‘Like waking up in a Franz Kafka novel’: Service users’ experiences of the child protection system when domestic violence and acrimonious separations are involved

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ABSTRACT

The challenges that arise in respect of child abuse reports made in the context of domestic violence and/or acrimonious separation have been the subject of recent academic discussion. This paper adds a service user perspective to the debate and reports on the findings from a study conducted in the Republic of Ireland. In addition to the previously established evidence about such cases, it demonstrates the level of powerlessness and frustration experienced by families who found it difficult to have their needs heard or met. It also illustrates the very detrimental emotional impact on children and parents who frequently encountered indifference as well as insensitive and gendered responses from child protection staff. The findings indicate that mainstream statutory child protection services do not have the capacity to deal with these complex cases, and advocates the adoption of alternative approaches. Importantly, the study demonstrates the necessity to pay attention to the views of service users in developing an appropriate response.

The paper is based on a subset of data drawn from a larger research study that was commissioned by the Office of the Minister for Children and Youth Affairs in Ireland on the perceptions of service users of the Irish child protection system (Buckley, Whelan, Carr & Murphy, 2005). While the sample of research participants (67 in total including 13 young people) was not chosen specifically to represent those who had experienced domestic violence, separation or custody and access disputes, analysis of the data nonetheless indicated that 50% (N=27) of the adult interviewees had experienced either one or a combination of these issues. The definition of domestic violence adopted is that which is used in Irish legislation and policy, namely ‘the use of physical or emotional force or threat of physical force, including sexual violence, in close adult relationships’ (Office of the Tánaiste, 1997, p.27).

This paper reports on data from those 27 cases and will demonstrate how this subset of research participants considered that their status as victims of domestic violence or separated parents, or both, influenced the type of response that they received from child protection services. It will also consider whether or not the mainstream child protection system can adequately deal with the sort of child protection issues that arise for families in these particular circumstances.

1. Introduction

With child protection reforms taking place in different jurisdictions, there has been a lot of concern about how best to respond to reports of children’s exposure to domestic violence and inter-partner allegations of child abuse, which are frequently connected. Some of the concerns have centred on achieving the right balance between recognising the negative impact of domestic violence on children and the unintended consequences of drawing families inappropriately into the child protection net. Others are related to the difficulty in discerning between allegations mistakenly made within the hostile context of relationship break-up and those where children’s safety is genuinely at risk. These issues form the backdrop to this paper, which reports on a study conducted in the Republic of Ireland in 2007–8.

With some exceptions (Hooper, 1992; Shim, & Haight, 2006; Radford, & Hester, 2006; Buckley, Holt, & Whelan, 2007; Holt, 2009) most of the evidence on these topics has, to date, been drawn by researchers from child abuse statistics or court records, or from studies conducted from the perspective of professionals. This paper adds a further dimension to the evidence base by providing the perspectives of service users who report on their own experiences of contact with the child protection system in the context of domestic violence and/or relationship breakdown.

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College Dublin and also by the Health Service Executive. Research Ethics Committee. In both instances it received full approval to proceed, having met the requirement to take all reasonable steps to fully inform participants about the study, obtain their informed consent and minimise the possibility of harm resulting from their involvement.

2.2. Recruitment

As the researchers did not have direct access to child protection service users, it was necessary to engage the cooperation of a number of different child and family services to mediate contact with potential interviewees. This process initially involved contacting organisations by telephone, followed by letter or email, and requesting them to put the researchers in touch with service users who met the criterion of involvement with the statutory child protection system at some point within the previous four years.

Ultimately, 67 service users agreed to take part in the larger study, including 13 young people and 54 adults. The subset of 27 adult participants whose interviews provide data for this paper were referred by women’s refuges (9) advocacy groups (4) family support services (4) treatment services (3) counselling service (1), and statutory child protection service (2). The subset consisted of 20 women and 7 men, all of whom were parents of the children whose safety and welfare had come to the attention of the child protection service. Two interviewees were parents of the same children, but in all other cases the participants were unrelated.

