

**SIXTH MEETING OF THE CHILDREN AND YOUNG PEOPLE
SUB-GROUP OF THE REGIONAL STEERING GROUP ON
DOMESTIC VIOLENCE**

WEDNESDAY 13 SEPTEMBER 2006

ROOM 21, PARLIAMENT BUILDINGS

In attendance:	Liz Shaw (Chair)	Southern Health and Social Services Board
	Caroline Holloway	National Society for the Prevention of Cruelty to Children
	Joan McGovern	Barnardos
	Debbie Mehaffey	Women's Aid
	Angela McLernon	Department of Health, Social Services and Public Safety
	Master Hilary Wells	Northern Ireland Court Service
Apologies:	Dawn Shaw	NCH
	Pauline Mooney	Police Service of Northern Ireland
Secretariat:	Kevin Shiels	Domestic Violence Unit
	Marie Austin	Domestic Violence Unit

1. Introductions and Apologies

1.1 Mr Shiels welcomed everyone to the meeting.

2. Appointment of Chair and Deputy Chair

2.1 Mr Shiels informed members that Mr John Devaney had left his post in the Eastern Health and Social Services Board and had taken up a post at Queen's University, Belfast. Members agreed that a letter should issue to John wishing him well in his new post and thanking him for his hard work and dedication. Mr Devaney had indicated in the past that Ms Shaw might be interested in chairing the Sub-Group. Mr Shiels proposed that Ms Shaw assume the role of Chair. Members agreed the proposal.

Action: DV Unit to draft letter to Mr John Devaney

- 2.2 Mr Shiels reminded members that they were invited to consider the appointment of a Deputy Chair of the Sub-Group. However, no nominations had been received. Mr Shiels proposed that Ms Holloway assume the role of Deputy Chair. Members agreed the proposal.

3. **Minutes of the meeting held on 31 May 2006**

- 3.1 Members agreed the minutes of the meeting held on 31 May 2006 without amendment.

4. **Matters Arising**

Domestic violence on the school curriculum

- 4.1 Ms Shaw informed members that, in preparation for the Tackling Violence at Home Conference – One Year On, the Domestic Violence Unit had contacted the Department of Education (DE) for an update on developments and to ask that a representative from DE attend the conference to answer any questions that might be raised. Mr Shiels informed members that:

- DE are including guidance for schools on domestic violence within the new child protection guidance that is being drafted and that this Sub-Group will be consulted on drafts
- DE are considering a specific guidance booklet on domestic violence for teachers etc (similar to the guidance that Wales produced).
- DE and CCEA will consult the Sub-Group on new guidance for schools on how domestic violence will be covered under the Personal Development strand of the new curriculum.
- Ms Dorina Edgar (Department of Education Pupil Support Unit) had indicated that she would be unable to attend the conference, but advised that she would send a representative if possible.

Action: Mr Shiels to contact Dorina Edgar regarding representation at the conference

Children Order Advisory Committee Best Practice Guidance

- 4.2 Master Wells circulated a copy of the draft COAC Best Practice Guidelines in relation to domestic violence (see Annex 1). The guidelines are aimed at judges, social workers and others who are involved in implementing the Children Order. Members agreed that the Sub-Group should submit a response to the draft guidelines.

Action: Members to send comments on the draft guidelines to the Domestic Violence Unit by 15 October 2006. The Domestic Violence Unit will collate responses and draft a response to be considered at the next meeting

Child Contact Centres

- 4.3 Ms Shaw reminded members that the Children and Young People's Funding Package included £500k for the expansion of child contact centre services and that the Office of Law Reform, DHSSPS and the Court Service are planning the way forward on development and use of the additional funding which will be available from April 2007. Members agreed to keep a watching brief and invite Laura McPolin (OLR) to attend a meeting of the Sub-group when the way forward had been agreed.

