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THE CONTACT CONNUNDRUM:

EXPLORING CHILDREN'S EXPERIENCES OF POST-SEPARATION CONTACT WITH DOMESTICALLY ABUSIVE FATHERS

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MSc.

A THESIS SUBMITTED IN FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF PH.D

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Summary
This thesis presents an in-depth understanding of the phenomenon of post-separation child contact between a defined sample of children and their fathers living in Ireland, where there has been a pre-separation history of domestic abuse perpetrated by their father against their mother. The research on which it is based is concerned with both ascertaining the extent and understanding the nature of post-separation paternal contact. With a principal aim of directly seeking, capturing and representing the child's own unique views and subjective experiences of contact, this thesis also presents an understanding the broader processes and dynamics that ultimately influence the subjective experiences of those children.

Both quantitative and qualitative data collection methods were employed in a mixed methodological research design, conducted over two phases. Phase One involved the collection of survey data from 219 mothers, accessed through a national network of refuges and support services, to establish an estimate of the extent and nature of post-separation contact for children with their fathers in a domestic abuse context. Informed by the analysis of the Phase One findings, qualitative data was gathered via individual and focus group interviews in Phase Two of the research. Participants included sixteen children and young people aged 7-24 years of age whose parents had separated because of domestic violence; nine mothers who had separated from their partners because of domestic violence; six fathers (likewise) and thirty professionals whose work brought them into contact with victims of domestic violence. This mixed method approach which also included non-participant observation, was underpinned and predominantly influenced by interpretive and critical theories.

This study examines how the key participants involved in post-separation contact, negotiate participate in and experience contact. This study is focused on understanding 'what happens' on contact, how contact is experienced by children, mothers and fathers, the extent and nature of this contact and how decisions about contact are made. It is particularly interested in ascertaining how children are understood and subsequently positioned within the contact debate and whether or not they have a voice in the decision-making process on contact.

Key findings emerging from this thesis include the extent to which a number of dominant constructions of motherhood, fatherhood and childhood influence the professional/legal response made to families both in the pre-separation stage when the family is intact and domestic abuse is considered by professionals to be a significant problem, and subsequently when post-separation contact is being negotiated.

Pre-separation, constructions of blame and responsibility were found to hold mothers accountable for their children's protection while a pessimistic construction of men as difficult to engage rendered them unassailable. Post-separation, this dominant construction still held mothers as responsible, but in addition to being responsible for their children's welfare, they were also held accountable for ensuring the fathering relationship was maintained. Abusive fathers who wanted contact with their children post-separation were constructed as a positive influence on their children's lives, in the absence of which, children would suffer.

These prevailing ideologies were found to directly and indirectly influence the child's experience of contact by supporting the ongoing presence of abusive men in children's lives, without supporting the safety or therapeutic needs of mothers and children and in the absence of any attention to the fathering of abusive men. The supports and resources available to, and drawn upon, by different family members had implications for their recovery from the impact of domestic abuse; the damaged relationships and the scars of trauma that necessitated professional intervention to support that recovery. The availability of these supports was influenced by prevailing discourses on need, capacity and risk that rendered these supports and interventions largely unavailable, inappropriate or inaccessible. Where participants had

been able to avail of services, their experience was largely positive. Furthermore this study found no meaningful efforts to engage with abusive men, as fathers, whether at a philosophical, theoretical, therapeutic or legal level.

The findings from this research also identify a particular construction of children as vulnerable and in need of protection from the decision-making process, rendering them silenced and powerless within and across both the domain of domestic abuse and child contact. Although children and their needs are claimed to be the central consideration in the child contact debate, the decision-making processes reflected a drive towards increasing their protection by limiting their involvement.

The findings of this thesis therefore challenge those charged with professional responsibility for supporting, protecting or regulating the lives of the key players involved in the phenomenon of contact, and those involved in the contact decision-making process, to focus on the reality of abusive men's behaviour rather than an ideology of involved fatherhood. This demands a significant paradigm shift to prioritise the construction of fathers as 'risk' in the context of post-separation father-child contact. Doing so does not mean prioritizing finding ways to exclude fathers from children's lives, moreover finding ways to ensure and be assured that abusive men can be 'good enough' fathers.

This study concludes by challenging the assumption that contact with abusive men is automatically in the child's interest, advocating instead for an alternative discourse that acknowledges and addresses the pervasive and continued presence of domestic abuse in child contact. This involves viewing abusive men through a dual lens of risk and vulnerability by holding them accountable for their abusive partnering and parenting whilst simultaneously supporting a potential to parent positively. Finally this thesis advocates for a repositioning of children as central to this debate, a debate after all which is about them.

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CHAPTER ONE

CHILDREN, FATHERS AND DOMESTIC ABUSE IN IRELAND: AN INTRODUCTION

The field of domestic abuse has long been a topic of international, social, psychological and family research. This research, primarily conducted in the US (Edleson, 1999), Canada (Jaffe & Crooks, 2004), Australia (Brown & Alexander, 2007) and the UK (Mullender, 1996), with more recent research activity in Ireland (Buckley, Whelan & Holt, 2006, Kelleher & O'Connor, 1995), has led to a number of important findings regarding the experiences of those involved in domestically abusive relationships and the implications of this experience for their physical, emotional and mental well-being. Research and practice have predominantly been located within a feminist paradigm, applying a gendered analysis to the understanding of domestic abuse, within which women are characterised as victims and men as perpetrators in the vast majority of cases (Dobash & Dobash, 2004).

The past three decades have witnessed two significant developments in domestic abuse research, policy and practice. Firstly, although the gendered understanding and analysis of domestic abuse referred to above has historically been accepted as a true reflection of the dynamics of domestic abuse (Dobash & Dobash, 2004; Office of the Tanaiste, 1997; Watson & Parsons, 2005), the disproportionate extent to which women are the victims of intimate abuse has more recently been hotly contested, challenging the long held and empirically established gendered understanding of domestic abuse (McKeown & Kidd, 2002).

Secondly, the lens of research and practice interest has, in recent years, expanded to include a consideration of the scope and consequences of children's exposure to domestic abuse, resulting in a depth of empirical knowledge about its prevalence, and the impact this experience has on its youngest victims (Hazen, Connolly, Kelleher, Barth & Landsverk, 2006). This increased awareness of children's needs, and their heightened visibility and prominence in the context of domestic abuse, has been slow to develop, as has their status within the research community. However, the emergence of a more sharply focused lens of research and practice interest on childhood and children's experiences is reflective of the core ethos of the United Nations Convention on the Rights of the Child (UNCRC, 1989). A substantive theme within the UNCRC concerns children's participatory rights, including the freedom to express an opinion and to have a say in matters affecting their lives.

Furthermore, while the traditional focus of this interest and understanding has largely been achieved by eliciting the views of women, refuge workers and other professionals as to the impact on the child,

more recent inquiry has sought to directly explore children and young people's experience of exposure to domestic abuse from their own point of view (Buckley, Holt & Whelan, 2007; McGee, 2000; Mullender, Hague, Iman, Kelly, Malos & Regan, 2002). This reflects a commitment to honouring the principle of 'listening to the voice of the child' as demanded by the National Children's Strategy (Department of Health & Children, 2000), by recognising and accepting children as active sentient social actors in the unfolding story of their ongoing development in family life.

In tandem with this developing empirical knowledge base is a growing interest in and awareness of the role of fathers in family life and in child development (Ferguson &Hogan 2004; Lamb, 2004; McKeown, 2001; McKeown, Ferguson & Rooney, 1998). The influence of fathers in child development is such that children with highly involved fathers are understood to demonstrate increased cognitive abilities and empathy, less stereotyped beliefs and a greater internal locus of control (Lamb, 2004), with the absence of fathers considered harmful for children, as many aspects of the fathering role subsequently remain unfulfilled (Lamb, 1997).

It is also important to highlight that domestic abuse is found to be a prominent factor in relationship breakdown, with the National Crime Council Report (Watson & Parsons, 2005) finding, in their sample, that 60% and 30% respectively of separated or divorced women and men experienced severe abuse. This association between domestic abuse and parental separation poses serious challenges for the development of appropriate policies and safe practices regarding post-separation child contact, as shall be discussed later. In practice, in the context of domestic abuse, experts impose a caveat on the construction of the role of the father as critical for healthy child development, as many aspects of the fathering role are compromised for domestically abusive fathers (Bancroft & Silverman, 2002; Edleson & Williams, 2007). However, research evidence regarding the fathering of non-resident domestically abusive men remains scant, while the changing landscape of the contemporary Irish family renders these fathers a growing yet largely neglected group on the research and policy agendas.

Relationship breakdown places considerable stress on the fathering role, with separation and divorce weakening the links between children and their fathers who may be uncertain and ambiguous about their fathering functions post-separation (Juby & Le Bourdais, 1998; Seltzer, 1991). This uncertainty, combined with difficult inter-parental relationships, may account for sporadic and diverse patterns of paternal involvement, potentially leading to the disappearance of fathers from their children's lives in the aftermath of separation and divorce (Parkinson, 2006). Sharry (1999) considers the devastating effect that parental separation can have on parents and children, concluding that it is second only to the death of a parent in the levels of stress and low self-esteem it can cause. In addition, the comprehensive range of literature that examines the implications of separation and divorce for children's well-being, broadly supports the view, and is drawn upon to underpin the prevailing

discourse in the majority of jurisdictions, that outcomes for children are better when they can maintain relationships with both parents. The dominance of this discourse is such that Kaganas and Day Sclater (2004) surmise that it has passed into the realms of 'incontestable truth'.

