

Violent fathering and the risks to children

Dr Lynne Harne

Policy background

Since Children Act (1989) legal presumption that best interests of child is to have continuing relationship with both parents following separation

Ongoing focus in government policy to get parents to agree arrangements for the children without court hearings to reduce government and legal aid costs

Family law discourses in relation to domestic violence and child abuse

- Assumptions that violent fathers can still be 'good enough' parents on separation
- Assumptions that violence towards mother stops after separation
- Assumptions that most domestic violence is not serious violence
- Assumptions that most children are not seriously affected by fathers' violence
- Assumptions that children 'need' such fathers for own personal development
- Assumptions that mothers who oppose fathers' contact are selfish and unreasonable

What is domestic violence

Feminist perspectives based on knowledge of women's experiences indicate that it can consist of a range of different types of behaviour, including physical and sexual violence, intimidation, threats, harassment and verbal abuse (often described as psychological and emotional abuse) which form a pattern of coercive control, rarely ending on separation

Violent fathers' research

Pin her against wall or floor; sit or stand on her; bang her head, rip her clothes, throw her around, punch her with fist; pull her hair; pound wall with fists; throw food around; prevent her from leaving; shout and swear at her; threaten to hurt the children; touch her sexually without consent; get angry if don't have sex (Father with no convictions for violence)

Violent fathers' research/psychological violence and coercive control

Opening partner's mail; listening to phone calls; depriving her of food and sleep; preventing contact with family and friends; not letting her go out; making out she is stupid and mad; criticising her and calling her names; threatening to harm the children; accusing her of having affairs; not letting her speak; telling her what to wear; forcing her to do housework to his standards

The harms of violent fathering: child homicides

On 163 killings between 2004-2008

Fathers/father figures/male carers, responsible for 70% of child deaths, with biological fathers being largest group

42% were *identified* as domestically violent

Domestic violence identified in 69 per cent of fathers' killings of children, post-separation during child contact (Ferguson, 2009)

Reasons for fathers killing children

Some murder their children in order to get revenge on mothers in the child contact context. Such murders are increasing in England and Wales with on average 6 children being killed each year. Other fathers kill young children when looking after them, because they are annoyed by the child's behaviour (Cavanagh et al., 2007; Alder and Polk, 1994)

Impacts on children

Children exposed to domestic violence by their fathers fare less well than children not so exposed, on a number of indicators (Kitzman et al., 2003; Rossman, 2001)

Longer term impacts: includes poor educational achievement; mental health problems; substance abuse; social exclusion and juvenile crime, homelessness.

Fathers' violence and child abuse

There is a high overlap between abuse towards the mother and that directed at children including physical, sexual and emotional abuse. Many children experience multiple forms of abuse from such fathers (Brown, 2006).

Children's basic needs are also likely to be neglected when in the care of violent fathers.

(Radford et al., 1999)

Children's accounts

Children's accounts can indicate feelings of fear, hatred, shame, and lack of affection towards violent fathers

Many do not want contact with them, post-separation - Others only when it can be demonstrated that they are no longer violent towards their mothers and that they can feel safe with them (Mullender et al., 2002; McGee, 2000)

Children's accounts

'Paul and Tracey were crying we was all crying because we could hear our mum crying and screaming and our dad shouting at her.'
(Glenda, aged 9)

He used to say he was going to kill my mum, he used to say he was going to kill the whole family and he really sounded serious as like he would do it.... We were constantly on edge, never free, never safe,' (Mona aged 17) (McGee, 2000)

'He was just hitting her with his hands and shouting and swearing at her - saying that she's horrible and wicked and that she's not a very good mummy. Just saying all these horrible things to her and really hurting her and making her cry and Mum couldn't do anything. I called the police (12 year old white girl) (Mullender et al., 2002)

Children's accounts on separation

No. What he did to my mum - I don't really want to see him. I don't forgive him (9 year old white boy)

We don't see my dad now and don't want to see him. I am happy about not seeing him (8 year old South Asian girl).

Family law policy has often forced children to see violent fathers

'I don't want to go always, but the law people said we had to.....I like to stay with my Mum' (8 year old white boy)

They made me go and visit I didn't want to go it was really frightening If someone said I didn't have to see him I would be very happy (8 year old white girl)

To be honest I didn't know what to say... The worst thing I could think of was having to see him again... I don't think most of them believed me (15 year old mixed race boy) (Mullender et al 2002)

Abuse of children during contact

Children having contact with violent fathers frequently continue to witness violence and abuse towards the mother or are asked to carry threatening messages towards mothers

Where direct physical or sexual abuse has occurred prior to separation this usually continues after separation. Neglect of children's basic needs such as a failure to change nappies or feed the children or lock them in rooms was also found to be common (Radford et al, 1999).

Fathers' motivations for contact with children was contained within discourses of rights and self-interest

Children perceived as 'their' possessions

Fathers' rights viewed as absolute

Children perceived as providing fathers' with 'unconditional love'

Rarely considered children's feelings or wishes or how they might have been

affected by their abuse, where they did acknowledge these fears they tended to

blame mothers for indoctrinating children

Rarely acknowledged that should prioritise children's needs during contact

reasons for wanting contact: level of self-centredness

No one is going to come between me and my children, because they are mine (father with conviction for physically abusing 7 year-old disabled child)

Its because of the unconditional love they give you, you can't get love like that from anywhere else'
(father seeking contact of 2 and 4 year old girls)

I've told them I will get their mother sent to prison if she does not allow more contact (father of 3 and 7 year old children, on Child Protection Register for physical abuse)

Recent family law approaches

Some limited recognition that seeing or hearing domestic violence is harmful to children (Children and Adoption Act 2002) and of the risks of children being killed resulted in recognition of need for early risk identification and assessment by family court welfare professionals (Cafcass officers) and screening with the police and social services where cases came before the courts

Current changes

In response to demands from Fathers rights Groups e.g. Families Need Fathers and Fathers4Justice

Compulsory attendance at a meeting with a mediator, with some very limited exemptions before a case can go to court.

Only exemptions are if there has been a police investigation or a protective order for domestic violence in last 12 months or if there is current social services involvement or a child is at immediate risk of significant harm or a threat to life and limb

These changes were implemented in April 2011 without primary legislation

Legal aid cuts

Legal aid bill proposes to cut all legal aid for parental separation and divorce, with some very limited exemptions e.g. Partner has conviction for domestic violence in last 12 months, a protective order in last 12 months, or mother assessed as very high risk at a Marac - higher requirements than for mediation
Legal aid bill is currently in House of Lords

Campaigning

There have been submissions from Rights of Women and Welsh Women's Aid to change legal aid provisions in relation to dv

There has been no campaigning as such as far as am aware as regards mediation changes

There is a need for a militant campaign to reverse these changes - the government has totally failed to recognise the harm to children from violent fathers let alone harm to mothers

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