5. Barnardos Risk Assessment Model

- 5.1 Ms Shaw informed members that the Barnardos Risk Assessment Model is continuing to be rolled out in the Southern, Eastern and Northern Boards. The Western Board are awaiting the outcome of a pilot on another assessment model - Understanding the Needs of Children in Northern Ireland (UNOCINI) before deciding whether it will adopt the Barnardos Model. Some members were unclear where risk assessment fell within the UNOCINI model. It was agreed that further information should be sought on UNOCINI and its risk assessment elements

Action: Ms Shaw to seek additional information on the UNOCINI model and the Barnardos model to clarify if they are compatible.

6. Vision for services for children and young people affected by domestic violence

- 6.1 Members considered the document 'Vision for services for children and young people affected by domestic violence' which is aimed at local commissioners of children's services. Members agreed to consider with colleagues whether a Northern Ireland version should be produced and report back to the Group at the next meeting.

Action: Members to consider document with colleagues and report findings at the next meeting

- 6.2 Members agreed that a mapping exercise should be carried out to ascertain what guidance is available for dealing specifically with children and young people affected by domestic violence. It was agreed that relevant organisations should be asked to provide details of any relevant guidance they have produced.

Action: Ms Shaw to write to the four Boards and respond on their behalf

Action: Ms Holloway to respond on behalf of NSPCC

Action: Ms McGovern to respond on behalf of Barnardos

Action: Ms Mehaffey to respond on behalf of Women's Aid

Action: Master Wells to respond on behalf of the Court Service

7. Recent Media Campaign

7.1 Members viewed the most recent domestic violence TV ad depicting psychological violence and the listened to the recent radio ad targeted at male victims of domestic violence. Ms Shaw asked that consideration be given in the future to targeting older people and vulnerable adults.

7.2 Master Wells felt that the reasons why society is raising children and young people who hit their parents should be explored. Mr Shiels informed members that PSNI statistics for the number of incidents reported are not broken down by gender/relationship, therefore it is impossible at this time to distinguish how many victims are being abused by their children. Mr Shiels agreed to raise the matter at the next Domestic Violence and the Law Sub-Group. Master Wells added that the research proposal on the collection, analysis and dissemination of domestic violence data should include this area.
Action: Mr Shiels to raise matter of PSNI statistics at next Domestic Violence and the Law Sub-Group meeting

8. Tackling Violence at Home - the position one year on conference - 24 October 2006, Comfort Hotel, Antrim. Action Plan Number 2 - 1 April 2007 to March 2008

8.1 Members considered the latest programme for the Tackling Violence at Home - the position one year on conference - 24 October 2006, Comfort Hotel, Antrim. Ms Shaw asked that members inform the DV Unit if there are any initiatives from their respective organisations that they feel should be highlighted at the conference. Master Wells asked that the issue of specialist domestic violence courts in Northern Ireland be raised at the conference.

Action: Members to send details of initiatives they feel should be highlighted at the conference to the DV Unit by 6 October 2006

Action: DV Unit contact the protection and justice conference team about the inclusion of specialist domestic violence courts in their presentation

9. Any other business

9.1 Ms McGovern informed members that the Northern Ireland Reader on *Making an impact: children and domestic violence* was now out of date and consideration should be given to updating the document. Ms McGovern agreed to send further details on the document to the DV Unit.

Action: Ms McGovern to forward a copy of the Northern Ireland Reader to the DV Unit

