ongoing services to children who are experiencing, or are at risk of experiencing harm, and their families.

Ongoing support and assistance may be provided through:

- a *Support Service* - to prevent the likelihood of harm
- *Intervention with Parental Agreement* - to work intensively, directly or indirectly, with children and their families to meet their protection and care needs while they remain in the family home for all or most of the intervention period
- *Child Protection Order* - to work with children and families to meet their protection and care needs where parents disagree that their child is in need of protection, if parents are not willing to have contact with the department and if the child's protection and care needs cannot be met while they remain at home (adapted from the *Child Safety Practice Manual*).

³ This policy is subject to change by government in response to a recommendation of the Inquiry

Children may be placed in out of home care whilst the department attempts to work with families to address the identified protection and care needs, or to determine that long term guardianship is in the child's best interests.

The Department of Communities, Child Safety and Disability Services also funds a range of child and family counselling and support services to work with children and families where there is a risk of harm or harm has occurred to children. This includes where children and families have been affected by domestic and family violence. These services may be involved to support vulnerable families and address protection and care needs so that children may remain at home with their families (secondary support), or to facilitate children's return to their family's care after a period of living away from home (tertiary support). Depending on whether a child is subject to statutory intervention, referrals may be made to Targeted Family Support services, Referral for Active Intervention services, Aboriginal and Torres Strait Islander Family Support services, Helping Out Families services, Fostering Families services and Family Intervention services.

Domestic and family violence

The protection of children and families from domestic and family violence is focused on prevention, early intervention and support and statutory intervention.

The *Domestic and Family Violence Protection Act 2012* sets out the legislative framework for providing for the safety and protection of people in relevant relationships who are victims of domestic and family violence. As previously set out, the *Act* defines domestic violence and how children may be exposed to domestic and family violence. The *Act* sets out who can apply for an intervention order; the police powers and functions to investigate suspected domestic violence and take action to respond; and provisions around intervention orders. Further, the *Act* sets out when a court may name a child in a domestic violence order (Section 53) and when a court must consider naming a child in an order (Section 54).

Domestic and family violence strategy

For our sons and daughters, the (former) Queensland Government's strategy (2009-14) to reduce domestic and family violence set out the government's approach to:

- working with Queensland communities to build zero tolerance for domestic and family violence
- improving the support and safety of people affected by domestic and family violence, and
- placing accountability and responsibility firmly on those who choose to use violence within their relationships.



The strategy identified five areas for reform:

Prevention — to support diverse communities to create environments where respectful relationships are promoted and messages against domestic and family violence are delivered.

Early identification and intervention — to promote training and understanding across a variety of professions, including specialist workers, to recognise and respond appropriately to the safety, needs and diversity of victims, and to perpetrators.

Connected victim support services — to provide effective, best practice services to adults and children as early as possible that meet their safety and wellbeing needs.

Perpetrator accountability — to provide effective early responses that hold people who use domestic and family violence accountable and responsible for their actions.

System planning and coordination — to develop relevant and consistent responses aimed at reducing the incidence and impact of domestic and family violence through government and non-government partnerships.

The current Queensland Government has not stated a policy commitment to continuation of the *For our sons and daughters* strategy or stated an alternative strategy.

Standards

The Department of Communities, Child Safety and Disability Services has developed practice standards for non-government organisations in relation to:

- working with women affected by domestic and family violence (2002), and
- working with men who perpetrate domestic and family violence (2009a).

The practice standards for working with men are accompanied by practice principles (2009b) which provide additional guidance on contextual issues to working with men who perpetrate domestic and family violence.

Whilst the practice standards for working with women refer to both women and children, the specific needs of children or requirements for working with children affected by domestic violence are not addressed.

Compliance with the standards is linked to the funding of non-government organisations and service agreements between those organisations and the department.



Services

The Department of Communities, Child Safety and Disability Services funds a range of domestic and family violence services including:

- prevention - community awareness
- information, advice and referral
- court support services
- accommodation and support services
- counselling and support services for women
- counselling and support programs for children, and
- behaviour change programs.

Directions in child protection

The recommendations of the Child Protection Commission of Inquiry (2013) and the Queensland Government's response to those recommendations (2013) are intended to provide a road map for the reform of child protection in Queensland. Areas of specific relevance to the interface between child protection and domestic and family violence include:

- revoking the Queensland Police Service's blanket policy of reporting domestic violence incidents to the department where at least one of the parties has a child residing with them (Recommendation 4.3)
- providing differential responses at both the reporting and notification stage of the child protection process to stop the unnecessary or further entry of children and families into the statutory child protection system (Recommendations 4.5 , 4.6 and 4.7), and
- designing a new family support system so that families can be referred without any need to have contact with the statutory child protection system (Recommendations from chapter 5).

In addition, the National Framework for Protecting Australia's Children 2009-2020, Protecting Children is Everyone's Business seeks 'to move from seeing protecting children merely as a response to abuse and neglect to one of promoting the safety and wellbeing of children', thereby promoting the notion that 'the protection of children is more than a statutory child protection service'.

