

Briefing: Domestic Abuse and Child Contact

“Imagine having to stay with someone who scares you so much your tummy hurts. The whole time you are wishing you were home where you feel safe.” – Child

In spite of increasing understanding about the dynamics of domestic abuse, it is sometimes still assumed that once a woman has left an abusive partner, the abuse will stop. In reality, for many women and children abuse continues or intensifies after separation (Thiara and Harrison, 2016). Murders of women and children where there is a history of domestic abuse frequently take place at the point of separation (Wilson and Daly, 2002; Smith et al., 2011). In addition to post-separation harassment, stalking and violence, perpetrators often use the legal system to continue to exert power and control over women and children, particularly through child contact proceedings (Bancroft and Silverman, 2002).

The use of child contact proceedings by a perpetrator can affect women in multiple ways. Women experience stress, anxiety and fear at being made to face the perpetrator in court. Perpetrators may use repeat applications to the court to routinely disrupt women’s lives, sometimes for years at a time and often leading to significant financial strain (Coy et al., 2015).

The negative impact for women is further compounded by stark differences in the treatment of domestic abuse between family courts and child protection agencies. Women are told by child protection professionals that they should leave abusive men to safeguard their children; conversely in child contact proceedings, domestic abuse and accompanying issues of safety and protection post-separation are persistently minimised and it is expected that women should facilitate contact despite these issues (Hester 2011; Harrison, 2008). Indeed, women who oppose father-child contact, express serious concerns for their children’s safety or request supervised contact arrangements can be perceived by courts as “non-collaborative” or “hostile”, rather than having legitimate concerns (Harrison, 2006).

In spite of the substantial evidence that domestic abuse is harmful to children, perpetrators’ abusive behaviour is frequently separated from their parenting capacity rather than being seen as the parenting choice it is. More often than not, contact is awarded to abusive fathers in spite of women’s and children’s concerns. This pro-contact philosophy can dismiss children’s voices and experiences, leading to a selective approach to their views in court – there is evidence that children are believed if they say they want contact, but that they are

more likely to be ignored or over-ruled if they say they do not want contact (Harrison, 2008; Holt, 2011; see SWA's participation project, [Power Up/Power Down](#), for children and young people's recommendations for improving children's voices being heard in child contact proceedings).

Ongoing contact with a perpetrator can have harmful effects for children; evidence shows that perpetrators may neglect children during contact visits, put them at risk and subject them to abuse (Thiara and Harrison, 2016). Children are often afraid to resist contact, but those who have contact with perpetrators can display a range of effects before and after contact visits, such as fear, anxiety and distress, expressed through behaviours such as being withdrawn, clingy, bedwetting, anger and nightmares (Thiara and Gill, 2012). In addition, children are often used as a tool by perpetrators to attempt to control women; they may be manipulated during contact visits to get information about women's movements and relationships, undermine mothers to children, and coach children to make negative comments and repeat abusive messages (Holt et al., 2008; Coy et al., 2012). Perpetrators may also use child contact arrangements as an opportunity to further inflict emotional and physical abuse on women, e.g.; during handovers. In such circumstances, contact with the perpetrator poses as a barrier to women's and children's recovery from domestic abuse. Women can face the agonising choice of facilitating ongoing contact with a perpetrator in spite of safety concerns and against children's wishes, or risking sanctions for not complying with contact orders.

There is a clear need for better understanding and recognition among courts and professionals of how contact proceedings and arrangements can be used to continue abuse of women and children. The links between child protection and child contact need to be more clearly made, and children's right to be safe from violence and abuse must be prioritised above parents' entitlements over their children. Children's recovery is widely linked to that of their mother's (Mullender et al., 2002); therefore consideration of children's welfare and safety alongside that of their mother should be a key factor when making decisions about contact. If there is a risk that women and children will be unsafe, contact should not be awarded. Women's concerns about their child's safety and wellbeing should not be dismissed as 'hostile' but carefully explored; research demonstrates that the majority of women who have experienced domestic abuse try to promote contact when they feel it is safe and in their child's best interests (Hunt and McLeod, 2008; Thiara and Gill, 2012; Morrison, 2015). It is also essential that children's views and experiences are taken into account and meaningfully considered in decision-making.

References

- Bancroft, L., Silverman, J. and Ritchie, D. (2012 2nd edition) *The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics*. Thousand Oaks, CA: Sage.
- Coy, M., Scott, E., Tweedale, R. and Perks, K. (2012) 'Picking up the Pieces: Domestic Violence and Child Contact', London, Rights of Women/ Child and Woman Abuse Studies Unit, London Metropolitan University.
- Coy, M., Scott, E., Tweedale, R. and Perks, K. (2015) "It's like going through the abuse again": domestic violence and women and children's (un)safety in private law contact proceedings.' *Journal of Social Welfare and Family Law*, 37:1, 53-69
- Harrison, C. (2006). 'Dammed if you do and dammed if you don't? The contradictions between public and private law.' In C. Humphreys, & N. Stanley (Eds.), *Domestic violence and child protection: Directions for good practice* (pp. 137–155). London: Jessica Kingsley
- Harrison, C. (2008). 'Implacably hostile or appropriately protective?: Women managing child contact in the context of domestic violence.' *Violence Against Women*, 14, 381–405.
- Hester, M. (2011). 'The three planet model: Towards an understanding of contradictions in approaches to women and children's safety in contexts of domestic violence.' *British Journal of Social Work*, 41, 837–853.
- Holt, S., Buckley, H. and Whelan, S. (2008), 'The Impact of Exposure to Domestic Violence on Children and Young People', *Child Abuse and Neglect*, 32 (8), 797-810.
- Holt, S. (2011) 'Domestic abuse and child contact: positioning children in the decision making process', *Child Care in Practice*, 17 (4), 327-346.
- Humphreys, C., and Mullender, A. (2000)
- Hunt, J., & Macleod, A. (2008). 'Outcomes of applications to court for contact orders after parental separation or divorce'. London: Ministry of Justice.
- Morrison, F. (2015) "All over now?" The ongoing relational consequences of domestic abuse through children's contact arrangements', *Child Abuse Review*, 24 (4), 274-284.
- Mullender, A., Hague, G., Imam, G., Kelly, L., Malos, E., and Regan, L. (2002) *Children's Perspective on Domestic Violence*, London, Sage.
- Smith, K., Coleman, K., Eder, S. and Hall, P. (2011) 'Homicides, Firearm Offences and Intimate Violence 2009/2010'. London: Home Office.

Thiara, R. and Gill, A. (2012) 'Domestic Violence, Child Contact and Post Separation Violence: Issues for South Asian and African-Caribbean Women and Children; A Report of Findings', London, NSPCC.

Thiara, R. and Harrison, C. (2016) 'Safe not sorry: supporting the campaign for safer child contact. Key issues raised by research on child contact and domestic violence.' Women's Aid.

Wilson, M. and Daly, M. (2002) *Homicide*. New York: Aldine de Gruyter.