- 9.2 Master Wells reported that the Literature Sub-Committee of the Children Order Advisory Committee had established a web portal to facilitate access to a selection of summaries of articles, books and literature within the various disciplines in family justice and childcare. Master Wells asked that members visit the site and consider any relevant research that should be included. Members agreed that this item should be included on the next agenda.
Action: Members to visit [http://www.courtsni.gov.uk/en-GB/Publications/Family Law and Childcare Literature/?UserPref=culture%5Een-GB](http://www.courtsni.gov.uk/en-GB/Publications/Family_Law_and_Childcare_Literature/?UserPref=culture%5Een-GB)
- 9.3 Master Wells referred to the Bamford Review of Mental Health and Learning Disability (Northern Ireland) - A Vision Of a Comprehensive Child and Adolescent Mental Health Service 07/06 [NI] and highlighted that there was no mention of domestic violence throughout the document. Members agreed to consider the report.
Action: Members to consider the report which can be found at http://www.ci-ni.org/index.php/weblog/services_rmhldni_a_vision_of_a_comprehensive_child_and_adolescent_mental_he/ - item will be place on the agenda for the next meeing
- 9.4 Ms Holloway updated members on the two NSPCC pilot projects that aim to address the specific needs of children and families impacted upon by Domestic Violence (further information can be found at Annexe 1 to the minutes of 31/5/06) :
- Pilot began on 3/10/06 in Clanna and 26/9/06 in Foyle
 - Ulster University have advertised the research proposals and the criteria for the evaluation
 - Both teams will evaluate over the next 12 months.

10. Date and venue for next meeting

- 10.1 The date of the next meeting was scheduled for 17 January 2006 at 1.30 p.m. – venue to be confirmed.

ANNEX 1

Original Version from BPG

3.1.14 Domestic Violence

This deserves an early consideration and a high profile in all cases both public and private where it is relevant. Applicants and alleged victims may be directed to file a schedule of all allegations of violence and abuse (including any reference to alleged damage to the children in light of the same) on which the court is to make a finding. If necessary special hearings that deal with the issues of domestic violence should be a priority before other determinations are made. Documentary, photographic, recording and medical evidence together with relevant statements from the Police Service of Northern Ireland should be provided if available. Special guidelines for good practice on parental contact in private law cases where there is domestic violence have been drawn up by the Advisory Board on Family Law and, if appropriately amended to take account of the legislation in Northern Ireland, should be regarded as good practice in Northern Ireland. These guidelines are set out at appendix A. In public law cases, the threshold criteria hearing will normally determine such issues.

In private law cases consideration should be given to Article 12A of The Children (Northern Ireland) Order 1995, as inserted by Article 28 of the Family Homes and Domestic Violence (Northern Ireland) Order 1998 which states:

“12A(1) Where a Court is considering whether to make a residence or contact order in favour of a prohibited person, the Court shall consider whether the child has suffered or is at risk of suffering any harm through seeing or hearing ill-treatment of another person by a prohibited person.

(2) A person is a prohibited person for the purposes of paragraph (1) if either he is or the Court considers that he should be prohibited by a non-molestation order under the Family Homes and Domestic Violence (Northern Ireland) Order 1998 from molesting another person.

(3) Paragraph (1) is without prejudice to Article 3.”

It would therefore be helpful to have copy non-molestation orders available at the earliest possible opportunity.

In public law cases consideration should be given to:

- (i) Article 63A of The Children (Northern Ireland) Order 1995 as amended by Article 29(4) of The Family Homes and Domestic

Violence (Northern Ireland) Order 1998 which states:

“63A. -(1) Where –

- (a) on being satisfied as mentioned in Article 63(1)(a), (b) or (c), the court makes an emergency protection order with respect to a child, and
 - (b) the conditions mentioned in paragraph (2) are satisfied, the court may include an exclusion requirement in the emergency protection order.
- (2) The conditions are
- (a) that there is reasonable cause to believe that, if a person (“the relevant person”) is excluded from a dwelling-house in which the child lives, then –
 - (i) in the case of an order made on the ground mentioned in Article 63(1)(a), the child will not be likely to suffer significant harm, even though the child is not removed as mentioned in Article 63(1)(a)(i) or does not remain as mentioned in Article 63(1)(a)(ii), or
 - (ii) in the case of an order made on the ground mentioned in sub-paragraph (b) or (c) of Article 63(1), the enquiries referred to in that sub-paragraph will cease to be frustrated, and
 - (b) that another person (whether a parent of the child or some other person) –
 - (i) is able and willing to live (or continue to live) in the dwelling-house and give to the child the care which it would be reasonable to expect a parent to give him, and
 - (ii) consents to the inclusion of the exclusion requirement.
- (3) For the purposes of this Article an exclusion requirement is any one or more of the following
- (a) a provision requiring the relevant person to leave a dwelling-house in which he is living with the child,
 - (b) a provision prohibiting the relevant person from entering a dwelling-house in which the child lives, and
 - (c) a provision excluding the relevant person from a defined area in which a dwelling-house in which the child lives is situated and any other defined area.
- (4) The court may provide that the exclusion requirement is to have effect for a shorter period than the other provisions of the order.
- (5) Any period specified for the purposes of paragraph (4) may be extended by the court (on one or more occasions) on an application to vary or discharge the emergency protection order.