Cognisant of these debates and developments, this thesis explores the child's experiences of contact with their father, after their parents have separated, and where there is a history of domestic abuse perpetrated by their fathers against their mothers. In doing so, it highlights the struggle children, parents and professionals face in reconciling the needs of the child regarding the paternal relationship, and the potentially deleterious impact that both the absence of parental contact *and* ongoing and perhaps unwanted contact with an abusive father can have on the developing child. More importantly, this research responds to the demands from children and young people to be consulted, listened to and taken seriously, by seeking a greater insight into their views, feelings and understanding of contact with their father, reflective of a growing ethos of respect for the child's position in a process that involves all family members (Buckley, Holt *et al.*, 2007; Mullender *et al.*, 2002). This thesis neither rejects nor embraces feminist or hegemonic perspectives; rather it aims to capture a child centred perspective on the child's experience.

This chapter will begin by introducing this research, presenting the aims and objectives, research questions and the rationale underpinning the study before exploring and presenting a definition of domestic abuse. This chapter will also outline the domestic abuse context from which this research project has emerged and within which it is located. The socio-cultural, demographic, legislative and policy contexts for this research context are then presented, followed by a brief overview of the subsequent chapters.

The Research Context

This thesis is concerned with both ascertaining the extent and understanding the nature of post-separation paternal contact for a defined sample of children and young people living in Ireland, who were previously exposed to the domestic abuse of their mother by their father. With a principal aim of directly seeking, capturing and representing the child's own unique views and subjective experiences of contact, this thesis is also interested in understanding the broader processes and dynamics that ultimately influence the subjective experiences of those children. This thesis will therefore draw on both social constructionist and interpretivist perspectives in order to answer the following questions:

1. What is the extent and nature of post-separation contact for children and young people who have been exposed to domestic violence perpetrated by their father against their mother?

2. How do children experience that contact?
3. What factors do children and the key stakeholders in contact identify as influencing the quality of that experience?
4. What are the key messages for Irish policy and practice to support and promote quality contact for children and young people in this context?

Both quantitative and qualitative data collection methods were employed in a mixed methodological research design, conducted over two phases. *Phase One* involved the collection of survey data from mothers, accessed through the National Network of Women's Refuges and Support Services (NNWRSS)[1], to establish an estimate of the extent and nature of post-separation contact for children with their fathers in a domestic abuse context. Twenty of their thirty-eight network member organisations (primarily involving refuges and support services) supported the involvement of 219 mothers in the completion of the survey. The design, administration, collection and analysis of this data, involving the participation of mothers attending services located in sixteen of the twenty-six counties in the Republic of Ireland, took place between May and December 2007.

Informed by the analysis of the Phase One findings, qualitative data was gathered via individual and focus group interviews in *Phase Two* of the research. Participants included sixteen children and young people aged 7-24 years of age whose parents had separated because of domestic violence; nine mothers who had separated from their partners because of domestic violence; six fathers (likewise) and thirty professionals whose work brought them into contact with victims and perpetrators of domestic violence. The latter group were drawn from health and social care, and policy and advocacy services representing the statutory and voluntary sector and government departments. The second phase of the research, which took place between March and September 2008, was primarily located in one rural area in the west of Ireland, with interviews also conducted in the east, north east and the midlands.

Purpose/Rationale for the Research

This research is informed by a sound empirical base of national and international research and policy development, in addition to over a decade of the author's qualified social work experience. There is a clear and solid rationale for this study, primarily the dearth of empirical information on the child's experience of post-separation contact in the specific context of domestic abuse. Contributing to the knowledge base in this regard will positively impact on policy and service development.

---

[1] The NNRWSS was established in 1998 as a national umbrella federation linking and supporting smaller organisations working with women living with violence and abuse. There were 38 network members at the time the research was conducted. The NNWRSS is now known as SAFE Ireland.

Furthermore, the vast majority of empirical evidence available reflects the views and experiences of the women and professionals involved, and their interpretations of children's experiences. Therefore, with few notable exceptions, children's voices have been absent from the research agenda. Services have tended to follow this perspective, with a concentrated focus on interventions with adult victims and perpetrators. Guided by the principles laid down by the United Nations Convention on the Rights of the Child (1989), the National Children's Strategy (Department of Health & Children, 2000) and national child protection guidelines (Department of Health and Children, 1999), this research is committed to redressing that imbalance by ascertaining the views and experiences of children and young people, and representing their voice on the research agenda.

Running parallel with the invisibility of children across both domestic abuse and research agendas is the absence of the abusive man as a father, also across both of these domains. The research literature has a long and critical history of professional engagement with abusive men, concluding that men are largely constructed as absent whilst mothers are constructed through a dual lens of blame and responsibility; being perceived as responsible, both for the abuse their children were exposed to and for their protection from ongoing or future abuse (Dominelli, Strega, Callaghan & Rutman, 2005; Scourfield, 2001). Fathering by abusive men also fails to make any significant impact on the research agenda and so remains obscured both from professional scrutiny and from professional understanding (Featherstone & Peckover, 2007). Lack of 'joined-up' thinking has resulted in what Featherstone and Peckover (2007) call a 'split construction' of men as either abusive men or as fathers, but without an integrated understanding of abusive men *as* fathers.

This research addresses and redresses the imbalance in the current knowledge base on children and their fathers in a post-separation domestically abusive context by providing a unique insight into that relationship and a strong sense of their lived experience of this interaction, from the perspective of all key players.

Positioning this present research within the domestic abuse debate

Despite critical discrepancies between them, as observed by Jaffe and Crooks (2004), numerous terms such as domestic violence, domestic abuse, inter-parental conflict, high conflict and family violence, are frequently confused or inappropriately employed interchangeably in this field of inquiry. Furthermore many of these definitional terms are cited as occupying positions on a 'continuum of abuse', a concept that is also employed interchangeably, depending on the context within which it is being used. This section identifies and defines the terms that most appropriately encompass the issues involved in this present research before positioning this research conceptually on the 'continuum of

domestic abuse'. This section concludes by locating this research within a social constructionist framework.

- Definitions and definitional issues

Accepting that *inter-parental conflict* is normal and unavoidable in intimate relationships, Cummings and Davies (2002: 34) describe it as encompassing any 'disputes, disagreements or expressions of untoward emotions over every day matters between parents'. They qualify this statement by observing that this normal, everyday acceptable behaviour does not involve any form of violence and that the process of observing constructive inter-parental conflict resolution may be of benefit to children (Cummings and Davies 1994; Grych and Finchman, 2001). Broadening out this definition, Grych and Finchman (2001: 18) define inter-parental conflict as 'an enormously wide ranging construct encompassing events viewed as common everyday stressors to events viewed as significant life traumas', which can be understood as either an integral part of the couple's behaviour or alternatively as a high or low conflict state that can negatively affect children.

Jaffe and Crooks (2004) argue that in the context of the courts, while domestic violence is a significant feature of high conflict cases, confusion may stem from the use of the term' high conflict' to describe intense protracted disputes that require considerable court time and include domestic violence cases. High conflict cases differ significantly from domestic violence cases in that they are characterised by parents with rigid personality styles or mental health problems that lock them into prolonged litigation, while domestic violence is more about one person in the relationship needing to control and dominate the other. Johnson's (1995: 283) work also helps in clarifying the nature of experiences along the conflict-violence-abuse continuum, particularly in relation to the distinction between what he calls 'common couple violence and patriarchal terrorism', asserting that, while the former is characterised by both partners engaging in violent behaviour, the latter is conversely characterised by violence that escalates in frequency and severity over time and is predominately perpetrated by the male against the female partner. It is also characterised by controlling and intimidating behaviour.

Feminist theories consider the issue of gender as critical to an understanding of domestic violence, asserting that the intimate abuse of women arises in the context of their partners' need to control women as opposed necessarily to conflict or disagreement (Yllo, 1993). Both international conventions and domestic research and policy documents also consider the issue of gender in the domestic abuse debate worthy of significant attention and discussion. The United Nations Declaration on the Elimination of all forms of Violence against Women (CEDAW) considers that *"gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects*

women disproportionately. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty" (1993: Article 1 of the Convention).

This gendered perspective of domestic abuse which reflects an understanding of this phenomenon as the intimate context within which *women* are abused by *men,* underpins this present research and may be legitimised based on empirical data concerning the nature and impact of this crime. Firstly, the numeric extent of woman abuse exceeds that of the intimate abuse of men (Walby & Allen, 2004; Watson & Parsons, 2005). Secondly, the impact of the abuse is likely to be greater for women than men, both emotionally and injuriously (McKeown & Kidd 2002; Walby & Allen, 2004; Watson & Parsons, 2005). Thirdly, women are at far greater risk of serious and lethal abuse at the hands of their male partner than men are at risk from their female partner (Campbell, Sharps & Glass, 2001; Watson & Parsons, 2005; World Health Organisation, 2002). For the purpose of this present research, the terms '*domestic abuse*', '*domestic violence*' and '*intimate partner abuse*' are employed interchangeably and refer to the intimate context within which one partner is abused by another. Specifically, the following definition has been adopted for the purposes of this research, a definition that is mirrored in relevant Irish legislation, crime reports (Watson & Parsons, 2005) and in the National Office for the Prevention of Domestic, Sexual and Gender-based Violence (COSC), established in 2007:

> The use of physical or emotional force or threat of physical force, including sexual violence, in close adult relationships. This includes violence perpetrated by spouse, partner, son, daughter or any other person who is a close blood relation to the victim
>
> Office of the Tanaiste (1997: 27)

As stated earlier, a continuum of domestic abuse may be considered as a framework to support our understanding of the shifting sands of this complex and dynamic phenomenon. However, there is little agreement within the literature on the nature and form this continuum should take. For example, Jouriles, McDonald, Norwood and Ezell (2002) suggest that the continuum could reflect the increase in severity of abuse from calm rational disagreement at one end and frequent, heated and poorly resolved disputes at the more destructive and damaging end. Other authors are critical when the focus on severity highlights the physical aspect of violence as more harmful relative to non-violent abuse (Jouriles et al, 1998; Kelly, 1987). In the context of this present research, a continuum of domestic abuse may be usefully employed to examine how violence and abuse is defined and conceptualised and explore how those definitions and understandings change over time and over place (Kelly, 1987). The concept of meaning changing over time and place is also central to an understanding of social constructionism and its relevance to the domestic abuse agenda.