Based on a public health approach, it aims 'to reduce the occurrence of child abuse and neglect and to provide the most appropriate response to vulnerable families and those in which abuse and neglect has already occurred' (COAG, 2009).



The national framework highlights domestic and family violence, along with parental alcohol and drug abuse and parental mental health problems as issues most commonly associated with the occurrence of child abuse and neglect. Amongst a range of strategies, it identifies the need to increase capacity and capability of adult focused services to identify and respond to the needs of children at risk and for child focused services to respond to the needs of vulnerable families.

These directions will have a significant impact on how the needs of children and families affected by domestic and family violence are met by the child protection service system. In particular, there will be major implications for child and family support services in identifying and responding to domestic and family violence where children are involved. These implications will be identified and explored throughout this paper.

Family Law

The *Family Law Act 1975* deals with a range of matters relating to separating families including parenting orders and plans.

The Family Violence Best Practice Principles (Family Violence Committee, 2013) set out how courts and key personnel should consider issues of family violence and their effects on children and families at each stage of the case management process.

The overarching statement of principle states 'These Best Practice Principles contribute to furthering the courts' commitment to protecting children and any person who has a parenting order from harm resulting from family violence and abuse.'

The Best Practice Principles recognise:

- the harmful effects of family violence and abuse on victims
- the place accorded to the issue of family violence in the FLA, and
- the principles guiding the Magellan case management system for the disposition of cases involving allegations of sexual abuse or serious physical abuse of children.'

The Commonwealth government funds a range of family relationship, family support, and legal programs.

4) THE NEXUS OF CHILD PROTECTION AND DOMESTIC AND FAMILY VIOLENCE

This section identifies and examines the key issues arising from the nexus of child protection and domestic and family violence.

Clearly, these issues and the implications for child and family support services are all inter-related and are presented in this way to assist in promoting discussion.

Understanding the nature and context of domestic and family violence

Different terminology is used to describe violence within families including domestic violence, intimate partner violence and family violence. This sub-section discusses the use of different language and its implications for how violence within families is understood and the identification of strategies and services to address it.

Intimate partner violence

The term domestic violence is generally understood to refer to intimate partner violence (Humphreys, 2011). The nature of domestic violence has largely been understood to involve the use of power and control of one partner, usually the male, over the other partner, the female (Humphreys, 2011). Approximately 95 per cent of the victims of family and domestic violence are female, and 90 per cent of the perpetrators are male (Bagshaw and Chung, 2000).

However, there is an increasing body of research emphasising that not all intimate partner violence is the same. 'There are key differences in terms of the presence of control, gender perpetration, severity and impact' (Wangman, 2011)¹. Different types of intimate partner violence have been identified:

- coercive controlling violence - based in power and control
- violent resistance - involving the use of violence in resisting coercive controlling violence
- situational couple violence - involving the use of physical aggression by partners in response to situations or arguments, and
- separation-instigated violence - involving violence instigated by separation where there is no prior history of violence within the relationship or other settings (Kelly and Johnson, 2008).

Clearly, understanding the differences between different types of violence is important to developing different strategies for preventing, responding and treating domestic and family violence (Kimmel, 2002; Friend, Cleary Bradley, Thatcher and Gottman, 2011; Wangman, 2011). In 2011, a screening instrument was tested and found that characterological violence (involving the use of power and control) and situational violence (involving the use of violence as a means of conflict management) could be delineated (Friend et al., 2011). However, '...there is still much more work to be done on the articulation of typologies before a useful tool can be developed to assist delineation in practice' (Wangman, 2011).

Notwithstanding that not all intimate partner violence is the same and that both men and women may be violent, there continue to be significant differences in the nature and context of violence used by men and women (Bagshaw and Chung, 2000; Kimmel, 2002). 'It is certainly possible to acknowledge that some women use violence as a tactic in family conflict while also understanding that men tend to use more instrumental violence to control women's lives ... Women's violence toward male partners certainly does exist, but it tends to be very different from that of men toward their female partners: it is far less injurious and less likely to be motivated by attempts to dominate or terrorize their partners' (Kimmel, 2002).

Domestic and family violence also occurs within a wider range of relationships than heterosexual relationships. Lesbian, gay, transgender, bi-sexual and intersex partners may also experience domestic violence. However, there has been limited research on differences in the perpetration of violence in such relationships (Wangman, 2011).

Family violence

Family violence is a more inclusive term often used by Aboriginal and Torres Strait Islander peoples (SNAICC, 2013) to 'encapsulate both the extended nature of Indigenous families and the kinship relationships within which a range of forms of Indigenous violence frequently occur ... it more accurately describes how violence reverberates through the entire family unit, and includes all victims of abuse, including spouses, children, and extended family members' (Day, Jones, Nakata and McDermott, 2012).

Five areas that contribute to family violence have been identified (Victorian Indigenous Family Violence Task Force, 2003):

- inherited grief and trauma
- dispossession of land and loss of traditional language and cultural practices
- loss of traditional Aboriginal roles and status
- economic exclusion and entrenched poverty (including the impact of poor housing standards and overcrowding), and

- difficulties confronting the issues, for both victims and perpetrators.