(6) If, while an emergency protection order containing an exclusion requirement is in force, the applicant has removed the child from the dwelling-house from which the relevant person is excluded to other accommodation for a continuous period of more than 24 hours, the order shall cease to have effect in so far as it imposes the exclusion requirement.”

(ii) Article 57A of The Children (Northern Ireland) Order 1995 as amended by Article 29(2) of The Family Homes and Domestic Violence (Northern Ireland) Order 1995 which states:

“57A. – (1) Where –

(a) on being satisfied that there are reasonable grounds for believing that the circumstances with respect to a child are as mentioned in Article 50(2)(a) and (b)(i), the court makes an interim care order with respect to a child, and

(b) the conditions mentioned in paragraph (2) are satisfied,

the court may include an exclusion requirement in the interim care order.

(2) The conditions are

(a) that there is reasonable cause to believe that, if a person (“the relevant person”) is excluded from a dwelling-house in which the child lives, the child will cease to suffer, or cease to be likely to suffer, significant harm, and

(b) that another person (whether a parent of the child or some other person) –

(i) is able and willing to live (or continue to live) in the dwelling-house and give to the child the care which it would be reasonable to expect a parent to give him, and

(ii) consents to the inclusion of the exclusion requirement.

(3) For the purposes of this Article an exclusion requirement is any one or more of the following

(a) a provision requiring the relevant person to leave a dwelling-house in which he is living with the child,

(b) a provision prohibiting the relevant person from entering a dwelling-house in which the child lives, and

(c) a provision excluding the relevant person from a defined area in which a dwelling-house in which the child lives is situated and any other defined area.

(4) The court may provide that the exclusion requirement is to have effect for a shorter period than the other provisions of the interim care order.

(5) Any period specified for the purposes of paragraph

(4) may be extended by the court (on one or more occasions) on an application to vary or discharge the interim care order.

- (6) If, while an interim care order containing an exclusion requirement is in force, the authority has removed the child from the dwelling-house from which the relevant person is excluded to other accommodation for a continuous period of more than 24 hours, the interim care order shall cease to have effect in so far as it imposes the exclusion requirement”

APPENDIX A

Original Version from BPG (May be an updated version – Master Wells is liaising with Christine Mann)

THE ADVISORY BOARD ON FAMILY LAW: CHILDREN ACT SUB-COMMITTEE GUIDELINES FOR GOOD PRACTICE

ON PARENTAL CONTACT IN CASES WHERE THERE IS DOMESTIC VIOLENCE

EXTRACTED FROM SECTION 5 OF THE REPORT OF THE CHILDREN ACT SUB-COMMITTEE TO THE LORD CHANCELLOR ON THE QUESTION OF PARENTAL CONTACT IN CASES WHERE THERE IS DOMESTIC VIOLENCE

Court to give early consideration to allegations of domestic violence

- 1.1. In every case in which domestic violence is put forward as a reason for refusing or limiting contact the court should at the earliest opportunity consider the allegations made (and any answer to them) and decide whether the nature and effect of the violence alleged by the complainant (or admitted by the respondent) is such as to make it likely that the order of the court for contact will be affected if the allegations are proved.