- Domestic Abuse & Social Constructionism

Social constructionism is a helpful theoretical framework to support an understanding of the meaning given to acts of violence and abuse, the social and political processes that influence that meaning and in particular how that meaning has changed over time and place (Muehlenhard & Kimes,1999). Social constructionists argue that reality, or how we understand the world, is created in social interaction, with this understanding emerging from, and rooted in, a socio-cultural context that varies across cultures, time and space (Berger & Luckman, 1966; Burr, 1995, Munro, 2002).

The contention that the meaning attached to domestic abuse is social constructed, is integral to this discussion on child contact in the context of domestic abuse (Muehlenhard & Kimes, 1999). Domestic violence is considered the most common form of family violence worldwide, even more common than the physical abuse of children, with documentary evidence spanning the last two centuries (Levinson 1989:81). The literature is filled with thousands of accounts from across the world, revealing patterns strikingly similar, even as they reflect distinct cultural differences. Dobash and Dobash (1997: 272-273), cite examples of 'Dowry' deaths and 'sati' (the burning of a widow upon the death of her husband) in India and Bangladesh, and the practice of genital mutilation to control sexuality in many African countries. Historically, violence against women has been condoned and even explicitly legalised as an acceptable way for husbands to discipline their wives, provided the husbands operated within certain limits. For example, the 'rule of thumb' thought to have been instituted by Sir William Blackstone in 1768, allowed a husband to discipline his wife as long as he hit her with a stick no thicker than his thumb (Bergen, 1998). While abusive behaviour within marriage, including rape, was tolerated by law up until the end of the 19th century in many countries, it was not until the late 1990's that Irish law recognised this act as a crime.

The past four decades have however witnessed a redefining and reconstruction of the issue of sexual and domestic violence, influenced largely by a civil rights movement that has drawn attention to issues such as domestic abuse and discrimination based on race, gender and sexual orientation (Muehlenhard & Kimes, 1999). Consistent with a social constructionist perspective, the increasing prominence of women in positions of power in government, business and the media led to a reconstruction of domestic violence as a social problem. However an important consideration in the context of this present research concerns the construction of domestic abuse as a phenomenon existing only within intact relationships. This is reflected in a common assumption that separation will terminate the abusive relationship, an assumption which precludes any consideration of the dangers of domestic abuse in the post-separation period (Jaffe et al, 2003). In a similar vein the construction of child abuse has evolved over time and in response to expert knowledge (Beck, 1992), resulting in a radical re- positioning of children within the domestic abuse debate and a re-construction of the

meaning of their experiences therein. Previously understood as peripheral to what was considered an adult affair and described as the 'forgotten victims' (Davies & Krane, 2006), the reconstruction of exposure to domestic abuse as a child protection and welfare issue has heightened their visibility within this abusive context and increased awareness of their needs.

As such, while the form that domestic abuse has taken has not changed, the meaning attached to it and the acceptability and tolerance of it, has, over that time period and across different cultures, to greater or lesser degrees. Examining how definitions of violence and abuse have changed over time illustrates how these concepts are socially constructed rather than fixed with any one, unchanging, uncontested meaning. Despite these changes however, there are ongoing struggles to define intimate violence, as there are always limitations and benefits that accompany any guiding theory or theoretical framework. As the discussion on definitions has illustrated, one of the disadvantages of social constructionism concerns the difficulty in agreeing a working definition of any specified phenomenon or social problem given its variable meaning across time and place and between those observing it and those experiencing it. Furthermore, and in agreement with Best (1990), while social constructionism provides a perspective for exploring social problems such as violence and illustrates the process whereby particular conditions become defined as social problems, this process reflects the dominant value system in any given society, a value system that may not reflect the minority view (Muehlenhard & Kimes, 1999; Munro, 2002).

In contrast, a realist perspective on the study of domestic abuse, views this phenomenon and its associated risk as a single, uncontested, objective fact that can be identified, calculated, predicted and therefore minimised (Beck, 1992), independently of the influence of 'social or cultural processes' (Lupton, 2007: 35). While this approach, which seeks to define by scientific measures, may be appropriate in the identification of physical or sexual abuse, it does not have the capacity to see past the abusive incidents and consider the meaning attached to the abuse by those who experience it, nor the differential impact of those experiences. Given the secretive nature of domestic abuse, it is difficult to see how a realist approach to quantifying the extent of domestic abuse can yield an in depth understanding of this complex phenomenon.

In conclusion, how domestic abuse is defined has important implications for the behaviours that are considered unacceptable, acceptable and normal, both within and outside of the intact intimate relationship. Although there may be little agreement on such phenomena given differing thresholds and particularly across different cultures, social constructionism does allow for the voice of the victim to be heard and facilitates an understanding of the meaning of this experience from their perspective. The achievement of this understanding is central to the aims of this doctoral thesis.

Positioning the Researcher within the Domestic Abuse Debate: A biographical note

In response to McKay, Ryan & Sumsion's (2003) assertion that researchers should explore and acknowledge the personal and professional experiences and biases that have brought them to their research project, I have endeavoured to critically reflect on the respective and cumulative impact of my social background, social work training, professional practice, parenting status, assumptions and behaviours on the research questions and the process of conducting this doctoral research. This reflexivity required thoughtful analysis of what Finlay & Gough (2003: ix) term' the inter-subjective dynamics between the researcher and the researched' in order to achieve a deeper understanding both of the situations we are researching and of the part we play in constructing them (McKay, Ryan & Sumsion, 2003). While this author heeded Gough's (2003: 22) contention that reflexivity is a critical process in qualitative research which locates the impact of the researcher's context and subjectivity on the design, data collection, data analysis and presentation of findings, I was also cognisant of Best's (1990: 45) assertion that 'all statistics are the products of social processes. Someone has to decide what to count and how to go about counting'. Reflexivity was, as such, an integral and continuous part of the entire research process and not confined solely to the design and conduct of the qualitative phases.

Wilkinson's (1988: 23) framework involving three inter-related forms of reflexivity provides a useful structure for exploring the positioning of this researcher in this doctoral research. Firstly, at a personal level, Wilkinson (1988) asserts that the researcher makes visible their individuality, examining how their motivations, interests and attitudes impact on the research process. Such subjective factors include my gender, class, and parenting status. For example, as a woman and a mother, I was cognisant of my need to remain aware of any possible over-identification with interviewees who were also women and mothers and of my need to remain respectful and empathic when relating to interviewees who were men and fathers. It was also important that I remained cognisant of my social work training and practice and how those experiences had influenced and contributed to the understanding of domestic abuse I had developed. Those experiences predominantly involved men as perpetrators and women as victims, a situation that reflects the dominant discourse in research and literature that I had been exposed to. My social work practice and research experience of engaging with children exposed to domestic abuse highlighted both the distress and abuse these children experience and the complexity of the father-children relationship, particularly where children wished to remain in contact with abusive fathers. I was also acutely aware that my limited professional or research experience of working with abusive men had resulted in a limited insight into how abusive men experienced fatherhood, particularly in the post-separation period. These experiences demanded an acknowledgement of the influences of the dominant discourses on domestic abuse on my research lens whilst remaining mindful of my own constructions of motherhood, fatherhood and family life.

Moving beyond the personal domain, Wilkinson's (1988) second factor, 'functional reflexivity', refers to the role of researcher, the interactions between researcher and participants and the effects that this has on the research process. Recognising the attempts made to encourage and respect the voices of participants, Wilkinson (1988) asserts that researcher-participant relationships are structured by inequalities, the very least of which is that it is the researcher who generally designs and conducts the research. At this functional level, reflexive practice ensured I was mindful of the negative experiences of power and control that many of my participants had encountered, both with abusive partners and subsequently with professional services. Committed to 'ascertaining the voice of the child', I was also mindful of the vulnerability of children and was dedicated to providing an empowering experience for them through the research process. Acknowledging that it was not possible to negate this power imbalance, efforts were made to minimise its impact, through for example giving children control of the interview process (this is described in more detail in chapter five).

Wilkinson's (1988) final category, disciplinary reflexivity, involves a critical appraisal of the potential contribution that the particular research project can make to the broader debates about theory and method. In the context of this present study, the inclusion of children's experiences to a debate that has traditionally excluded them demanded that I actively represent those views, particularly where these views challenged traditional understandings of social relationships, family life and parental responsibility. Allowing for this research to have the potential to contribute to the knowledge base on child contact and domestic abuse, demanded that I remained consistently open to new and challenging ideas whilst simultaneously challenging presupposed ideas or stereotypes about childhood or children, or indeed for that matter motherhood or fatherhood.

The Irish Domestic Abuse Context

The existence and extent of domestic abuse has been largely hidden within Irish society, compounded by a dearth of systematic and nationally representative information on the prevalence and impact of domestic abuse, amongst both men and women. Indeed, while much of the earlier research focused primarily on the experience of women, (Kelleher & O'Connor, 1995; Bradley, Smith & Long, 2002), it is only in recent years that the voice and experience of men has been sought and represented (McKeown & Kidd, 2002; Paul, Smith & Long, 2006; Watsons & Parsons, 2005).

There are three primary sources of prevalence data for domestic abuse in Ireland. The first, a national survey of women conducted by Kelleher and O'Connor (1995), found that 18% of the 679 participating women indicated that they had experienced violence by a current or former male partner.