2.3. Research methods

Qualitative interviews were conducted with the research participants. This methodology was chosen in order to capture the entire context of the service users’ lives and their experiences of child protection services rather than the more ‘controlled’ and ‘reductive’ procedures of quantitative methods (Maiter, Palmer, & Manji, 2006). It has been established that the use of a qualitative interview enables the researcher to tap into the unique perspective of service users, a perspective which cannot be replicated and provides what Cortis (2007) terms ‘epistemic authority’ and incomparable insight into what it is like to be at the receiving end of a service. As the sample for this study was small and the method of recruitment was purposive, there were no attempts to make statistical inferences from the data gathered.

The interviews were carried out by the research team, all of whom were female and had previously trained as social workers. Participants were first given information leaflets about the study and subsequently asked to sign consents to participate. They were offered the choice of being interviewed in their own home, in the organisation from which they were referred, in the researchers’ offices or any other location that was convenient. One interview with a member of the subset was conducted over the phone and one in a prison. Participants were asked for their permission for their interview to be recorded and were agreeable to this request, apart from the interviewee in prison where recording was not permitted. The service providers who had mediated the original contacts provided post interview de-briefing and support to the interviewees, the only exceptions being the redress bodies, as their contact with service users had already terminated.

This research adopted a grounded-theory approach, which involves a ‘development of theory that is grounded in the data’ (Strauss, & Corbin, 1994:273). The interview data was transcribed, systematically gathered and analysed. NVivo (Version 8), a computer-assisted qualitative data analysis software package (Fielding, & Lee, 1998) was used to organise and analyse the data. Each researcher read all of the transcripts and developed a list of key themes; this was in line with the grounded-theory approach of developing multiple perspectives (Strauss, & Corbin, 1994). The themes were discussed and a set of main themes (nodes), a subset of themes (trees) and further subsets (siblings) were categorised accordingly. Main themes were defined as those that were dominant or recurrent throughout the data, for example the intersection of domestic violence and child protection, the subject of this article, was one such theme. The process of coding was iterative, with researchers engaging in a constant comparison and theoretical questioning of the data (Strauss, & Corbin, 1994). As Gibbs (2002) notes, the utility of software such as NVivo is that it assists with the process of handling organising and analysing data and as such it facilitated the grounded-theory approach adopted in this research. In particular it enabled the researchers to track ongoing and emergent themes throughout the process.

2.4. Limitations

Recruiting participants for a study on such a sensitive, confidential and personal topic is complex. Many users of child protection services may not feel comfortable in discussing their relationship with the services, nor do they always feel sufficiently empowered to speak about their experiences; therefore it could be argued that those who do come forward may not represent the norm. For example, Bell (1999) has argued that those most marginalised and those viewed as ‘problematic’ are the least likely to be involved in a participative process. Likewise, there is the possibility that service users who are most willing to participate in research such as this are those who have had unsatisfactory experiences and feel a strong need to articulate them. The data for the study were elicited from service users only, and no corroborating evidence was sourced to indicate an alternative construction of events from the perspective of professionals or other persons involved. However, the study recognises the narrative of service users as an authentic reflection of their personal experiences as recipients of the child protection service and despite the limitations cited previously considers their participation to be a valuable addition to the existing knowledge base.

3. Previous research

Earlier research on the issues pertaining to this subset of data focuses on two principal topics: firstly, domestic violence victims’ expectations and experiences of child protection services, and secondly, the way the system responds to allegations of child abuse made in the context of relationship breakdown.