Steps to be taken where the court forms the view that its order is likely to be affected if allegations of domestic violence are proved

- 1.2. Where the allegations are disputed and the Court forms the view that the nature and effect of the violence alleged is such as to make it likely that the order of the court will be affected if the allegations are proved the court should:
- (a) consider what evidence will be required to enable the court to make findings of fact in relation to the allegations
 - (b) ensure that appropriate directions under section 11(1) of the Children Act 1989 are given at an early stage in the application to enable the matters in issue to be heard as speedily as possible;
including consideration of whether or not it would be appropriate for there to be an initial hearing for the purpose of enabling findings of fact to be made
 - (c) consider whether an order for interim contact pending the final hearing is in the interests of the child; and in particular that the safety of the child and the residential parent can be secured before, during and after any such contact.

Interim Contact pending a full hearing

- 1.4. In deciding any question of interim contact pending a full hearing the court should:
- (a) specifically take into account the matters set out in section 1(3) of the Children Act 1989 (“the welfare check-list”)
 - (b) give particular consideration to the likely risk of harm to the child, whether physical and/or emotional, if contact is either granted or refused
 - (c) consider, if it decides such contact is in the interests of the child, what directions are required about how it is to be carried into effect; and, in particular, whether it should be supervised, and if so, by whom; and generally, in so far as it can, ensure that any risk of harm to the child is minimised and the safety of the child and residential parent before, during and after any such contact is secured
 - (d) consider whether it should exercise its powers under section

42(2)(b) of the Family Law Act 1996 to make a non-molestation Order

- (e) consider whether the parent seeking contact should seek advice and/or treatment as a precondition to contact being ordered or as a means of assisting the court in ascertaining the likely risk of harm to the child from that person at the final hearing.

Matters to be considered at the final hearing

1.5 At the final hearing of a contact application in which there are disputed allegations of domestic violence:

- (a) the court should, wherever practicable, make findings of fact as to the nature and degree of the violence which is established on the balance of probabilities and its effect on the child and the parent with whom the child is living
- (b) in deciding the issue of contact the court should, in the light of the findings of fact which it has made, apply the individual items in the welfare checklist with reference to those findings; in particular, where relevant findings of domestic violence have been made, the court should in every case consider the harm which the child has suffered as a consequence of that violence and the harm which the child is at risk of suffering if an order for contact is made and only make an order for contact if it can be satisfied that the safety of the residential parent and the child can be secured before, during and after contact.

Matters to be considered where findings of domestic violence are made

1.6 In each case where a finding of domestic violence is made, the court should consider the conduct of both parents towards each other and towards the children; in particular, the court should consider:

- (a) the effect of the domestic violence which has been established on the child and on the parent with whom the child is living
- (b) whether or not the motivation of the parent seeking contact is a

desire to promote the best interests of the child or as a means of continuing a process of violence against or intimidation or harassment of the other parent

- (c) the likely behaviour of the parent seeking contact during contact and its effect on the child or children concerned
- (d) the capacity of the parent seeking contact to appreciate the effect of past and future violence on the other parent and the children concerned
- (e) the attitude of the parent seeking contact to past violent conduct by that parent; and in particular whether that parent has the capacity to change and/or to behave appropriately.

Matters to be considered where contact is ordered in a case where findings of domestic violence have been made

1.7 Where the court has made findings of domestic violence but, having applied the welfare checklist, nonetheless considers that direct contact is in the best interests of the child or children concerned, the court should consider (in addition to the matters set out in paragraphs 5 and 6 above) what directions are required to enable the order to be carried into effect under section 11 (7) of the Children Act 1989 and in particular should consider:

- (a) whether or not contact should be supervised, and if so, by whom
- (b) what conditions (for example by way of seeking advice or treatment) should be complied with by the party in whose favour the order for contact has been made
- (c) whether the court should exercise its powers under section 42 (2) of the Family Law Act 1996 to make a non-molestation order
- (d) whether such contact should be for a specified period or should contain provisions which are to have effect for a specified period

- (e) setting a date for the order to be reviewed and giving directions to ensure that the court at the review has full information about the operation of the order.