The second Irish survey to generate prevalence data on domestic abuse was conducted in 2003 (Watson & Parsons, 2005). This larger survey of 3,077 adults included both men and women and established that 15% of female respondents and 6% of male respondents experienced severe abusive behaviour of a physical, sexual or emotional nature from a partner at some point in their lives. The Sexual Abuse and Violence in Ireland (SAVI) Report produced by McGee, Garavan, de Barra, Byrne & Conroy, (2002) is the third source of prevalence data, based on a population survey of 3,000 adults, providing information on the prevalence of sexual violence for men and women in Ireland. It specifically highlighted that 42% of women and 28% of men reported some form of sexual abuse or assault in their lifetime, with nearly 30% of women and 25% of men reporting varying levels of sexual abuse in childhood. Furthermore, while 24% of women reported sexual abuse by their partner or ex-partner, the comparable finding for men was just over 1%. Whilst acknowledging that the different methodologies employed in these three studies render comparisons or conclusions about trends difficult, it does seem apparent that the prevalence of domestic abuse among women did not change significantly in the decade (1995-2005) during which these surveys were completed (Horgan, Muhlau, McCormack & Roder, 2008). However, given that the evidence from international surveys suggests that only between 10% and 15% of women experiencing domestic abuse actually report it to the police (Office of the Tanaiste, 1997: 28), these figures represent the tip of the iceberg and the scale of the problem is likely to be far greater than the statistics indicate (Watson & Parsons, 2005:29).

Two further sources of evidence regarding the prevalence of domestic abuse provide an additional layer of understanding. The first are crime statistics produced by the Central Statistics Office based on data gathered by An Garda Siochana. Safe Ireland[2] provides the second layer of data, with statistics collated and analysed, on the demand for, and use of, their services. Table 1 provides an overview of the trends in breaches of orders under the Domestic Violence Act 1996 and the processing of those cases through the criminal justice system. Two trends are particularly interesting to note. Firstly, with the exception of a slight drop in breaches recorded, there has not been a significant change in trends which appear to have remained mainly static over the five year period reviewed. For example, in 2003 82% of breaches recorded proceeded to court, of which a conviction rate of 37% was secured. In 2007, 82% of breaches recorded again proceeded to court, with 32% resulting in a conviction. The second point of interest concerns the low conviction rate. 2003 marked the highest rate of convictions over this five year period, with a downward trend noted over this time.

Furthermore, national domestic violence statistics for 2007 highlight that 5,326 women and 3,343 children access domestic violence services during this year (Safe Ireland, 2009).

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[2] As of 1.

Table 1: Breach of Orders under the Domestic Violence Act 1996: 2003-2007

	2003	2004	2005	2006	2007
Recorded	1,426	1,319	1,202	1,184	1,226
Detected	1,426	1,319	1,202	1,184	1,225
With relevant proceedings	1,258	1,164	1,056	1,057	1,088
Court proceedings commenced	1,164	1,057	979	953	1,003
Conviction	431	360	286	321	321
Proved and order made without conviction	10	9	6	15	12
Probation of Offenders Act	27	25	33	37	31
Appeals allowed	9	6	5	5	4
Pending	185	177	182	183	198
Acquittals or Dismissals	124	122	105	83	69
Withdrawn, Struck out	351	319	327	276	336
Nolle Prosequi entered, Charge Withdrawn	1	2	1	2	2
Found insane and incapable of pleading on indictment	0	0	0	0	0
Adjourned Sine Die or otherwise disposed of	8	6	7	12	0
Non Conviction - Other	18	31	27	19	28

In tandem with, and largely in response to, the research described above, a number of reforms and initiatives over the two decades have resulted in policy development, legislative change and reform and service development. Following the publication of 'Making the Links' in 1995 (Kelleher & O'Connor), as well as the Department of Health's consultation process on the issue of Women's Health, domestic violence emerged as a major issue. A Government Task Force was subsequently established in 1995 in response to this recognised need for a coherent national strategy. Arising out of the recommendations of this report in 1997, the Government established the National Steering Committee on Violence Against Women, to provide a multi-agency, cohesive response to violence against women. It is against this background that the National Crime Council survey of domestic abuse in Ireland (Watson & Parsons 2005) was commissioned. Other notable developments include the establishment in June 2007 of COSC, the National Office for the Prevention of Domestic, Sexual

and Gender-based Violence, with key responsibility for ensuring the delivery of a coordinated 'whole of government' response to domestic, sexual and gender-based violence.

Domestic Abuse and Children

Risk of severe abuse for both men and women was found by Watson and Pearson (2005) to increase with the presence of children, with this enhanced threat significantly higher for women when compared with men. This, the authors suggest, may arise from the increased stress of parenthood, greater difficulty leaving a relationship or restricted options for moving on when children are involved. This report also notes that nearly three-quarters of women seeking refuge from domestic abuse are accompanied by children and that the risk of severe abuse for women who have children increases by more than 50% at the point of separation.

While it is not known exactly how many children live with domestic abuse, research conducted by Kelleher and O'Connor in 1999 on the enforcement of domestic violence legislation in Ireland found that, in 52.3% of cases where the Gardai were called out to domestic abuse situations, children had either directly witnessed the abusive incident or had been in the house at the time of the incident. The available international research evidence suggests that many abusive households contain children (Mullender *et al.,* 2002; Weinehall, 2005), with US research estimating almost four-fifths (78%) of abusive households include children (Buckner, Bearslee & Bassuk, 2004). As such children are neither 'untouched' by domestic abuse, nor merely passive bystanders within the abusive family system, and can be involved on a number of levels. Fantuzzo and Mohr's research (1999) highlighted that children were involved in the onset of the abusive incident in one fifth (20%) of cases; they placed the call to the police in a tenth (10%) of cases; and were present during the abuse in a small number (6%) of cases. Later collaborative research with police officers to develop a standard validated protocol to gather information on all reported domestic abuse incidents in one particular state, established that children were in households in almost half of all domestically abusive events, finding also that there was a correlation between the presence of children and high risk factors such as the use of weapons and increased victim injury (Fantuzzo, Fusco, Mohr & Perry, 2007).

Building on this research, Fantuzzo and Fusco (2007) found that children in households investigated for domestic abuse events were more likely to be under six years of age. More recent research by the same authors (Fusco & Fantuzzo, 2009) established that 43% (679) of the households investigated for domestic abuse event contained children at the time of the event, with 95% of those children exposed by either hearing or directly witnessing the abusive event.

Two Irish studies have, to date, explored the impact of exposure to domestic abuse on children (Buckley *et al.*,2006; Hogan & O'Reilly, 2007). Joining an established and growing body of international research, these studies suggests that children who live in households where their mothers are abused by partners or ex-partners are significantly affected and experience 'considerable distress' (Cleaver, Unell & Aldgate, 1999; McGee, 2000; Mullender *et al.*, 2002). There is also clear empirical evidence that children are at risk of physical and sexual abuse by their mother's abuser (Hester & Pearson, 1998; Weinehall, 2005). Growing up in an abusive home environment can critically jeopardise the developmental progress and personal ability of children (Buckley *et al.*, 2006; McIntosh, 2002), the cumulative effect of which may be carried into adulthood and can contribute significantly to the cycle of adversity and violence (Cunningham & Baker, 2004; Levendosky & Graham-Bermann, 2001). Because domestic abuse is not an isolated event but occurs within a family system, it is also potentially something that disrupts broader family functioning and the home environment (Huth-Bocks, Levendosky & Semel, 2001). As such, children not only have to deal with the immediate impact of the abusive episodes, but also the ensuing fallout, such as parental stress and depression, or change in their home situation, with, for example, a move to a refuge. The empirical evidence clearly states that the quality of parenting and the ability of both parents to meet their child's needs are severely compromised in domestically abusive households (Cleaver *et al.*,1999; Levendosky & Graham-Bermann, 2001; McIntosh, 2002).

Furthermore, research evidence highlights the dangerous opportunities child contact can provide as a flashpoint or catalyst for post-separation abuse (Radford, Sayer & AMICA, 1999; Women's Aid, 2003); abuse that compromises the welfare and protection of children and their mothers. The empirical evidence concerning the impact of exposure to domestic abuse on children and on post-separation contact is explored in further depth in Chapter Three. The discussion now moves to develop an understanding of the different contexts: socio-demographic; legislative; socio-cultural; and policy, within which children in Ireland experience domestic abuse and parental separation.

The Socio-Demographic Context

Since the adoption of the Irish Constitution over seventy years ago, there have been significant changes in Irish families that differ from the traditional model of family life originally reflected in the 1937 Constitution. The Constitution (1937) was embedded in the economic and social reality of a predominately rural society in which agriculture provided the economic foundation of the State and the model of married family life reflected the social reality of the time, whereby few married woman were in the workforce and priority was given to male breadwinners (All-Party Oireachtas Committee on the Constitution, 2006). Although the level of marriage was at its highest in 2006 since the early

1980's, Fahey and Field (2008) suggest that the re-marriage of previously divorced couples has contributed significantly to that surge. In more recent years, trends in family life in Ireland have begun to mirror those in other developed countries, with significant changes reflected in an increasing move away from the traditional family structure based on marriage, towards more alternative parenting arrangements where children may be raised in one-parent or cohabiting households. It is within the context of this contemporary version of Irish society that the transformation of the traditional Irish family has occurred, and the structural nature of the family unit as it is today has been influenced by these societal transformations.

The rise in separation and the legislation of divorce in 1997, in addition to rising numbers of births outside marriage, has lead to a corresponding increase in the number of one-parent families, the vast majority of which are headed by women (Dunne *et al.,* 2007; Hogan, Halpenny & Greene, 2002). Represented as a proportion of the ever-married population, the rate of marriage breakdown, as reflected in the percentages of separation and divorce, experienced a four-fold increase in the two decades between 1986 and 2006, rising from 3% to 12.7% (Fahey & Field, 2008). However, Irish rates are still significantly lower than our European and international counterparts, sitting at 14.4 per 100 marriages when compared with 55.9 per hundred marriages recorded, for example, in Germany (Fahey & Field, 2008).