3.1. Domestic violence victims’ expectations and experiences of child protection services

A number of studies have established connections between domestic violence and child abuse, and illustrate that even where children are not directly implicated in the violence their welfare and development still suffers (Appel, & Holden, 1998; Edleson, 1999; Hester, Pearson, & Harwin, 2000; Holt, Buckley, & Whelan, 2008). Research has also illustrated how parenting capacity may be compromised by domestic violence (Jaffe, & Crooks, 2005; Johnston, 2006). Further studies have illustrated the sometimes conflicting perspectives between child protection staff whose statutory obligation is to prioritise child safety and those staff working in services for adult victims of domestic violence, who advocate for their service users with a view to empowering them (Mills et al., 2000; Radford, & Hester, 2006; Moles, 2008). It has been argued that women are deterred from contacting child protection services for help because...
they fear that social workers have unrealistic expectations about their capacity to leave their violent partners and their fear that they will lose their children to protective custody because of their inability to achieve this often overwhelming task (Humphreys, 1997; Hester, & Radford, 1996; Holt, 2003; Shim, & Haight, 2006). Research also demonstrates gendered practices and the belief held by victims that the perpetrators of the violence are exonerated or treated with indifference by child protection practitioners, while the non-abusing parent carries the principal responsibility for safety and welfare of the children (Hooper, 1992; Milner, 1996; Featherstone, 1997; Buckley, 1998; Scourfield, 2003). In line with this, studies have also indicated a need to challenge preconceptions and assumptions held by some child protection staff about the culpability and motivation of domestic violence victims who seek services (Mills et al., 2000; Moles, 2008).

There is recent evidence that the growing recognition of the negative impact of domestic violence on children has had an unintended consequence. This is highlighted particularly in Australia and North America (Humphreys, 2007; Friend, Shlonsky, & Lambert, 2008) where the mandatory requirement to inform child protection authorities about children's exposure to domestic violence has caused a huge increase in reports to the system. Reporting of child abuse is not mandatory in New Zealand, but that country has also seen an increase in referrals concerning domestic violence as a result of a strong emphasis on community education and an increased awareness of the need to report (Connolly, 2009). As a result, beleaguered services in some areas adopted a forensic style of response that screened out a large number of service users and subjected others to punitive and unhelpful interventions. The necessity for workers to ‘see double’ and draw from both child protection and women's advocacy perspectives was asserted by Fleck-Henderson (2000), who also argues that simply training child protection workers in domestic violence is not enough. This point is reiterated by Humphreys (2007) who points out that simply ‘grafting’ domestic violence on to the already overstretched child protection services can contribute to system failure. Similarly Friend et al. (2008) and Connolly (2009) argue that proposed solutions or interventions devised by highly regulated child protection services, which often hinge on protective and sometimes legal action are not necessarily in tune with the needs or lived experiences of service users. This notion was reflected in research conducted in Ireland with children and young people who had lived with parental domestic violence (Buckley et al., 2007) who indicated the diversity of their need for services, which ranged from counselling and social support to educational assistance, most of which would be typically provided in community settings, outside the statutory child protection system.

3.2. Child abuse allegations made in the context of relationship breakdown

It is generally acknowledged in the literature that a myth prevails concerning the tendency of separating parents to fabricate allegations of abuse against each other (Brown, Frederico, Hewitt, & Sheehan, 2000). Some detailed analysis of statistics has undermined this notion by establishing firstly, that when all child abuse allegations are considered, the number made in the context of separation and custody is low (Thoennes, & Tjaden, 1990), and secondly, though the rate of allegations made when only cases involving custody disputes are considered is higher, the number which are considered to have been fabricated is still low (Trocmé, & Bala, 2005; Brown et al., 2000). It is argued that a low substantiation rate does not necessarily mean that reports are intentionally fabricated; it may be because they are not investigated properly, or that the evidence is not of a sufficient standard for confirmation or because the reports are mistakenly made. It is also argued that the likelihood of child abuse occurring in a post separation context is actually higher than other contexts for a number of reasons. These include the links between child abuse and domestic violence, the possibility that abuse was a precursor to or responsible for the break-up, the fact that children will often disclose when protected from the abuser by separation or the fact that a separated parent, affected by isolation or mental illness, may start to abuse a child at that point (Trocmé, & Bala, 2005; Humphreys, 1997).

Explanations have also been offered as to why unintentionally false allegations occur, highlighting how the emotionally charged environment of a custody or access dispute typified by ‘distrust, fear, anger, bitterness and blame’ can often give rise to misunderstandings or misinterpretation (Johnston, 2006:15). It is also suggested that anxiety can make the accusing parent question a child to the point where he or she begins to believe that abuse has occurred, and when a number of experts with conflicting opinions become involved, cases become complicated (Bala, Mitnick, Trocmé, & Houston, 2007).