Notwithstanding the more inclusive nature of the term family violence, Aboriginal women are more likely to be the victims of violent crimes and to be killed by an intimate partner than non-Aboriginal women (Cunneen, 2009) and women and children are predominantly the main people who experience family violence (Memmott, Chambers, Go-Sam and Thomson, 2006).

The broader term of family violence may also be relevant to culturally and linguistically diverse communities (Versha and Venkatraman, 2010; ECCV, 2013) in that 'family violence is gendered in applications of power, which manifest in different ways, in different cultural settings' (ECCV, 2013). A multicultural approach argues that cultural, social and political contexts are important factors in understanding the nature and occurrence of family and domestic violence among culturally and linguistically diverse populations (Thiara and Gill, 2010 in Dimopoulos, 2010).

'While gender inequality is the primary cause of domestic violence, it is not the only factor that underpins the violence experienced by women in marginalised groups ... domestic violence can be analysed within diverse socio-cultural settings, as well as in terms of structural inequalities which shape the lives of refugees and the marginalised' (Versha and Venkatraman, 2010). Cultural values, violation of human rights and experiences of the 'refugee journey' are also identified as increasing the risk of family violence to women (Versha and Venkatraman, 2010; Dimopoulos, 2010). Holistic and culturally appropriate responses are required to address the range of factors impacting family violence in culturally and linguistically diverse communities (Versha and Venkatraman, 2010; Dimopoulos, 2010; ECCV, 2013).

The factors impacting domestic and family violence in respect of Aboriginal and Torres Strait Islander families and culturally and linguistically diverse families highlight the importance of acknowledging and exploring the intersection between different forms of oppression and discrimination (Murray and Powell, 2011; Laing, Humphreys and Cavanagh, 2013).

Gendered violence

Whilst acknowledging the broader nature and context of domestic and family violence, this paper predominantly addresses the issues presented by gendered violence and the dominant pattern of men's violence towards women. It also acknowledges the interactions between inequality more broadly and women's experience of domestic and family violence including disadvantage, race, migration and disability.



For discussion

Areas for consideration by services that support children and families include:

- their understanding of the nature and context of domestic and family violence
- making this understanding explicit in their policies and practice frameworks, and
- providing opportunities for staff to explore their understanding of the nature and context of domestic and family violence.

In terms of systems design, consideration needs to be given to developing greater linkages between child protection and domestic and family violence policy frameworks to clearly set out the intent of and strategies for reform.

Are the issues and considerations identified consistent with your experience?

Are there other aspects of this issue impacting your practice and delivery of services?



Understanding the impact of domestic and family violence on children

The impact of domestic and family violence on children and the need for intervention is increasingly recognised (ADFVC, 2011; Richards, 2011). This sub-section discusses the impact of domestic and family violence on children, the links between domestic and family violence and child abuse, the impact on parenting, and the relationship with other social problems.

Affects on children

Children may be affected by domestic violence in a range of ways (*Domestic and Family Violence Protection Act 2012*; Richards, 2011) including:

- hearing the violence or threats of violence
- being used as a physical weapon
- being forced to watch or participate in assaults
- being forced to spy on a parent
- being informed that they are to blame for the violence because of their behaviour
- being used as a hostage
- defending a parent against the violence
- observing the affects of violence on a parent
- intervening to stop the violence
- having to take action to seek emergency assistance
- comforting or providing assistance to a parent who has been abused
- being present when police attend in response to an incident and/or seeing their parent/s being arrested
- dealing with a parent who alternates between violence and a caring role
- having to leave their home with a parent and dislocation from family, friends and school, and
- experiencing financial stress.

An understanding of how children may be affected by domestic and family violence focuses attention on the harmful effects of domestic and family violence on children; the particular needs of children; and the need to protect children from harm.

Children who are affected by domestic and family violence may experience significant negative impacts to their physical, psychological, emotional, social, behavioural, development and cognitive well being and functioning (ADVRC, 2011).

Research documents a range of possible impacts (Richards, 2011) including:

- depression
- anxiety
- trauma symptoms
- increased aggression
- antisocial behaviour
- lower social competence
- temperament problems
- low self-esteem

- the presence of pervasive fear
- mood problems
- loneliness
- school difficulties
- peer conflict
- impaired cognitive functioning. and/or
- increased likelihood of substance abuse.

Age and development during the period of time a child is affected by domestic and family violence will determine the specific details of how they might respond, and their responses may change over time (Humphreys and Mullender, 2000). Other factors which may contribute to children's experiences include gender and cultural background (ADVRC, 2011).

However, there are no certainties about the way in which an individual child will react to living with domestic or family violence and not all children are negatively affected (Humphreys and Mullender, 2000). Some children appear to cope with domestic and family violence with little or no impact (Humphreys and Mullender, 2000; ADVRC, 2011).

In terms of the different types of intimate partner violence, as discussed previously in this paper, there do not appear to be any studies on whether different types of violence impact differently on children (Wangman, 2011).