A further perspective on marital breakdown can be gained by observing the trends in couples seeking legal redress for the formal dissolution of their relationships. Applications for divorce and separation are processed primarily through the Circuit Court, with a small percentage proceeding to the High Court. Table 2 (below) charts the applications received and granted for divorce and separation to both the Circuit and High Courts[3]. With some minor exceptions, a general trend upward in both increasing applications and the granting of those can be noted in both courts. Furthermore, the majority of applications for both judicial separation and divorce in both courts were made by wives (Table 3) (Courts Service Annual Report, 2008).

[3] Due to a delay in the processing of these applications, they may not be lodged and processed within the same year

Table 2: Applications received and granted through the High Court and Circuit Court for divorce and judicial separation 2001-2008.

	Divorce				Judicial Separation			
	High Court		Circuit Court		High Court		Circuit Court	
Year	Rec'd	Granted	Rec'd	Granted	Rec'd	Granted	Rec'd	Granted
2008	43	42	4,214	3,588	42	45	1,966	1,180
2007	28	26	4,081	3,658	52	18	1,689	1,167
2006	39	47	3,986	3,420	50	27	1,789	1,072
2005	30	20	4,096	3,391	49	23	1,658	950
2004	34	42	3,880	3,305	48	42	1,654	1,216
2003	42	41	3,733	2,929	53	26	1,802	1,205
2002	33	20	3,912	2,571	59	28	1,871	940
2001	31	20	3,459	2,817	76	27	1,845	1,018

Table 3: Status of applicant for divorce and separation to Circuit and High Court in 2008.

	Divorce		Judicial Seperation	
Court	Commenced by Wife	Commenced by Husband	Commenced by Wife	Commenced by Husband
High Court	27	16	29	13
Circuit Court	2,462	1,752	1,409	557

The second influence on changes in family formation, as referred to earlier, concerns the gradual move away from the traditional model of the family based upon marriage, as reflected in the increasing numbers of couples residing in co-habiting households. The incidence of co-habiting families with children under 15 years of age has increased four-fold in the period between the 1996 and 2006 Censi (Fahey & Field, 2008), with these households constituting 6.5% of all families with children (Dunne *et al.*, 2007).

Related to both of these influences are the rates of single parent families with children younger than 15 years of age, which have risen steadily over the last two decades and are expressed as a percentage of all families. The rate for 1986 was 8.6% compared with a figure of 21.3% recorded in the 2006 Census. Significantly, the latest census data (2006) highlights that just under 17% of all 0-4 year olds and 17.6% of all children less than 15 years of age were living in lone-parent households. The proportion of those living with lone-parents is approximately half of all children born outside marriage (Fahey & Field, 2008). Moreover, in terms of lone parenthood, the number of births outside marriage rose six-fold, from 5% in 1980 to 31% in 2000, levelling at between 31-32 % between 2000

to 2005 (Fahey & Layte, 2007). These figures, which reflect the changing demographic trend across many western societies where the numbers of one-parent and step-parented families are rising (Pryor & Rodgers, 2001), suggest that parental separation and divorce is a significant feature of Irish family life, affecting substantial numbers of families.

Thirdly, the increase in women's participation in the workforce is described as a critical factor influencing changes in the family unit. In 1986, 32% of all women were in employment, with 20% of women with school going or pre-school age children participating in the labour market. By 2002, the rate of female employment had risen to over 55%, regardless of whether the women had children or indeed of the age of the children. This rise in female employment was influenced by women's participation in part-time employment, with 37.2% of all women in full-time employment in 2002, compared with 55.2% employed overall (Fahey & Field, 2008). Women's participation in the workplace has significant implications for the respective roles or the particular models of motherhood and fatherhood that men and women subscribe to, particularly where the father is not the sole breadwinner. Further implications of women's employment are the consequences for children growing up in dual earner households, with research indicating both negative and positive outcomes particularly for younger families (Hogan *et al.*, 2002; McKeown *et al.*, 1998). Kimmel (2000) surmises that the entry of women into the workplace has perhaps been the single biggest shock to the traditional family make-up, radically and dramatically transforming this social institution.

Demographic trends alone do not, of course, provide insight into the meaning of parental separation for the families it affects, or their capacity to cope with its effects, particularly when family life prior to separation was marred by a violent relationship perpetrated by the father against the mother. The following sections provide a brief introduction to the legislative and socio-cultural context governing and influencing the context within which children experience post-separation contact with their father, where there has previously been a domestically abusive familial relationship, and to current family policy in respect of domestic violence, children, families and fathers.

The Irish Legislative Context

There are four distinct areas of legislation relevant to the issue of post-separation child contact in the context of domestic violence. Firstly, the importance of the family is enshrined in the Irish Constitution (1937)[4] under Article 41. Secondly, there are a number of legislative categories under the broad banner of 'Family Law' which allow for the making of orders regarding separation, divorce,

[4] Bunreacht Na hEireann (1937)

property, maintenance, guardianship, custody of and access to children. Thirdly, legal protection may be sought under Domestic Violence legislation by affected families. Finally, international legal frameworks such as the UN Convention on the Rights of the Child (1989), The Hague Convention (1980)[5] and the Luxembourg Convention (1980)[6] have been ratified by Ireland and, as such, have domestic application within the Irish judicial system.

The Constitution (1937)

The demographic trends outlined in the previous section highlight the increased diversity of family unit types including those families based on marriage, cohabitation and lone parents. This diversity is not, however, reflected in the Irish Constitution. Although the importance of the family is enshrined in the Constitution under article 41, the family referred to therein is one that is based on marriage. Reflecting on the rights and responsibilities of parents, while mothers are explicitly mentioned in the context of their contribution to the common good by working at home (Art 41.2.1), and the need to ensure that they do not neglect their home duties by having to engage in outside work (Article 41.2.2), the Constitution does not make any explicit reference to fathers, married or otherwise. McKeown (1998) suggests that the immediate implication of this is that the rights and responsibilities of fathers only come through marriage. This is significant in the context of this present research as unmarried or 'natural' fathers do not exist in the Constitution and consequently do not have constitutionally protected rights to their children. The rights and responsibilities of mothers are also narrowly constructed, only considering them in relation to their caring and nurturing functions and with those functions located firmly within the walls of the married family home. It is worth noting that the Constitutional position of unmarried fathers is currently the focus of a new Law Reform Commission consultation process. Furthermore, successful cases have been taken by unmarried fathers in recent years regarding various breaches of their Constitutional rights under domestic and international law.[7]

Recent debate critically highlights the current Constitutional position in Ireland which embodies a 'seen but not heard' approach to children, where, apart from a right to education, children have no defined rights under the Constitution (Kilkelly, 2008). Furthermore, there is a marked absence of any statement regarding the rights of the child to know and be cared for by both its parents, whether living together or not (Shannon, 2006).

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[5] Hague Convention on the Civil Aspects of International Child Abduction (1980)

[6] European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children (1980)

[7] The High Court over turned an Adoption Order on the appeal of an unmarried father whose daughter had been adopted by his former partner's husband without his consent (Irish Times, 7/10/09). The adoption order was considered to breach his constitution rights and was in breach of ECHR.

Family Law (separation; divorce; guardianship; custody & access)

The Irish family law system is implemented primarily through the District and Circuit Courts although most applications for continuing matters in family law disputes (including domestic violence, guardianship, custody of and access to children, and maintenance) are heard in the District Court, which processed almost 21,000 such applications in 2007 (Coulter, 2007). Irish family law performs two main functions: a protection function involving barring and protection orders, and a marital separation function involving maintenance and guardianship, in addition to custody and access (Fahey & Lyons, 1995). This first section focuses on the latter function.

- Divorce & Separation

The 15th Amendment of the Constitution Act 1995 was passed by referendum in November 1995, resulting in the replacement of article 41.3.2. This paved the way for the drafting and passing of the Family Law (Divorce) Act (1996), which came into operation in February 1997, for the first time allowing couples to obtain a decree of divorce in the Republic of Ireland under certain conditions.

Prior to the enactment of this legislation, the Judicial Separation and Family Law Reform Act (1989) provided a procedure for couples to legally separate from each other, also under certain conditions. A married couple may separate by agreement, reflected in a legal contract, without recourse to the courts (although it must be confirmed by the courts). In situations where this agreement cannot be reached, such an order may be obtained from the court.
It is worth highlighting that a proportion of family breakdowns occur without being processed through the courts. As such, the image of family breakdown presented through the court system represents only a segment of this reality and probably a more conflictual and acrimonious subset. Moreover, until recently, family cases have been heard in camera, rendering it impossible to know precisely how decisions are made, on what basis and in whose favour (Fahey & Lyons, 1995; Ferguson & McKeown, 1998). Parents who separate in the absence of any marital contract are deemed to be outside the Constitutional definitions of the family, and therefore beyond its protection. Issues of guardianship, custody and access are nonetheless relevant to all parents, regardless of their marital status.

- Guardianship, Custody & Access

Guardianship is a common law concept defining a relationship between an adult and a child, where the adult guardian has the right to make all the decisions affecting the welfare of the child such as where they live, who has access to them, how they are reared, what type of education or health care

they may receive (such as an operation) and so forth. Guardianship also means that the child cannot be placed for adoption without the consent of the guardian, unless a court dispenses with that consent (McKeown, 1998).