Several studies have noted the inability of private law courts and child protection services to deal with child safety issues in the context of divorce and custody proceedings (Brown, 2006; Harrison, 2006; Jaffe, & Crooks, 2005). Humphreys (1997, 2007) and Holt (2009) have highlighted the paradox that while mothers are expected to protect their children by ejecting or leaving the perpetrator of violence, any allegations made against the same person in the aftermath of separation are treated with a high degree of scepticism despite previous evidence of their propensity to child harm. On the same theme, Hester, and Radford (1996) point out how the rules for mothers change once they enter the divorce and custody domain, where protectiveness is construed as paranoia, and reporting abuse is treated as vindictiveness.

These earlier research findings helped shape the analysis of data from the subset of cases in this study, and this paper aims to elaborate on these themes from a service user perspective.

4. Results

4.1. Context

Irish child protection services follow what has become known as the ‘Anglophone’ model (Lonne, Parton, Thomson, & Harris, 2009) usually described in the literature as the ‘traditional’ or ‘investigative’ approach, situated in a legal framework and aspiring towards ‘family centred child protection work’ (Connolly, 2005). Reporting is not legally mandatory, but the duty of all organisations providing services to children and families to report any concerns about possible child abuse to the statutory system is established in national guidance (Department of Health & Children 1999). Exposure to domestic violence is not separately classified as child abuse, but is listed as a form of emotional abuse.

Twenty five of the 27 participants in the subset were separated from the other parent of their children. Although research subjects were not asked specifically about the nature of their separations from previous partners, all of those who were separated spontaneously referred to their separation as having been characterized by a high degree of conflict, verbal and/or physical, and bitter. During data analysis, therefore, these participants were assigned to the category of ‘acrimonious separation’. Not all of the cases were referred to the child protection service initially because of domestic violence or inter-parent allegations, but one or both of these issues emerged at some point in each of them. In 16 out of the 25 separated cases, domestic violence had been a factor in the relationship breakdown and had also occurred in the 2 cases where parents were still together. In 16 of the cases, there were ongoing court proceedings to do with custody and/or access (see Fig. 1). In 14 cases, mothers made allegations of child abuse against fathers; in 6, fathers made allegations of child abuse against mothers and in one case, a father made an allegation against his former partner’s father who was residing in the same house as the child. In 2 cases, subsequent allegations against the other parent were made by the parent who was initially named the perpetrator (see Fig. 2).
Sexual and emotional abuse were the most common types of abuse alleged, and in 9 cases the allegations concerned various combinations of physical abuse, sexual abuse, neglect and emotional abuse (see Fig. 3).

The remainder of this paper will discuss the experiences of the service users with the child protection services, and comment on the impact of those experiences on both parents and children. It will also report on the service users’ perceptions of gendered practice, and the aspects of the child protection service that they considered to be positive.

4.2. Service users’ initial expectations of the child protection system

Regardless of the reason why the 27 service users had come into contact with the child protection services, i.e. whether reported by others or making reports and seeking assistance themselves, they all had specific expectations of the response they might receive. Their principal aspirations were involved with obtaining support in getting a violent partner to move out of the family home, protective action in respect of an allegation they were making about former partner, or alternatively, exoneration from an allegation being made by their former partner. In addition, several went to services requesting help with access visits between their children and the children’s other parent, including the provision of supervision.

4.3. Seeking help to deal with abusive partners and protect children

Although the Domestic Violence Act 1996 allows victims to apply for orders to protect themselves in their homes, many victims are afraid or feel unconfident about taking this or any other protective action, such as leaving, on their own. Research has indicated that domestic violence is underreported in Ireland (Watson, & Parsons, 2005) with only one quarter of victims reporting their abuse to the police. While the police are obliged to refer suspected child abuse to the child protection services, research indicates that child welfare and safety is not always the focus of investigation at the scene where the objective tends to be to ascertain whether or not a crime has been committed (McCarthy, 2004). As a result, the onus to seek professional help is often on victims who may be reluctant to pursue it for a number of reasons, including fear of the consequences. This woman felt she was taking a risk telling the social worker:

you are afraid if you do admit like, the kids are going to be taken… so I was opening myself up big time when I told her.