Links between domestic and family violence and child abuse

Children who experience domestic and family violence may also experience other forms of abuse or neglect including physical abuse, neglect and sexual abuse (Richards, 2011; ADVRC, 2011; Department for Child Protection, 2012).

The rate of co-occurrence of Australian children experiencing physical abuse and being exposed to domestic violence, and experiencing sexual abuse and being exposed to domestic violence has been estimated at 55 percent and 40 percent respectively (Bedi and Goddard, in Richards, 2011). Further, approximately 60 per cent of physical abuse occurs in homes where there is family and domestic violence (Moloney, 2007 in Department for Child Protection, 2012).

Impact on parenting

Domestic and family violence has a significant impact on parenting and parent's capacity to meet their children's needs (Tilbury, Walsh and Osmond, 2012; Cleaver, Unell and Aldgate, 2011).

Domestic violence (and other social problems) may affect children's safety and wellbeing in a range of ways:

- parenting skills
- parents' perceptions

- control of emotions
- neglect of physical needs
- parent–child attachment relationships
- separation of children and parents (Cleaver, Unell and Aldgate, 2011).

Much of the literature discussing the impact of domestic and family violence focuses on mothering rather than fathering (Tilbury, Walsh and Osmond, 2012; Bromfield, Lamont, Parker and Horsfall, 2010).

Impact on mothering

The impacts on mothering include (Bromfield et al., 2010):

- violence in terms of physical and emotional harm, mental health and/or substance abuse that may emerge as a consequence of domestic violence
- mother may become emotionally distant, unavailable or unable to meet their children's needs
- as a result of attempts to manage violence and fear, mothers may prioritise the needs of their partner over their children, and
- possible damage to the mother-child relationship including children's respect for their mother's authority and her ability to exercise control and authority over her children.

Impact on fathering

Men who perpetrate family violence cannot be fully responsible parents, as exposing children to domestic violence is itself abusive (Bancroft and Silverman, 2002 in Bromfield et al., 2010).

The common parenting characteristics of men who were violent towards their spouses (Bancroft and Silverman in Bromfield et al., 2010) suggest they are more likely to:

- have developmentally inappropriate behavioural expectations of children (Fox and Benson, 2004 in Bromfield et al., 2010)
- generally be under-involved with their children and less physically affectionate but, at times (and unpredictably), to be powerfully present in the child's life, interacting with energy and humour, and spending money freely
- be authoritarian and rigid when involved in the disciplining of children, and self-report being more likely to use physical punishment and to "smack hard" (Fox and Benson, 2004 in Bromfield et al., 2010)



- be self-centred and put their own wants above the needs of their children, or even believe that children exist to meet their fathers' needs (Fox and Benson, 2004 in Bromfield et al., 2010; Mullender et al., 2002)
- behave in a manner that suggests they are resentful of their children being the centre of attention (Humphreys et al., 2008; Radford and Hester, 2006 in Bromfield et al., 2010)
- undermine (in addition to being violent towards her) their children's mother by overruling her parenting decisions, ridiculing, belittling and insulting her in the children's presence or to children, and telling children that their mother is a bad or unsafe parent (Humphreys, 2007; Holt et al., 2008 and Radford and Hester, 2006 in Bromfield et al., 2010)
- be manipulative with their children: for example, creating confusion about which family members are responsible for violence and encouraging children to blame themselves or their mother (Radford and Hester, 2006 in Bromfield et al., 2010), and
- make statements and express emotions regarding their love and pride for their children and desire to be involved in their children's life, despite the confusing reality of their under involvement (Rothman, Mandel and Silverman, 2007 in Bromfield et al., 2010).

Relationship with mental health, substance abuse, poverty, natural disasters

Domestic violence, substance abuse and mental health problems may co-occur in families and families experiencing these problems are often also experiencing exclusion and disadvantage (Bromfield et al., 2010; Cleaver, Unell and Aldgate, 2011). The co-occurrence of these factors may have a greater impact on parents and their capacity to parent, thereby placing children at greater risk of harm.

A study of the profile of parents involved in the Queensland child protection system (Department of Child Safety, 2009) found the existence of multiple and complex parental risk factors:

- parents with a drug and/or alcohol problem
- parents' intergenerational experience of abuse or neglect
- parents with a criminal history
- parents with a mental illness, and
- domestic violence.

Over one third of families had had two or more instances of domestic violence within the previous year. Nearly half of the families had more than one risk factor.



An analysis of studies on domestic violence and natural disasters found that reports of domestic violence and requests for assistance increase after a disaster with some women reporting new incidents of violence brought on by increased stress and others reporting an escalation of previous controlling and violent behaviour as other areas of the partner's life become disrupted and unstable (Sety, 2012). These findings are reinforced by a study of domestic violence following the Victorian bushfires in 2009 (Parkinson, 2011). As a result of this report, the Victorian Government developed a training workshop 'Family Violence After Natural Disaster' to assist workers in recognising and responding to family violence after a disaster.