All married parents are automatically guardians of their children and share guardianship rights. However, if married parents separate, their guardianship rights, particularly their rights of access or custody to a child, can become the subject of dispute. In this instance, section 11 of the Guardianship of Infants Act 1964 empowers the District Court to decide how custody, access or maintenance rights, for example, are to be divided between the parents, even though they both remain guardians of their children. Similar to married parents, unmarried mothers have automatic guardianship rights to their children. However, this automatic entitlement does not extend to unmarried fathers, who are required to apply for guardianship to the District Court under the Status of Children Act 1987. Alternatively, the Children Act, 1997, provides that an application to the court for guardianship is only necessary when unmarried parents fail to reach an agreement. This necessity to apply for guardianship rights has been criticised as neither conducive to joint parenting nor supportive of the child's right to be brought up by both its parents, as enshrined in the ECHR (2003) and the UNCRC (1989) (McKeown & Ferguson, 1998). Applications for guardianship have significantly increased in recent years with some authors suggesting that this possibly reflects an increased interest by unmarried fathers in their children (McKeown & Ferguson, 1998). Significantly, a 25% increase in applications by unmarried fathers for guardianship of their children was recorded in 2008 (The Courts Service, 2008).
Welfare or social reports, which allow for independent expert assessment on welfare issues, can be ordered in guardianship, custody and access cases, under section 47 of the Family Law Act 1995, the Children's Act 2001, or section 27 of the Child Care Act 1991. Between 1975 and 1995 these reports were provided by the Probation & Welfare Service. However, in October 1995 this service was terminated due to the pressure of an increased workload on the service in the absence of increased funding and resources. Consequently, while the Court has the power to order the provision of a report from any source, allocating costs to either or both parties, in reality many parents cannot afford to finance such a report. Furthermore, a survey conducted by the Law Reform Committee in 1999 highlighted the difficulties and delays experienced by the Courts in obtaining such reports, with average delays of six weeks for one-fifth of respondents, twelve weeks for a further one-fifth, and a quarter reporting even longer delays (Law Society Law Reform Committee 1999). This issue was also commented on by Coulter (2007) in her review of the family law system.

The law relating to guardianship, custody and access has an important impact on the level of contact between children and their non-resident parent. The District Courts are empowered to award joint custody, which Coulter's (2007: 51) research concluded is 'usually granted when it is sought'. Some anecdotal evidence suggests that the joint custody provision is not widely used in practice and that the

Irish Courts tend to weigh custody and access decisions in favour of mothers (ibid). As table 4 highlights however, only 2% of the total applications for custody and access in 2007 were refused (The Courts Service, 2007). While applications refused increased to 17% in 2008, it is also clear that there was a 50% increase in applications granted. Overall, 2008 witnessed an increase of 35% in custody and access applications in the District Court (Table 4). This is significant as the over whelming number of these applications before the Court are brought by fathers.

Table 4: Applications to the District Court for Custody & Access, 2007-2008

	Granted	**Refused**	**Withdrawn/Struck Out**
2007	428	21	472
2008	857	209	175

The use of welfare reports and risk and safety assessments take on a particular importance here to facilitate the Court to make fully informed and appropriate decisions concerning the best interests of the child and the non-abusing parent. The absence or unavailability of this information has obvious safety implications for women and children with numerous research projects highlighting access (contact) as a risk factor for murder (Campbell, *et al.,* 2007; Holt, 2007; Women's Aid, 2003). Concerned groups and legal experts have also called for the development of expertise within the Court system, arguing that capacity and proficiency could be enhanced through judicial training, to improve understanding of the complex area of family disputes within a holistic framework and to understand the approach and perspective of various professional groups and in turn to better evaluate their evidence (Coulter, 2007; Women's Aid, 2003). This training would seem of particularly importance given the findings of the Law Reform Committee's survey of judicial inconsistency in applying the substantive provisions of the 1996 Domestic Abuse Act and in relation to evidential requirements (Law Reform Committee, 1999). The need for understanding, education and consistency takes on a particular importance when the role of the family courts in deciding on whether and in what way access for a child with their abusive parent is to be facilitated. Criticisms of decision making in this context claim that current practice in the family law courts regarding custody and access arrangements in particular, allows abusive men to use the legal system to continue their abuse of women (Court Services Report, 2009; Women's Aid, 2003). The lack of services available to the Irish courts to support contact between parents and children is significant where domestic violence is an issue, and where this contact needs to be supervised.

The Courts can and frequently do make orders for supervised contact arrangements, involving either professionals or family members in the supervision process. Despite the recommendation of the Task

Force Report (Office of the Tanaiste, 1997) that this supervision should be provided by trained professionals who are aware the potential dangers such situations present, the reality is that contact for most people takes place at weekends when neither the Probation Service nor the Health Service Executive services operate (Cohen & Kearns, 2008; Law Society Law Reform Committee, 1999). In the UK, as in other jurisdictions, this situation is resolved by the provision of 'Contact Centres' staffed by trained social workers, childcare workers or volunteers. In the absence of adequate[8] provision of these centres in this country, research highlights that access for children with their father is taking place at inappropriate and unsafe locations, such as the female victim's home, and is supervised by individuals who were neither qualified nor in a position to safely oversee this process (Holt, 2008; Women's Aid, 2003). The inadequacy and inappropriateness of these arrangements are highlighted by the ongoing abuse of women and children connected to contact visits, as highlighted by the research referred to above (Women's Aid, 2003), and as corroborated by a survey conducted by the Law Reform Committee (1999). This survey found that, after the granting of a barring order on grounds of domestic violence, 67% of respondents stated that child contact resulted in further problems.

To conclude this section, because family law cases were until recently held in *camera*[9], it is only since 2007 that information regarding the proceedings of this court have been made public (Coulter, 2007). Criticisms of the process and outcomes of family law have mainly been drawn from groups representing fathers who have come into contact with the family law courts and are extremely dissatisfied with the operation of the system (Ferguson & McKeown, 1998). These fathers form the core membership of Parental Equality, the Joint Custody and Shared Parenting Support Group, which was set up in 1993 to promote equality between mothers and fathers in the custody and parenting of their children, particularly in the wake of marital breakdown. Organisations representing women and children affected by violence are also extremely critical of the process and outcome of judicial decisions regarding violent men's ongoing contact with their children and former partner (Ferguson & McKeown, 1998; Women's Aid, 2003).

Domestic Violence Legislation (Barring, Protection & Safety Orders)

Unlike many other areas of law, the legal response to domestic abuse is largely contained in two pieces of legislation, the Domestic Violence Act 1996 and Domestic Violence (Amendment Act)

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[8] There are currently two centres providing contact facilities in the Republic of Ireland. The Dublin based 'Men's Development Network' provides a limited supervised and supported service while the Galway based 'Time4Us' provides a predominantly supported facility.

[9] Section 40 of the 2004 Civil Liability and Courts Act loosened the *in camera* law and provided limited access to and reporting of the proceedings of the Family Law Court, at the discretion of the Minister for Justice.

2002. These Acts are concerned with the protection, safety and welfare of individuals where they are threatened by the behaviour of another person in a domestic relationship. There is no criminal offence of 'domestic violence'. However, many of the behaviours considered to be part of a pattern of domestic abuse are considered to be criminal offences. These may be prosecuted through the judicial system under a number of other pieces of legislation.[10]

The Domestic Violence Act 1996 provides for the granting of four orders. These include a Protection Order[11], Interim Barring Order[12], Barring Order[13] and a Safety Order[14]. As the tables below highlights, both the numbers applying for these orders and being granted them have fluctuated over the last number of years in a predominantly decreasing direction. 2008 recorded an 8% decrease in domestic violence applications to the District Court (Table 5).

Of interest there has been a significant change in the status of the applicant for orders under the Domestic Violence legislation. For example, all applicants for such orders prior to 1996 were married women, who, by 2006, accounted for just over half of all domestic violence orders, with the balance accounted for mainly by cohabiting partners and parents (Fahey & Field, 2008). In 2008, 57% of the total number of domestic violence orders issued by the District Court, were granted to married persons (Figure 1) (Court Services Annual Report, 2008).

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[10] The Criminal Law (Rape) Act 1981; The Criminal Law (Rape) (Amendment) Act 1990; The Criminal Damage Act 1991; The Non Fatal Offences Against the Persons Act 1997; The Criminal Law Act 1997.

[11] A Protection Order has the same effect as a Safety Order but may be granted while the applicant is waiting for a Court hearing.

[12] An Interim Barring Order is granted in exceptional circumstances to provide emergency protection while the applicant is awaiting a full hearing. This order requires the violent person to leave the home.

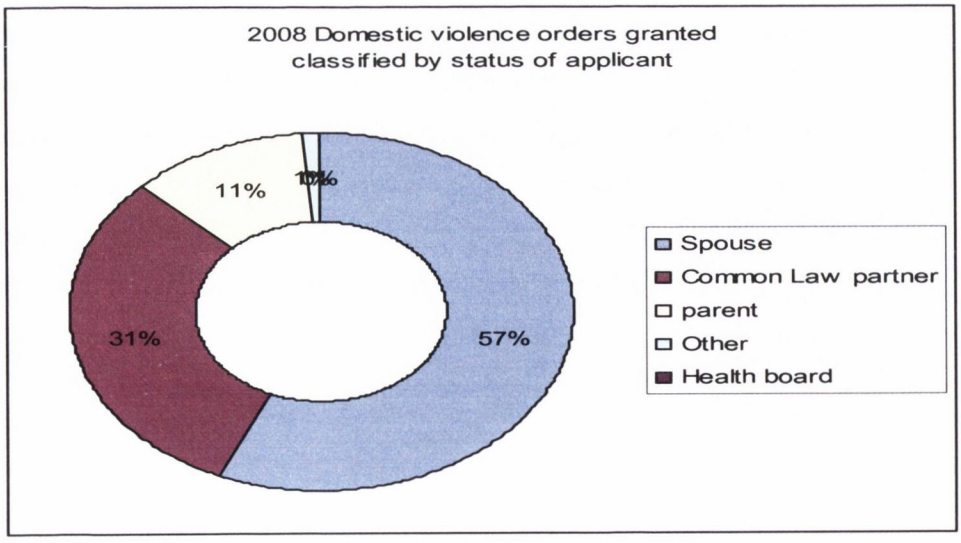
[13] A Barring Order requires the person to leave the home. Attendance at a court hearing is compulsory for this to be granted.