Several who turned to child protection services for support felt that social workers were unaware of the dynamics involved in domestic violence. One mother told of how the worker interviewed her with partner present, which left her in a difficult position, as she pointed out

With him standing there you’re not going to say anything… they should have called me down to the office… I would have been able to say … “this is what’s going on and I actually need him out of my house and can you help me?”

Others reported a lack of understanding on the part of workers about how difficult and dangerous it is for women to leave violent situations, and a tendency for workers to ‘come down hard on them’ for not taking the obvious option of getting out and avoiding further violence or ‘not seeing it coming’. As one woman pointed out,

[Leaving] was very hard to do, because if you are being abused you are very weak anyway – it’s like a vicious circle, you can’t get out… you can’t just run in the middle of the night, or pack your bags and take the kids…

Others spoke about threats from child protection staff, one citing an instance where the social worker told her that if she hadn’t got her husband ‘out’ within a week, he would remove her children but had not offered any assistance to her in the meantime.

I mean, I’ve seen social workers get warrants to get children lifted from a house, why couldn’t they get a warrant just to get him
lifted from my house, for my protection and my children's protection?

4.4. Reporting allegations against estranged partners

Service users who contacted the child protection system to tell them about harm being perpetrated on their children by current or former partners found it difficult to get a satisfactory response. Some felt they were simply not being taken seriously once the workers realised that relationship breakdown was involved, particularly where there was one protective parent looking after the child, as this mother pointed out:

at the first meeting yes, she was listening to me, but by the second one they weren't listening, just smiling at me and going "I see what you mean I see what you mean" and that was it. My impression is that where marriage separation is involved, “we are not going to get involved; we are staying out of it.” They had basically closed the case before I had walked in there for the last meeting, that's how it came across.

Others also felt that the fact that their separations were ‘not amicable’ and their situations were ‘messy’ deterred workers from becoming involved, despite the history of violence associated with most of the cases including those where the victim had to leave for reasons of safety. While some interviewees conceded that allegations made in acrimonious contexts could seem spurious, they expected that workers would have the skill to discern which ones were true, as this one interviewee pointed out: ‘I know it’s very hard for them to differentiate but after all, that is their job’.

Some service users persisted in trying to get attention from the services, going to quite extreme measures. One woman told us that she went to the social work ofﬁce every day for three weeks until she eventually got a response. However, some others felt that their persistence backﬁred on them, as this next quote illustrates:

she [the social worker] said to me... that if I didn’t stop making complaints that I would lose custody of the children altogether... she said to me “I don’t want to hear another word of this, I don’t want to hear anymore of what you think is wrong with the kids”...they were just like, “we have heard enough now”

4.5. Emotional impact on parents

The sense of not being taken seriously caused considerable distress to service users, who became increasingly desperate to try and convince workers of the basis for their allegations. Such was the level of tension being experienced that a number of the parents, male and female, cried during the research interviews. One mother told how she had actually borrowed money to install a CCTV camera in her house so that she could show evidence of what she considered to be her son’s sexualised behaviour to the social workers and in two others, the mothers tape-recorded their children having temper tantrums as indicators of disturbed behaviour in one case and refusal to go on an access visit in another.

When they felt their assertions were not being believed, some of the service users experienced deep despair. A father who claimed he was falsely accused of abusing his daughters described how the social worker had visited his wife and did not register any surprise when she was drunk:

He decided that her drinking in the middle of the afternoon while looking after the children was an understandable response to somebody who had discovered that her children were being sexually abused by her ex-husband. Everything was interpreted in the light that the allegation was true.