For discussion

Areas for consideration by services that support children and families include:

- ensuring staff have an understanding of the impact of domestic and family violence on children, the links between domestic and family violence and child abuse, parenting and the relationship with other social problems
- adopting a child focus including hearing children's voices and responding to their needs
- ensuring that staff have the skills and knowledge required to work with children.

In terms of systems design, reflecting a shared understanding of the impact of domestic and family violence should be considered in child protection and domestic and family violence policy frameworks.

Are the issues and considerations identified consistent with your experience?

Are there other aspects of this issue impacting your practice and delivery of services?



Different values and perceptions of who is the client

Understandably, the separate development of child protection and domestic and family violence responses to the safety of children and women has led to differences in understanding and responding to the affect of such violence on children. In brief,

- child protection has a primary focus on children as 'victims' of abuse or neglect and the capacity of parents to protect their children, whilst
- domestic and family violence has a primary focus on women as 'victims' or 'survivors' of violence and the safety of women and children from violence.

'One conceptualised as women-centred, voluntary domestic violence services, the other, a child-focused, statutory and involuntary child protection system. Each with their own history, values, policies and practice focus' (Humphreys, 2007).

At the same time, neither response has had a strong focus on men, as perpetrators of violence, as victims of violence, or as fathers.

Child protection

Child protection has a primary focus on the children as the 'victims' of child abuse and neglect, and the capacity of parents to protect their children. Child protection services were therefore developed to protect children from harm and work with families to address their children's protective needs.

The focus of statutory child protection services on mothers and their 'failure to protect' in situations of domestic and family violence has been highlighted in policy and practice. This focus fails to acknowledge women as 'victims', to understand how the safety of children is inextricably linked to the safety of their mother in such situations, and to hold men accountable for their violence.

Underpinning these issues is a view that mothers are primarily responsible for the care of children (Mandel, 2010; Douglas and Walsh, 2010; Humphreys, 2007). The fear of women losing custody or having their children removed from their care impacts their willingness to seek assistance and from whom they will seek assistance (Meyer, 2011; Douglas and Walsh, 2010; Humphreys, 2007).

At the same time, the importance of ensuring the safety of the child including assessing the capacity of parents to protect is also stressed (Humphreys, 2007; Meyer, 2011; Mandel, 2010). 'Examining the issue of potential removal from homes exclusively through the lens of punitive action fails to engage in the legitimacy of child welfare's concern for the safety and well being of children in families' (Mandel, 2010).



In better understanding and managing these issues, the focus should be placed 'on how it is in the children's best interest to remain safe and together with the domestic violence survivor. This approach promotes a partnership with the parent who is most committed to the safety and well being of the child' (Mandel, 2010).

Child and family services have a broader focus on the family as a whole. However, there is little literature available about the role of such services in responding to the needs of children and families affected by domestic and family violence. Nevertheless, there have been calls for a greater focus on the family as a whole and the need to better match needs and services including the provision of family support services where statutory intervention is not required (Humphreys, 2007; Connolly, 2009). 'Providing additional, more nuanced family systems responses to domestic violence, addressing the safety interests of all family members may be more likely to facilitate enduring positive change for families over time' (Connolly, 2009). In moving toward family focused services, the 'need to ensure that we do not return to times when children's needs were not adequately recognised in domestic violence situations' (Connolly, 2009) is highlighted.

Domestic and family violence

Domestic violence has a primary focus on women as 'victims' or 'survivors' of violence and the safety of women and children from violence. Specialist domestic violence services were therefore developed with a particular focus on self determination and empowerment for women (Humphreys, 2007). More recently attention has been focused on the needs of children affected by domestic violence, and recognition that the safety and well being of children is tied with the safety and well being of their mothers (Humphreys, 2007).

The need for domestic violence services (and other adult focused services) to become more child sensitive continues to be a major theme in policy and practice (Tilbury, Walsh and Osmond, 2012). 'Services aiming to be more child focused should have clear policies, well-articulated and clear staff roles, provide adequate practice support via training, supervision and workload management, child-friendly environments and resources, effective collaboration with other service providers and innovative strategies for overcoming the personal barriers that parents and children may have' (Tilbury, Walsh and Osmond, 2012).

In more specific terms, the need for domestic and family violence to understand the legitimacy of child protection's concerns for the safety and wellbeing of children in families and not to see such concerns entirely through the lens of punitive action (towards mothers) is also highlighted (Mandel, 2010).



The focus in Aboriginal and Torres Strait Islander services and communities is on the whole family. The breadth of the family violence requires a more complex, holistic response (SNAICC, 2013). 'The thinking behind the term Family Violence reinforces the need to find solutions in the context of the particular communities or social networks in which the violence is occurring, and suggest that any useful theoretical framework must embrace the multi-faceted aspects of the issue' (Memmott et al., in SNAICC, 2013).

Fathers

Men who are violent are often characterised as 'invisible' within responses to domestic and family violence (Humphreys, 2007; Douglas and Walsh, 2010).

The lack of engagement of men as fathers in child welfare is a broader issue than the specific factors impacting their engagement as fathers who are violent towards their female partners.