[14] A Safety Order prohibits the violent person from further violence or threats of violence.It does not oblige the violent person to leave the family home. Attendance at a court hearing is compulsory for this to be granted.

Table 5: Trends in Applications made and granted for orders under the Domestic Violence Act 1996: 2001-2008

	2008	2007	2006	2005	2004	2003	2002	2001
Barring Order Applications	3096	3355	3132	3183	3210	3586	4067	4470
Barring Orders Granted	1251	1420	1357	1265	1295	1575	1740	2065
Protection Order Applications	3354	3794	3137	2850	3054	3109	3677	4263
Protection Orders Granted	2955	3235	2845	2622	2810	2814	3248	3711
Safety Order Applications	3328	3553	3050	2866	2611	2557	2814	2903
Safety Orders Granted	1502	1556	1221	1037	987	1108	1187	1232
Interim Barring orders Applications	623	692	605	622	698	629	852	1159
Interim Barring Orders Granted	445	586	544	550	604	531	706	1007

Figure 1: 2008 Domestic violence orders granted classified by status of applicant.



This represents a considerable decrease on the 4,873 domestic violence orders granted in 1995, all of which were to married persons. Domestic violence applications by married persons are now, not only below the peak of 2001 but also, among the married population, lower than the level which prevailed in the early 1990s, at which point the scope of the legislation was considerably narrower (Fahey & Field, 2008).

Furthermore, as Table 4 highlights, the volume of domestic violence activity being dealt with by the courts has also dropped back from its peak in 2001 for other applicants. While this might be understood as a positive development and perhaps a decline in the prevalence of domestic abuse, the evidence of breaches of domestic violence orders as referred to earlier (Table 1), the numbers accessing domestic violence services (SAFE IRELAND, 2009), and the data recording calls to the Women's Aid telephone Helpline (Table 6) indicate that domestic abuse continues to be a significant problem (CSO, 2008[15]; Women's Aid, 2008).

Table 6: Record of calls made to the Women's Aid Help Line

Year	Calls Received	Calls Answered	Missed
2008	20326	10140	10186
2007	22545	11733	10812
2006	24146	11994	12152
2005	25843	15339	10504
2004	19901	12147	7754
2003	18902	12908	5994
2002	14972	11037	3935

It is also important to recognise that, while these statistics clearly indicate trends in applications for the various orders outlined, they tell us nothing about the victims and the perpetrators, or about the nature of the violence, and the kinds of responses the courts give and why those responses are given. Research exploring the judicial process involved in domestic violence cases, highlights a marked lack of uniformity in court practice regarding the level of proof necessary to establish abuse (Coulter, 2007; Law Reform Committee 1999), and lack of judicial understanding of the dynamics of domestic violence, resulting in inappropriate responses to repeat applicants (Kelleher & O'Connor 1999; Women's Aid, 2003).

[15] Data regarding breaches of the orders under the Domestic Violence legislation 1997 was provided by the CSO by e-mail following a request by the author.

International Law

The existing situation in Ireland regarding the Constitutional rights of unmarried fathers and their children is considered contrary to the UN Declaration on the Rights of the Child, Article 7, Paragraph 1, which states: 'the child shall be registered immediately after the birth and shall have the right from birth to a name, the right to acquire a nationality and as far as possible, the right to know and be cared for by his or her parents' (McKeown, 1998, 2001). Furthermore, Article 8 of the ECHR (2003) (involving the right to respect for family life) is significant in the Irish context since this was the basis of a successful legal action taken by an Irish unmarried father to the European Court of Human Rights in 1991, where it was ruled that his right to family life had been violated because his child had been placed for adoption without his knowledge or consent (ibid: 158). Of further relevance under international law is that, although the child's right to maintain contact with their parents, regardless of custody decisions, is set out in the UNCRC (1989) under Article 9.3, to date these rights have not been defined under Irish law (Hogan *et al.*, 2002).

An extreme response to dissatisfaction with custody and access arrangements is the abduction of the child by the disaffected parent. In this case, the principle of 'comity of courts' applies to the abduction of children from a non-contracting state, where Irish courts recognise and enforce decisions and orders made by courts in jurisdictions with comparable legal systems (Shannon, 2003). The central principle of the Hague Convention (1980) is that, in cases of wrongful removal or wrongful retention of a child, contracting states are required to recognise the state of a child's habitual residence as being the jurisdiction best equipped to adjudicate on any disputes relating to the child. However, where it can be established that 'to return the child would expose him to physical or psychological harm or otherwise place him in an intolerable situation', the court is not bound to order the return of the child (Shannon, 2003:11). Similarly, where parents feel that their child may be abducted from Ireland, they can apply to the Circuit Court or the High Court for an Injunction preventing the removal of the child, together with an order permitting an airport, Gardai and port alert. They can also apply to the courts for orders under section 11 of the Guardianship of Infants Act 1964 and section 37 of the Child Abduction and Enforcement of Custody Orders Act 1991. It is important in the context of this research to highlight that the 1980 Hague Convention can also operate unjustly when applied to domestic violence victims who abduct a child to escape from the violence (Women's Aid, 2003).

The Socio-Cultural Context

The common culture of society at particular points in time, defines what is desirable and important for its individual members; cultural values are 'simultaneously institutionalized in society and its subsystems and internalized by personalities' (Swingwood, 2000: 177). As such, dominant social

values and ideologies not only shape social reactions to domestic violence and family breakdown, but also influence the meaning attached to them, both at a policy level and at a practice level with regard to support and services made available to families to cope with these experiences (Greene, 1995). Public attitudes to family breakdown and to domestic violence form an significant part of the social context in which children experience the process and aftermath of their parents' relationship, their subsequent separation, and the contact they then have with the parent who no longer lives with them – in the case of this research, the father. How children deal with this will be fashioned, to some degree, by the socio-cultural expectations and norms regarding ideal family types and gender relationships; how domestic abuse is socially constructed and the degree of social condemnation or criticism applied to those who dissent against these expectations; the support available to end the abuse and to parent alone post-separation; and the nature of support made available to help children to cope with the distress, sadness or confusion they may experience either from the trauma of living with abuse or living with one parent and managing their relationship with the other.

Both fatherhood and motherhood are social constructs that have traditionally been based upon marriage and the marriage contract, which defines roles and relationships for mothers and fathers; roles which have historically involved a division of labour reflected in a father-breadwinner and mother-caretaker arrangement. This construction of motherhood and fatherhood is one which is embodied in the Irish Constitution and, for a large proportion of the population, has remained constant. From an Irish socio-cultural perspective, the values and ideologies surrounding marriage and the central importance of the family, have traditionally been firmly rooted within a Catholic ethos and have dominated the cultural and historical context within which Irish families live, grow and breakdown. From the foundation of the Irish State to the enactment of the 1937 Constitution, a broad consensus which existed regarding the values that should inform the laws and policies of the land were reflected in Catholic teaching on the nature of the family, and the role of men and women as fathers and mothers. This consensus on family life was located in an agrarian and traditional model involving the 'breadwinner-father' family (All-Party Oireachtas Committee on Constitution, 2006). The Irish family was, at that time, and to some degree has remained, traditionally equated with the institution of marriage, with the Catholic ethos dominating the Irish value system, leading to a close resemblance, though not identity, to the laws of Church and State (All-Party Oireachtas Committee on Constitution, 2006).

While social teaching favoured independent, self-reliant families, free from state intervention for the first half of the 20th century, the latter part of the 20th Century witnessed a significant shift in values and legislation towards a more liberal direction regarding the areas of marriage, homosexuality, contraception and abortion (All-Party Oireachtas Committee on Constitution, 2006). Legislation was gradually introduced or earlier legislation repealed, so that the laws of the land more closely reflected

the pluralist society Ireland had become[16]. The construction of the 'family' as the fundamental unit of society has prevailed, however, with the Constitutional ban on divorce and the high value that has traditionally been placed upon marriage, enduring until more recent years. This reflects not only the teaching of the Catholic Church but also public opinion (Kiely & Richardson, 1995). Despite the emerging shift in family forms and types, public resistance to a shift in this position was reflected in the high levels of opposition to the introduction of divorce, as evident in the defeat of the referendum of 1986 and the strength of the opposition when the divorce referendum was finally passed in 1995 (Kiely & Richardson, 1995).

The legislative changes referred to above, increased employment and economic opportunities for women, with changing expectations of parenting roles having a marked impact on the family. In particular, they influenced the lifestyle choices and opportunities for women, with a major shift in policy from encouraging women to engage in home duties to a prioritisation of workforce participation (All-Party Oireachtas Committee on Constitution, 2006). The changes in family roles and opportunities and the ethos concerning state intervention in, and regulation of, family life, have also been accompanied by an emerging shift in expectations within society of what constitutes a 'good father' (McKeown 2001).

As the father's sole paternal function of 'breadwinner' became insufficient, he was expected to be emotionally available to his children, however difficult that may be, given the demands of his work commitments. This, McKeown *et al.* (1998) argue, has resulted in a more ambiguous construction of fatherhood that is viewed both positively and negatively whilst motherhood has maintained a more consistent positive image. Previous images of fathers as 'breadwinners' and 'providers' were supplemented with constructs of fathers as 'feckless' and 'deadbeat' in the advent of separation and the inevitable absence of men from their children's lives. McKeown *et al.* (1998: 406) contend that this inevitability arises because, while there are greater expectations of the ideal role men will play in their children's lives, this ideal 'is either opposed or not supported by many of the structures, policies and practices which directly impact on fathers'.