And a mother told of how paralysed she felt by the way her partner kept making complaints about her to the social workers. She described how it affected her ability to ‘tell them off’ in case they told their father; her deeper fear was that the children would be taken away from her, as she put it ‘it’s kind of always there in the back of your head... your authority is taken away’.

The depth of emotion being experienced by many service users was graphically described. A mother told researchers: ‘I thought I was actually having a nervous breakdown and I thought my kids were just ready to implode’. A father compared his experience to waking up ‘inside a Franz Kafka novel’. Others described feeling ‘distraught’, ‘devastated’, ‘frightened’ and ‘powerless, experiencing severe anxiety and one mentioned making a suicide attempt.

Some claimed that the protective measures they had taken had been used against them. The mother who had installed the video camera was told by her social worker that she was causing ‘emotional distress’ to her children and a father who was trying to get social work assistance for his children following his wife’s violence to them said he was told that the problem was his ‘own anxiety’ which was being passed on to the children. Accusations like this made service users feel powerless in the face of what they considered to be a very intimidating child protection system.

4.6. Emotional impact on children

Service users gave disturbing reports of how the hostile environment of disputes and allegations was impacting on their children. Some of the custody and access arrangements that were operating appeared to be causing emotional and physical discomfort and upset. A father described how his children have to go for three days a week to stay with their mother, who had violently assaulted them in the past:

They live in fear of her... they vomit before they go back to their mother... that is the level of their distress, they live in fear and that continues today...

A mother described how her son suffered from a skin complaint which flared up when he went to stay with his father and disappeared when he returned. Others described their children’s post-access reactions in different cases: ‘she came back from an access visit very disturbed...rocking, tearing things up, crying out...’ and there were other descriptions of children who were reluctant to go on access visits and displayed aggressive and disturbed behaviour including nightmares and bedwetting around the time the visits were taking place. The parents who described these behaviours implied that they were a result of ill treatment of their children by their ex-partners during visits and symptoms of their children’s unhappiness at being forced into contact which they didn’t want. In several cases, they were unable to resist questioning their children over and over after the access visits despite being cautioned against it. It could also be speculated that the reactions of the children refected the anxiety and stress of the main custodial parent. There was little doubt, however, that the children were being adversely affected. As Bala et al. (2007) observe, the negative impact on children of parental separation is exacerbated by constant inter-parental conflict, with children sometimes coming to believe that abuse has occurred when the allegation is actually unfounded.

4.7. Perceptions of gendered practice

Gendered treatment of both fathers and mothers has been highlighted in Irish research (Buckley, 1998; Ferguson, & Hogan, 2007; Bula et al., 2007) in the detrimental effects of male violence on children. A mother described how her partner had become involved in a domestic dispute.

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2004) as well as in international work (Hooper, 1992; Humphreys, 1997; Milner, 1996, Featherstone, 1997; Daniel, & Taylor, 2001). A common concern expressed in the current study by female domestic violence victims as well as those who were reporting allegations of suspected abuse was that workers were being manipulated by their former partners, who were generally considered to be quite disarming. One woman claimed that her husband was much more ‘articulate’ than she was herself, and another pointed out that her former partner was ‘very good at convincing people... good at manipulating people and he lies an awful lot’. Some felt that workers’ views turned against them once they had met with the other partner, and a number of mothers felt resentful because they felt the social workers were allocating culpability to both of them, instead of focusing on the partner that was causing the problem. To make it worse, some felt that social workers had low expectations of the violent partner’s willingness to change, and that they themselves were being blamed, as this woman commented: ‘I was being judged again, that I wasn’t protecting my children’.

Among the responsibilities perceived to have been ‘dumped’ on mothers was the matter of arranging the access visits, often court-ordered, between the children and their estranged fathers. A number of parents had asked child protection services to provide supervision for these access meetings but as one woman put it ‘I kind of got the impression that it had nothing really to do with them’ and they all had to more or less make their own arrangements, including in one case, mother remaining with the children to supervise it herself, much to her disgust

I had to... no one else would do it, they wouldn’t assign a social worker to help me do it, they said basically “you have to look at the man that abused your daughter”.