The following reasons why fathers have been overlooked have been identified (Zanoni, Warburton, Bussey and McMaugh, 2013):

Traditional attachment theory - the belief that a child's mother is the main influence on a child's well being.

Family compositions - the single mother families and assumptions that the children in these families do not have a father involved, or multiple biological fathers and father figures, with levels for family engagement ranging from minimal to full parental involvement.

Mothers as gatekeepers of access to fathers - mothers may withhold the father's details as they do not want him involved in the child's life out of fear of losing social benefits or they do not know the father's identity or fear of the father due to violence.

Fathers can be difficult to access - the attitudes and behaviours of men to offers of support including suspicion of intent, not identifying themselves as responsible for the abuse, attitude to staff, hostile demeanour, not interested, or services not designed for fathers.

Workers' fears and lack of training - workers may fear for their personal safety due to father's substance abuse, criminal record and previous instances of violence, and are not trained to work with men and therefore tend to avoid them.

In more practical terms, where mothers are staying at home to care for children, they are simply more accessible than fathers who are working and not available during working hours.

In terms of domestic and family violence, statutory child protection services' lack of engagement of fathers fails to hold men who use violence accountable for their actions including for the safety and well being of their children (Walsh, 2012; Douglas and Walsh, 2010; Humphreys, 2007). In turn, this failure to directly address child protection concerns with the father increases the risk of further harm to children. At the same time, it also fails to acknowledge the important role of fathers in the lives of their children and to take the opportunity to leverage interventions to address their behaviour off their desire to be better parents.

For discussion

Areas for consideration by services that support children and families include:

- ensuring a holistic view of each child in the context of their family with consideration of each family member's needs and how these impact the child
- processes for engaging, assessing and working with fathers who are at risk of using or use violence
- clearly setting out their role and responsibilities when working with children, parents and families affected by domestic and family violence
- understanding and acknowledging the roles of statutory child protection services and domestic and family violence services, and the inter-relationships with their role, and
- the workforce composition required with particular reference to children, gender and culture.

In terms of systems design, greater flexibility in funding, contracts and program guidelines should be considered to improve responsiveness of services and enhance service integration.

Are the issues and considerations identified consistent with your experience?

Are there other aspects of this issue impacting your practice and delivery of services?



Working in silos and at cross purposes

The separate development of child protection and domestic and family violence services and sectors, and the inherent tensions that exist between them has led to services and sectors working in silos and, at times, cross purposes (Humphreys, 2007; Worrall, Boylan and Roberts, 2008; Mandel, 2010). 'Single-agencies cannot meet all the needs of clients and a single-agency or silo approach to serving these clients has added to the problem, resulting in fragmentation of services' (Keast, Mandell, Myrna, Brown and Woolcock, 2004). The increasing understanding of the impact of domestic and family violence on children, the shared responsibility for ensuring the safety and well being of children, and the need to effectively manage those inherent tensions, indicate the need for collaboration across services and sectors.

Some of the issues that need to be addressed to support effective collaboration include common principles, clear roles and responsibilities, sharing of information and coordinating support and interventions.

Principles

The identification of common principles can guide services involved with children affected by domestic and family violence. Principles highlighted (Humphreys, 2007; Worrall, Boylan and Roberts, 2008; Mandel, 2010) include promoting:

- the safety and well being of children
- the safety and empowerment of those experiencing domestic and family violence, primarily women, and
- the responsibility and accountability of people who use violence, primarily men.

An overarching set of principles provides a transparent basis for working across services and managing the inherent tensions (Humphreys, 2007).

Roles and responsibilities of each sector

It is important that the roles and responsibilities of child protection and domestic and family violence services and sectors are clearly set out (DHS, 2004) as they relate to:

- children
- women
- men who use violence
- Aboriginal and Torres Strait Islander families, and
- culturally and linguistically diverse families.



This provides a foundation for developing understanding and knowledge of, and respect for, respective roles and responsibilities.

Information sharing

Effective communication and information sharing is essential to promoting the safety and well being of children and their families.

The sharing of information between service providers is governed by the:

- *Privacy Act 1988*
- *Child Protection Act 1999*
- *Domestic and Family Violence Protection Act 2012*, and
- *Commission for Children and Young People and Child Guardian Act 2000*.⁴

Within legislative and policy guidelines, it is important that services and sectors are clear about what information may be shared with the client's consent and under what circumstances information may be shared without the client's consent (DCP, 2011; DHS, 2012).

It is important that these matters are clearly set out in a memorandum of understanding or other form of agreement such as Western Australia's memorandum of understanding for information sharing between agencies with responsibilities for preventing and responding to family and domestic violence (Government of Western Australia, undated).

Case coordination

The efforts of services within and across sectors need to be coordinated at each stage of the case management process (DHS, 2004; DCP, 2011, QCPCI, 2013).

The Queensland Child Protection Commission of Inquiry (2013) recommended that coordination of efforts to support families with complex needs be achieved using a single case plan and a lead professional for a family across a number of government and non-government services.