Information about local facilities

1.8 The court should also take steps to inform itself (alternatively direct the court welfare officer or the parties to inform it) of the facilities available locally to the court to assist parents who have been violent to their partners and/or their children, and, where appropriate, should impose as a condition of future contact that violent parents avail themselves of those facilities.

Reasons

1.9 In its judgment or reasons the court should always explain how its findings on the issue of domestic violence have influenced its decision on the issue of contact; and in particular where the court has found domestic violence proved but nonetheless makes an order for contact, the court should always explain, whether by way of reference to the welfare check-list or otherwise why it takes the view that contact is in the best interests of the child.

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NOTE

1.10 Although not part of the formal guidelines, we think that all courts hearing applications where domestic violence is alleged should review their facilities at court and should do their best to ensure that there are separate waiting areas for the parties in such cases and that information about the services of Victim Support and other supporting agencies is readily available.

DRAFT 3.1.14 Domestic Violence

Domestic violence has been defined as a “pattern of behaviour which is characterised by the exercise of control and the misuse of power by one

person over another within an intimate relationship or a family”¹. It takes many forms including physical violence and emotional abuse and may include controlling behaviour such as isolation from friends and family, control over access to money and personal items, destruction of property and stalking. It is vitally important that there should be an awareness of its harmful effects on children whether they are direct victims of, or witnesses to, such violence or whether one of their parents or a sibling is inflicting or suffering such violence. Appendix (insert number) describes the impact on children of living with domestic violence and articles 12A, 57A and 63 A of the Children (NI) Order 1995 specifically require the court to consider such violence in determining certain applications.

While past domestic violence does not necessarily mean that direct contact between the perpetrator and the child will not be permitted the court should not minimise the weight to be attached to the need for the perpetrator to demonstrate that he is a fit person to have contact before a contact order is made². If the court is satisfied that there has been significant domestic violence it will consider, in determining the application,

- the effect of the violence on the child,
- the effect of the violence on the other parent,
- the response of the perpetrator including whether he recognises the wrong he has done, is aware of the need for change and whether he has taken any steps to effect change,
- the reasons why the application has been made.

The court will consider if direct contact (unsupervised; supervised; in a contact centre) or indirect contact between the perpetrator of that violence and the child is consistent with the welfare of the child.

In weighing up all these considerations the Court must recognise each parent and the child’s respective right to private and family life pursuant to Article 8 of the ECHR, to the child’s right to protection pursuant to Article 19 UNCRC, and ultimately decide what is in the child’s best interests.

In a private law case, where allegations of domestic violence are raised, there should be a special hearing³ at the earliest possible stage⁴ in the proceedings to make findings in respect of the allegations and the judge⁵ who conducts that hearing should be the same judge who determines the application. In preparation for the special hearing, alleged victims are likely to be directed to file a schedule of all incidents and relevant documentary evidence including photographs, medical reports, statements made to the PSNI and criminal records. The special hearing should precede a request for an article 4 report; it is not for social workers to investigate allegations of domestic violence in

¹ “Tackling violence at home : a strategy for addressing domestic violence and abuse in NI” Produced by Department of Health, Social Services and Public Safety October 2005 p 9. *Note this definition is for guidance only and has not been sanctioned by COAC or any individual Judge.*

² Commonly referred to as a *Re L* hearing – see *Re L etc (Contact : Domestic Violence)* [2000] 2 FLR 334

³ *Ibid* No.2 above

⁴ *Re H (a child)* Court of Appeal 22 November 2005

⁵ In the Family Proceedings Court it should be the same RM and lay magistrates

private law cases but rather to report on the implications of the court's findings and the parties' responses to those findings and to make specific recommendations in respect of available programmes to enable a perpetrator to address violent behaviour.

If there is an application for a non-molestation order arising out of the allegations made in the private law proceedings the court should consider whether it would be appropriate to determine that application at the special hearing.

