



EMOTIONAL ABUSE – FAMILY AND DOMESTIC VIOLENCE POLICY

POLICY STATEMENT

Exposing a child to an act of family and domestic violence is a form of emotional abuse. The person responsible for the abuse is the perpetrator of the violence.

The Department for Child Protection and Family Support (the Department) is responsible for identifying and responding to cases where a child has suffered significant harm or is likely to suffer significant harm as a result of exposure to family and domestic violence. Significant harm or likelihood of significant harm may be caused by a single act of family and domestic violence or the cumulative impact of exposure over a period of time.

When responding to cases of emotional abuse - family and domestic violence, the role of the Department is to increase safety for the child and adult victim by reducing or managing the risk posed by the perpetrator. To do this, a priority of all responses is:

- the safety of the child and the adult victim;
- a strong and ongoing working relationship with the adult victim;
- safe, respectful and culturally secure engagement with the child, family and community;
- rigorous ongoing assessments underpinned by evidence based risk factors; and
- coordinated responses involving family, community, government agencies and community sector services that are focused on increasing the safety and wellbeing of the child and the adult victim, and reducing or managing the risks posed by the person using violence.

PURPOSE OF THE POLICY

The purpose of this policy is to promote consistent, safe and effective responses to cases of emotional abuse - family and domestic violence where a child has suffered significant harm or is likely to suffer significant harm.

DEFINITION OF FAMILY AND DOMESTIC VIOLENCE

Family and domestic violence is a significant driver of demand for child protection, contributing to or directly causing child safety concerns in up to 80% of cases where a concern for child has been identified.

Family and domestic violence is a pattern of behaviours intended to coerce, control and create fear within an intimate (current and former partners) or family relationship. Most perpetrators of family and domestic violence use a range of violent, abusive and controlling behaviours that include physical violence, sexual violence, emotional abuse, undermining or disrupting parenting, using or harming children to coerce or control their mother, financial abuse and social isolation¹. The use of violence and abuse is deliberate, intentional and usually escalates over time. Children exposed to family and domestic violence can suffer significant harm to their wellbeing² including:

- emotional harm where a child has been exposed to family and domestic violence;
- physical harm where a child has been hurt during a family and domestic violence assault; and

¹ Definition adapted with permission from No to Violence: Male Family Violence Prevention Association (2005)

² Wellbeing is a broad term inclusive of a child's health, safety, development and care.

- neglect where family and domestic violence is contributing to or causing an omission of care.

To recognise the significant harm that can be caused by exposing a child to family and domestic violence, the *Children and Community Services Act 2004* was amended in 2016 to provide a definition of emotional abuse which includes exposing a child to an act of family and domestic violence.

‘Act of family and domestic violence’ has the meaning given in the *Restraining Orders Act 1997* section 6(1) –

Act of family and domestic violence means one of the following acts that a person commits against another person with whom he or she is in a family and domestic relationship —

- assaulting or causing personal injury to the person;
- kidnapping or depriving the person of his or her liberty;
- damaging the person’s property, including the injury or death of an animal that is the person’s property;
- behaving in an ongoing manner that is intimidating, offensive or emotionally abusive towards the person;
- pursuing the person or a third person, or causing the person or a third person to be pursued
 - with intent to intimidate the person; or
 - in a manner that could reasonably be expected to intimidate, and that does in fact intimidate, the person;
- threatening to commit any act described in paragraphs (a) to (c) against the person.

‘Exposed’ in relation to an act of family and domestic violence includes the following –

- to see or hear the act of family and domestic violence;
- to witness physical injuries resulting from the act of family and domestic violence.

BACKGROUND

Children exposed to family and domestic violence

Children living with and exposed to family and domestic violence can be impacted in a range of ways by the behaviours and actions of the person using violence. Some examples of the perpetrator behaviours that have a direct impact on children are outlined below. Recognition of these behaviours and their impact on children is important to understand the cumulative harm arising from a child’s exposure to family and domestic violence.

Perpetrators of family and domestic violence abuse children by:

- using violence and abuse to control their partner and children including physical assaults, sexual assaults, yelling, threatening, standing over, destroying property and harming pets;
- creating an environment that is unpredictable, characterised by fear and uncertainty;
- demanding that their needs are prioritised over their children and partner;
- undermining, sabotaging and/or blocking the care, protection and parenting of the children. This can include deliberately sabotaging safety plans and/or other case plans that have been developed with the children’s mother;
- using the children to coerce or control such as making the mother leave at least one child with the perpetrator at all times, to stop her from trying to escape;
- causing the family to become homeless through eviction or their refusal to be a safer parent, resulting in the mother and children being forced to leave the house for their own safety;
- blaming or scapegoating the child for their use of violence;
- using all the money and/or accumulating significant debt in their partners name; and

- isolating the family from social supports and networks.

Aboriginal and Torres Strait Islander families

Aboriginal³ women and children experience rates of family and domestic violence up to three times higher than the non-Aboriginal community. Family and domestic violence contributes to social and structural disadvantage in the Aboriginal community as well as inter-generational trauma. It is a significant factor contributing to the over-representation of Aboriginal people in child protection.

Family violence, and its prevalence in Aboriginal communities, is deeply rooted in colonisation, dispossession, cultural dislocation and the forced removal of children. Exacerbating factors include alcohol or drug misuse, poverty, racism, structural disadvantage, overcrowding and homelessness. Family violence is not supported or condoned by Aboriginal law or culture.

A gendered crime

Family and domestic violence is predominantly a gendered crime, perpetrated by men against women and children. A gendered lens is important for understanding the dynamic of power and control, assessing the primary aggressor, understanding risk to children and intervening safely and effectively with perpetrators. It is also important for recognising and overcoming the historical biases in child protection that have held mothers solely responsible for the care and protection of their children. In family and domestic violence cases this has led to plans and interventions that have had limited capacity to keep children safe, as they have not addressed or responded to the risk posed by the perpetrator.

ROLE OF THE DEPARTMENT

The Department's responses to emotional abuse - family and domestic violence are outlined below.

- Assessing whether a child exposed to family and domestic violence has suffered significant harm or is likely to suffer significant harm. Assessments are informed by evidence based risk factors and a close working relationship with the adult victim.
- Engaging the perpetrator to augment assessments of harm and danger, convey the Department's concerns and determine his readiness to participate in safety planning.
- Working with the adult victim, family and other professionals to create safety plans and safety networks that reduce or manage the risk posed by the person using violence.
- Seeking violence restraining orders on behalf of children exposed to family and domestic violence, when it is likely to assist in protecting the child/ren from the person using violence.
- Taking intervention action, as a last resort, for children assessed to be in need of protection as a result of emotional abuse – family and domestic violence.
- Working in partnership with WA Police and non-government family and domestic violence services in the Family and Domestic Violence Response Teams.
- Providing information, counselling, support and referral for both victims and perpetrators through the Men's and Women's Domestic Violence Helplines.
- Providing overnight accommodation for women and children escaping family and domestic violence when suitable alternative accommodation cannot be found.
- Providing financial assistance to support adult and child victims escaping family and domestic violence.
- Funding the community services sector to provide family and domestic violence services for adult and child victims and perpetrators.

³ Aboriginal people refers to people who are of Aboriginal and Torres Strait Islander descent.