As previously noted Victoria (DHS, 2012) and Western Australia (DCP, 2011) have developed common risk assessment frameworks to support a range of professionals and organisations in effectively identifying and responding to domestic and family violence.

⁴ This Act will be replaced in response to the recommendations of the Inquiry

Case coordination must be supported through regional service planning and development. From a domestic and family violence perspective, the need for regional governance of interagency responses to support coordinated practice has been identified (Healey, Humphreys and Wilcox, 2013). From a child protection perspective, the Queensland Child Protection Commission of Inquiry report (2013) calls for place based planning to support coordinated service delivery.

Broader cross sector collaboration

Whilst the primary focus of this discussion has been on collaboration between child protection and domestic violence services and sectors, it is important to acknowledge the need to promote collaboration with other services and sectors including drug and alcohol abuse, mental health and homelessness which may also have contact with the same families. It is also important to acknowledge the interface between child protection, domestic and family violence, family separation and civil and criminal legal systems as they relate to promoting the safety and well being of children affected by domestic and family violence.

Interface with Family Law

It is also important to note the need for collaboration between child protection, domestic and family violence and family separation legal systems.

Section 60CH1 of the *Family Law Act (1975)* sets out requirements if a child or a member of the child's family is subject to a family violence order or has had contact with a statutory child protection service. As previously noted, the Family Violence Best Practice Principles (Family Violence Committee, 2013) set out how courts and key personnel should consider issues of family violence and their effects on children and families at each stage of the case management process.

An examination of women's experiences of the family law system found that a range of service provider, organisational, and systemic factors contribute to women's and children's exposure to unsafe and damaging experiences through the family law system and parenting arrangements (Laing 2010). Identified were:

- the interconnection of violence against women and children
- a complex and uncoordinated system
- a shift in responsibility from child protection services to family law proceedings
- common beliefs about mothers' efforts to achieve safety that influence providers' responses and decisions, and
- a lack of understanding about domestic violence dynamics and consequences.



For discussion

Areas for consideration by services that support children and families include:

- understanding that the safety and well being of children is a shared responsibility
- understanding the need for collaboration to ensure the safety and well being of children
- respecting the expertise of other services and sectors in contributing to that outcome
- policies and procedures for information sharing and contributing to the development of protocols with other stakeholders to support the sharing of information
- policies and procedures for joint case management and coordination of services, and contributing to the development of protocols with other stakeholders
- participation in regional networks or forums designed to support local planning and sector and service development.

In terms of systems design, amendments to legislation and/or policy frameworks should be considered to support information sharing and case coordination.

Are the issues and considerations identified consistent with your experience?

Are there other aspects of this issue impacting your practice and delivery of services?



Getting the right service when needed

Increasing referrals to statutory child protection departments and concern about the focus on investigation rather than assessing need and providing services has led to calls for reform of child protection systems with an emphasis on early intervention (COAG, 2009). These calls have been echoed in two substantive reviews of child protection in Queensland - the Crime and Misconduct Commission's inquiry into abuse in foster care conducted in 2003 and the Child Protection Commission of Inquiry conducted in 2013.

Throughout the same period, concerns have been expressed about the impact of increasingly framing the affect of domestic and family violence on children as a child protection issue (Humphreys, 2007; Connolly, 2009), challenging whether:

- a child protection response is justified
- the child protection approach provides the most appropriate framework for responding to such situations, and
- whether we have the right organisations responding to these situations.

It is critical that children and their families have access to the help they need, when they need it, for the time they need it, from the right provider.

Current pathways to services

In Queensland, the acknowledgement of domestic and family violence as a harm has led to standard police practice to report all domestic and family violence incidents where at least one of the parties has a child residing with them to the statutory child protection service. Evidence provided to the Commission (QCPCI, 2013) indicates that in 2011–12 there were 42,303 reports from the police to Child Safety and more than 80 per cent of these did not meet the threshold for notification. The report of the Child Protection Commission of Inquiry (2013) notes that this practice and the policy of investigating intakes that reach the threshold for notification has led to an overwhelming workload for Queensland's child protection system.

This situation is further exacerbated by pathways to family support services funded through the Department primarily made available as result of a report to the Department. Whilst this requirement has been removed in more recent times in relation to referrals to Referral for Active Intervention services, Aboriginal and Torres Strait Islander Family Support Services, Helping out Families services, and Fostering Families, it has had a significant impact on children and families accessing services required to meet their needs in a timely manner.



Threshold for statutory intervention

As previously set out in the definitions section of this paper, the threshold for statutory child protection intervention in Queensland is significant harm to a child where the child does not have a parent who has the capacity to protect them from such harm. It is important that children and families whose needs do not meet the threshold for statutory child protection intervention are able to access resources and support services that meet their needs in a timely manner. In addition, not all children and families whose situation meets the threshold for statutory child protection intervention require a forensic investigation. Where the level of risk is low, children and families may benefit more from accessing resources and supports that meet their needs in a timely manner and reduce the identified risks to the child.

Alternative reporting and service pathways

Statutory and non-statutory reporting and service pathways are required if children and families are to get the right services when they are needed.