Ferguson, and Hogan (2004) have argued, on the basis of a research study conducted in Ireland, that fathers are often routinely excluded by workers in line with institutional norms and because of personal constructions of gender and parenting. Fathers in the current study also considered that they were being discriminated against; one man who was deeply concerned that his daughter was being sexually abused by his ex-partner’s father was angry at the social workers for not returning his calls and not informing him of the progress of their assessment. In two cases where children were ultimately removed from their mothers’ care, their estranged fathers had not been informed of their whereabouts or invited to child protection conferences. A man who tried unsuccessfully to seek help from child protection services because his ex-wife was physically abusing their children wondered if his gender was the reason for their reluctance to become actively involved:

People have told me, professional people ... that it would have been very different if I had been beating the kids and if my relationship was as bad with the children as hers is

Another father tried to elicit police and social work assistance to deal with his concerns about neglect of his children who were in the care of his former wife. He claimed that his efforts met with indifference:

So I complained to the social workers and Gardai [police] and they told me to go away and don’t be annoying them... [they implied that] basically I was just this guy who couldn’t get over the fact that his wife had left him

And another father who claimed he had been maliciously implicated in an allegation by his former wife felt that social workers were more inclined to believe her version because of her gender, despite that fact that she was known to have mental health and alcohol problems. As he put it: ‘it’s easier to believe that the man is going to be the baddie.’

4.8. Positive experiences

Where service users reported positive experiences with the child protection services, it was normally when they felt they had been listened to fairly and believed. They also appreciated it when workers took direct action. For example, in one case a social worker rang up a father and told him very authoritatively how to behave at access visits with his children. In some cases, service users had mixed experiences, being believed by one person in the service, though maybe not by everyone, and in other cases a change of worker had brought about a positive effect. In common with participants in the wider study, they placed a lot of value on the type of relationship they could build up with workers and the degree of trust that developed thereafter. However, the majority of service users in this subset reported more positive experiences in respect of services outside mainstream child protection, such as refuge services, advocacy groups and therapeutic services.

5. Discussion

The findings from the current study reflect earlier work to the extent that they demonstrate the complex dynamics of domestic violence and the perceived gap in understanding between victims and the mainstream child protection services. Even when women risked losing their children to protective custody by disclosing their situations to child protection social workers, they seem to have been met with ambivalent responses in some cases together with a lack of understanding of the dynamics of domestic violence and both the dangers and the practical implications of leaving violent partners. In keeping with some of the previous research (Hooper, 1992; Milner, 1996) there was a perception that responsibility was allocated by social workers to the non-violent parent without providing the support necessary for them to take the action that was expected of them. This deficit appears to have been compounded at times by the culpability that some victims perceived to have been laid on them.

A further irony apparent in the findings was the paradox, formerly identified by Humphreys (1997) and Hester, and Radford (1996) that while domestic violence victims might have been accused of failing to protect their children by remaining with their violent partners, their concerns about risk to children from the non-custodial parent were treated with indifference or suspicion once they separated. As this study reflects only the perspectives of the service users with no corroborating evidence, the researchers had no way of knowing the authenticity of the allegations of abuse made between parents. However, a number of already established facts should shape our thinking in this area. One is the earlier cited evidence that a high number of allegations made in post separation contexts are likely to be true for a number of reasons, particularly where domestic violence is a feature. A second is that an ‘inconclusive’ outcome may reflect high thresholds for confirmation of abuse, high evidential requirements for court, or simply inadequate investigative response and is not necessarily indicative of false reporting (Trocme, & Bala, 2005; Brown et al., 2000). Finally, it has also been established that while only a low number of allegations are intentionally fabricated, a significant number mistaken or unfounded reports are made, emerging in a particular context where parents are upset, depressed, angry, bitter and unable to communicate rationally with their former partners (Bala et al., 2007; Johnston, 2006). This situation alone warrants a helpful response if children are not to become embroiled in the conflict and thereby emotionally damaged.