In a public law case, where allegations of domestic violence are included in the applicant's C1 form the court may require to make a determination of those allegations whether through concessions by the alleged perpetrator or in the context of a contested threshold criteria hearing, if the allegations of domestic violence are regarded by the Trust to place the child at risk or the likelihood of risk of significant harm. There may be other grounds of threshold criteria to be determined. It will be for the court to decide in each case whether to conduct a split hearing⁶.

It may be helpful to consider if there is merit in seeking to adduce evidence from a vulnerable witness, particularly a victim of domestic violence, by live television link. Also, to consider if there are any other special measures which can be arranged to offer protection to a vulnerable witness having to give evidence of domestic violence.⁷

DRAFT Appendix B

The Impact on Children of Living with Domestic Violence

It is estimated that at least 11,000 children in Northern Ireland are living with domestic violence and, irrespective of gender or ethnicity, are affected by it in a number of ways.

Firstly, their family life is disrupted because they can rarely be protected from the knowledge that domestic violence is occurring. They live in an atmosphere of unpredictability, fear, distress, disruption and insecurity. Children can be hyper-vigilant for any signs of tension, raised voices and signs of alcohol or drug abuse. They can experience inconsistent parenting and love. They learn that what happens in the family should be kept secret and develop various coping strategies. Children may be at increased risk of abuse should they choose to disclose it for fear of the wider consequences of family instability. In families where there is a lengthy history of domestic violence children and young people can become tolerant of the abuse. Each year about 700 families need to be re-housed by the NIHE because of domestic violence, with the impact on children from the disruption of schooling and friendships. The

⁶ *Re A and Another (Children: split hearings) EWCA, The Times 7.0906*

⁷ *Contact The Domestic Violence Liaison Officer; Social Services; NSPCC; Victim Support; Woman's Aid; et al*

greatest impact is for those children who have a parent murdered. In Northern Ireland there are five people killed each year as a result of domestic violence.

Secondly, children and young people have been shown to suffer emotional abuse when they witness the abuse of a parent and research indicates that children who witness domestic violence have much higher rates of depression and anxiety.

Thirdly, some children suffer direct physical abuse. Research now concludes that the overlap between the physical abuse of children and domestic violence is between 40 % and 70%. The risk of physical abuse of children rises with the severity and the frequency of the domestic violence with some children and young people also physically harmed when they intervene to protect an adult victim.

Next, emerging research points to the overlap between sexual abuse of children and young people in approximately 15% of cases of domestic violence.

Fifthly, domestic violence in pregnancy represents a form of 'double intentioned violence'(Kelly 1994⁸) as it incorporates both acts of women abuse and child abuse. The Royal College of Obstetricians and Gynaecologists report that domestic violence often starts or escalates during pregnancy.

Lastly, child contact provides the greatest opportunity for the continuation of post-separation violence. Children can continue to be emotionally, physically and sexually abused during contact. The multi-agency domestic violence murder reviews showed that 76 per cent involved separation (Richards and Baker 2003)⁹ and at least 29 children have been killed in the last decade by their fathers post-separation (Saunders)¹⁰

Further reading

Parenting in the Context of Domestic Violence. Edleson, Jeffery L., Lyungai F., Shetty, Sudha. (2003) San Francisco: Judicial Council of California, Administration Office of the Courts, Centre for Families, Children and the Courts.

www.courtinfo.ca.gov/programe/cfcc/resources/publications

The interconnectedness of domestic violence and child abuse: challenges for research, policy and practice.; In a Mullender and R. Morley(eds) Children Living with Domestic Violence. London: Whiting and Birch.

⁸ **Children's Perspectives on Domestic Violence** Mullender A, Hague G, Imam U, Kelly L, Malos E and Regan L Sage Publications 20

⁹ Findings from the Multi-agency Domestic Violence Murder Review in London. London: Association of Police Officers (ACPO). Richards L and Baker A (2003)

¹⁰ Twenty-Nine Children Homicides: Lessons Still to be Learnt on Domestic Violence and Child Protection. Bristol: Women's Aid. Saunders, H (2004)

Domestic Violence and Children Protection – Directions for Good Practice
edited by Cathy Humphreys and Nicky Stanley.