The Child Protection Commission of Inquiry (2013) therefore proposed two points at which families could be 'diverted' from the statutory system; at the reporting stage and at the notification stage. 'At the reporting stage, there should be a dual-reporting pathway whereby concerns may be reported either to Child Safety or to a community-based non-government broker. Under this model, many families will be referred quickly to the services they need without ever coming to the attention of the statutory system. At the notification stage, suitable families may be diverted to a non-government broker for an appropriate support service rather than undergoing an invasive investigation and assessment process'. In respect to children affected by domestic violence, the Commission recommended 'A family violence response undertaken by a non-government organisation, which would respond to matters where the child has been exposed to family violence but there is no formal finding that the child is in need of protection'.

Appropriate referral pathways that can meet the needs of children and families affected by domestic and family violence will need to be developed or enhanced if dual reporting and alternative interventions to investigations are to be effective. The Commission of Inquiry (2013) recommended mapping existing family support services and developing an integrated suite of services within an overarching (non-government) child and family support program. As previously noted in this paper, child and family support services must have the capacity to work with all family members including children, mothers and fathers. In respect to domestic and family violence, services must respond to situations where parents separate and where parents remain together, understanding and responding to the needs and risks that arise from either situation.



Assessment frameworks

The development of dual reporting pathways and alternative responses to the investigation of reports of harm will need to be supported by consistent assessment frameworks and appropriate referral pathways if children and their families are to get the right service at the right time. Such frameworks and pathways must reflect specialist knowledge of child protection and of domestic and family violence in respect to identifying and assessing needs and risk and matching assessments to service responses.

Child protection assessment frameworks must reflect an understanding of domestic and family violence including the impact on children; the nature of domestic and family violence; the woman's efforts to promote the safety and well being of her children; and the man's understanding of his behaviour, its impact on the child and mother, and their relationships, and efforts to be accountable for his use of violence (Humphreys, 2007; Mandel, 2010). The importance of engaging men who use violence in the assessment and intervention process is stressed (Humphreys, 2007; Mandel, 2010). Assessment of the severity of the violence is relevant to child protection and it may be helpful in reorienting practice to focus on men who use violence (Humphreys, 2007).

In respect to family support services, further work is required in identifying domestic and family violence and taking appropriate actions once it has been identified (Robinson and Moloney, 2010). Both Victoria (DHS, 2012) and Western Australia (DCP, 2011) have developed domestic and family violence risk assessment and risk management guidelines. Western Australia (DCP, 2013) has also developed a resource for child protection workers about engaging and responding to men who use family and domestic violence. This resource locates the approach within the state's child protection practice framework, *Signs of Safety*.

Approaches to assessment must be located within broader practice frameworks for ensuring the safety and well being of children. The Commission of Inquiry (2013) examined the decision making framework currently used by the department (Structured Decision Making) and proposed a new strengths based practice framework focused on engaging families. It is important that the development of a new practice framework incorporate an understanding of domestic and family violence as outlined earlier in this section and throughout the paper.



For discussion

Areas for consideration by services that support children and families include:

- their role in responding to reports of harm or the risk of harm that do not reach the threshold for statutory child protection intervention
- identifying the assessment skills and understanding of referral pathways required at intake
- contributing to the development of common practice frameworks including risk assessment and management, and
- identifying the specialist knowledge and positions required.

In terms of systems design:

- resourcing and organising service pathways through local area planning and service development to achieve the desired outcomes, and
- mapping child and family support services, statutory child protection services and domestic and family violence services to determine current capacity and required capacity. Specific consideration needs to be given to the needs of Aboriginal and Torres Strait Islander children and families, and their access to services.

Are the issues and considerations identified consistent with your experience?

Are there other aspects of this issue impacting your practice and delivery of services?



5) CONCLUSION

The safety and well being of children affected by domestic and family violence is a shared responsibility.

The bringing together of child protection understanding and knowledge of the safety and well being of children and domestic and family violence understanding and knowledge of the safety and empowerment of women and their children presents a significant opportunity to:

- promote the safety and well being of children
- promote the safety and well being of women and support the protective capacities of women, and
- promote the responsibility and accountability of men who use violence.

However, these are complex matters and they will require the cooperation of a range of stakeholders if the opportunities are to be realised.

In particular, the challenges for child and family support services are significant.

Child and family services need support to:

- clarify their role and responsibilities
- develop their practice frameworks and resources required to support their role and responsibilities, and
- identify the workforce composition and knowledge and skills required.

If child and family support services are to respond to these challenges, a range of broader systems and processes need to be addressed including:

- legislative and policy frameworks
- government policy
- organisational arrangements for the delivery of services
- funding, contracts and program guidelines, and
- service development and local area planning.



The next step

The next step is to talk with child and family support services and other key stakeholders to obtain your views on the issues and implications identified, and how PeakCare can resource and support its members in responding to the challenges of working in this complex area.

There may be other issues impacting your practice and service delivery, and implications for non-government child and family support services that you wish to raise.



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