Perhaps the most important finding of the current study, however, is the graphic illustration, provided through the voices of the service users, of the powerlessness and helplessness experienced by them
when they are being victimised by domestic violence and their need for emotional and practical support in taking what are for them, radical actions. Equally, the findings have also illustrated the impact that the worries and suspicions of parents in relation to their children’s safety were having on their own ability to cope and also directly and indirectly on their children’s emotional wellbeing. As Mullender and Hague (2005) argue, service user participation might now be a standard practice in policy making in a number of areas but the voice of abused women has been largely excluded. Featherstone (1997) has also cautioned that excluding fathers from research on child welfare obscures the possibility that they may be the non-abusing spouses of perpetrators and overlooks their protective potential. While recent child protection policies and guidelines have urged more direct engagement with men and attention to children who are exposed to domestic violence, they have not paid particular attention to the sensitivities and experiences of parents where domestic violence and separation are involved. Service users in this study were left with the perception that they were the subjects of impatience and irritation by child protection social workers, who appeared to have an expectation that they could solve their own problems and found their concerns insignificant compared to other cases deemed more serious.

6. Conclusion

The study on which this paper is based is small in terms of its sample size, and for that reason, the findings are not generalisable. Nevertheless, they add to current deliberations on the question of how services should best respond to child protection reports in which domestic violence and marital/relationship separation are factors, and they underline the need for further consideration of this topic. Irish child protection services are broadly similar to mainstream systems operating in many English speaking jurisdictions where, despite efforts to provide early intervention and promote child welfare, pressure on services frequently restricts the response to situations where children are clearly at significant risk. Many domestic violence cases fail to meet the threshold for entry into the system, but as this study shows, even those that do meet the criteria seem to have received a somewhat insensitive response. There are no Irish statistics to demonstrate the numbers of reports to child protection made in the context of separation and/or domestic violence but the findings from this study suggest that these cases struggle to elicit a response and that when the services do become involved, they are somewhat blunt and gendered in their approach.

There are considerable challenges ahead for Irish services in either modifying the approach of the existing services, or developing an entirely separate system to deal with child protection concerns made in the context of domestic violence and separation. It seems clear that the mainstream child protection system lacks the capacity to respond appropriately to both types of cases, even though some are involved potentially in serious abuse or neglect. The fact that Ireland has only legislated for divorce in relatively recent times may mean that human service professionals are less experienced with what is involved in working with couples whose marital system has gone but whose shared parenting system continues. It could also be that workers who specialise in child protection may define themselves and their work primarily in relation to adherence to regulation and procedures and to a lesser extent, to work with children; this means that they may lack confidence about their capacity to work with adults, particularly adults involved in conflictual relationships. We also know that in some other jurisdictions, it has been difficult to get the balance right in dealing with the continuum of concerns associated with domestic violence and it would not be desirable to reach a point where all families experiencing it enter the child protection system (Humumphreys, 2007; Friend et al., 2008; Connolly, 2009). In some US services, training has shown positive results in terms of increasing workers’ knowledge and understanding about domestic violence and its associated complexities and it has also assisted by building bridges between different services (Moles, 2008). In those jurisdictions where the exponential increase in reports about domestic violence to child protection services is seen as problematic, trials of different styles of intervention such as harm reduction, differential response, multiple service pathways and restorative justice interventions have been offered in an effort to provide a more holistic response (Friend et al., 2008; Friend, 2008; Connolly, 2009). Court based models such as the Magellan and Columbia projects in Australia (Brown, 2006) show very promising results in resolving disputes regarding custody, access and inter-parental allegations of child abuse. Whatever approach is tried, it is crucially important that no paradigm dominates to the extent that the concerns affecting children and their carers fall through the net. The findings from this study illustrate the constellation of needs experienced by women and men caught up in domestic violence and acrimonious separation and the consequences for their wellbeing, and the wellbeing of their children, of ignoring them. It has used their voices to articulate their feelings of helplessness, frustration, obsessive anxiety and often well founded fears for their own and their children’s safety. Responses must to be tailored to engage with these lived experiences and until the narratives of service users are validated this is unlikely to happen.

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