There was also a shift from values that sought to minimise the involvement of the state in the family to values that facilitated state involvement in, and support of, every aspect of family life. This involvement, however, has been criticised for the lack of interest in or engagement with fathers, who

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[16] Among the most significant of these were: the legalisation of contraception on a limited basis in 1979 and subsequent expansion of availability of contraception in the 1980's; the introduction of an allowance for unmarried mothers and the abolition of most of the consequences of illegitimacy in 1987; the decriminalisation of homosexual relations in 1993 and the introduction of a provision in the Constitution which permits divorce in 1997, following a referendum in 1995.

Ferguson and McKeown (2004) assert, are avoided by professionals at every point on the continuum of professional intervention, who remain uncertain about how to approach men and work with them (Holt, 2003; Milner, 2004). Irish research has found inclusive practice towards men presents a challenge for professionals (Holt, 2003) and that such practice is rare, where powerful constructions of men as dangerous and 'non-nurturing' have excluded them from professional interest (Ferguson & McKeown, 2004: 4). This exclusionary practice was noted to be particularly potent among statutory social workers (Buckley, 2003). As such, not only are women still the primary focus of social work intervention in their capacities as mothers, but they are still the main childcare workers and providers of public childcare services (Ferguson & McKeown, 2004). Consequently, men tend to be absent from involvement with children in public positions, reflected in a gendered division of power and childcare.

Traditionally, in the mainstream of social intervention, parenting has implicitly been synonymous with mothering (Milner, 1993), with a focus on women as the primary carers, while interest in men is, at best, ambiguous, and at worst, they are ignored entirely (Buckley, 1998; McKeown *et al.,* 1998; Holt, 2002). In the context of domestic abuse, the Task Force on Violence Against Women (Office of the Tanaiste, 1997) set out 'principles for best practice', highlighting the importance of 'accountability', which can best be achieved through an inter-agency approach that ties the treatment of male abusers in to sanctions and the criminal justice system (Hague, 2001; Hennessey, 1998).

Key messages from inquiries such as the Kilkenny Incest Investigation (McGuinness, 1993) and the West of Ireland Farmer Case (North Western Health Board, 1998) provide the practice experience and rationale for these principles. However, even when the man has abused his children/partner, most of the work goes into the mothers and violent men are generally ignored, avoided or themselves manage to avoid professionals. The social construction of fatherhood, motherhood, childhood and family life within an Irish cultural context has also had implications for, and is reflected in, the development of a framework for social and family policy.

The Irish Policy Context

Irish social policy has not developed in a vacuum, rather is rooted in a specific ideologically, historical and cultural context that is unique to Ireland. As such, Irish social values and culture play a critical role in determining the developing nature and flavour of social policy. In agreement with Earley (1999: 152), the process involved in the development of Irish social policy is 'complex, untidy and fascinating to study'.

Until recently, Article 41 of the Irish Constitution was the only explicit statement of Irish family policy, and responsibility for the family was spread across several government departments

(McKeown & Sweeney 2001). McKeown and Sweeney (2001: 4) describe Irish family policy as 'highly diffuse and difficult to define', criticising the State for not developing a broad and integrated family policy framework. That said, the last two decades have witnessed some important changes, three of which are significant and pertinent to children and families.

The Commission on the Family was set up in 1995 to identify family policy needs, reflecting a growing awareness of the need to place the development of family policy higher on the political agenda. Among its many recommendations, the Commission pointed to the need to promote continuity and stability in family life, emphasising the importance of support for the family and for marriage, and where parents have decided to separate. The Commission also recognised that the experiences of separation and discontinuity in family life could be distressing for children, particularly if the process of separating was adversarial (Fahey, 1998). It pointed to the need for the development for a clear policy framework for the development of support services (such as counselling) for parents and children experiencing loss through separation or bereavement. The guidelines recommended by the Commission on the Family underline the importance of children having a relationship with both parents, stressing the child's right to have a relationship with fathers where possible and appropriate. Legislation was passed in 2001 to establish the Family Support Agency, which was subsequently established in 2003, with the aim of bringing cohesion to the implementation of family policy and to support for service provision.

Secondly, the last three decades have witnessed the emergence of Child Welfare as a key issue in Irish social policy, with significant developments in child protection procedures and guidelines reflected a growing awareness of the problem of child abuse and the evolving construction of the child at risk. This has been reflective of an emerging social construction of child abuse as a significant social issue, with the definition of child abuse evolving from the narrow focus on physical abuse in the 1970s, to recognition of the incidence and problem of sexual abuse of children in the 1980s. Throughout the 1990s, a number of events had a far reaching influence, both on the evolving construction of child abuse and the structures and policies that were developed in response to it. Specifically, the Kilkenny Incest Investigation (McGuinness, 1993), the X case[17] and the Father Brendan Smith case[18] the Kelly

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[17] The 'X' case was a Supreme Court of Ireland case which established the right of Irish women to an abortion if the mother's life was at risk because of the pregnancy, including risk of suicide. This case involved a 14 year old girl, who having been raped and subsequently become pregnant by a neighbour, wished to travel to the UK for and abortion, as abortion was not legally available in Ireland. The then Attorney General sought to have an injunction against her travelling under Article 40.3.3 of the Irish Constitution. The case resulted in three proposed Constitutional referendums on abortion, two of which were passed in November 1992, concerning the right to information and the right to travel.

[18] Father Brendan Smyth was arrested in 1994 and convicted of sexually abusing more than twenty children over a forty year period and across three different jurisdictions. His arrest also led to the fall of the Fianna Fail/

Fitzgerald (Keenan, 1996) and West of Ireland Farmer case (North Western Health Board, 1998), the Madonna House Inquiry (Department of Health, 1996) and the Dear Daughter[19] and States of Fear[20] television documentaries were a potent force in raising public aware about familial and institutional abuse involving not only physical and sexual abuse, but also abuse of an emotional and neglectful nature (Buckley, 2003).

The changing nature of Irish child welfare policy was reflected in the publication in 1999 of *Children First: National Guidelines for the Protection & Welfare of Children* (Department of Health, 1999), which for the first time broadened out the definition of child abuse to include: neglect, emotional abuse physical abuse and sexual abuse. Each of these separate abuses was defined not just in terms of signs and symptoms but also inclusive of broader contextual factors. Significantly also in the context of this present study, children's exposure to domestic abuse was recognised as a form of emotional abuse.

Thirdly, in the area of policy relating specifically to children, the National Children's Strategy (Department of Health & Children, 2000) sets out a coherent policy strategy in respect of children, aiming to bring about better understanding of children's lives, increasing their participation in many areas of life, and improving services. This development has occurred in the context of raised levels of consciousness about children's issues and rights (Greene & Moane, 2000). The Strategy has three national goals:

1. Children will have a voice in matters which affect them and their views will be given due weight in accordance with their age and maturity;
2. Children's lives will be better understood; their lives will benefit from evaluation, research and information on their needs, rights and effectiveness of services;
3. Children will receive quality supports and services to promote all aspects of their development.

These goals are particular relevant and applicable to the needs of children who have experienced domestic abuse, where listening to what the child wants and needs and promoting quality supports and

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Labour Government as the incompetent handling by the Attorney General of an extradition request from the RUC was considered to have added further delay to Smyth standing trial.

[19] The 'Dear Daughter' documentary was broadcast on national television on 22/02/1996, primarily detailing the experiences of physical and emotional abuse of one woman growing up in a Dublin based orphanage run by a religious order.

[20] The 'States of Fear' documentary was broadcast on national television in 1999, providing an extensive account of the abuse of children within the Irish industrial schools system.

services to respond to those needs are essential components of the 'whole child' response advocated by the Strategy.

Social Policy & Domestic Abuse

Domestic abuse, however, presents many complex challenges to service providers and policy makers to ensure that children have positive experiences of family life that continue post-separation (Department of Health & Children, 2000). The focus on continuity and stability in family relationships and the emphasis on life-long parental responsibility is a potent theme that is consistently visible in Irish research (Cousins, 2006; Hogan *et al.,* 2002), reflective of both Irish societal and familial values and of a broad policy shift towards encouraging a post-separation co-parenting strategy (Smyth, 2002). This strategy may be significantly undermined if the domestic abuse continues through the facility of contact.

The issue of domestic abuse in the context of child contact has also been recognised across legal and policy domains, with some surmising that this insight has not been reflected in service delivery at the level of contact centres (Humphreys & Harrison, 2003). Services have developed in many other jurisdictions in response to the specific needs of children and families that are separated. Chief amongst these has been the development of contact centres which are rooted in and have grown out of "pro-contact discourse" that encourages and actively facilitates the continuation of the non-resident parent -child relationship following separation (Humphreys & Harrison 2003; Kaganas & Day Sclater, 2004).

The difficulties in achieving inter-agency and inter-professional collaboration where domestic abuse is an issue have been extensively researched (Hague, 2001). Rivett and Kelly (2006) surmise that in absence of court mandated programmes, historically polarised positions occupied by those advocating for men and for women, become further entrenched as suspicions fester regarding the perpetrator's ability to use attendance at a programme to support his application for custody/contact without any evidence that his abusive behaviour has changed. While research on outcomes from participation in these programmes is highly varied (Gondolf, 2002, 2004), there were no court mandated perpetrator programmes operating in the jurisdiction within which this research was conducted, at the time it was conducted (Debboinaire, 2004).

To conclude this section, the last three decades have witnessed significant developments in Irish social policy, reflective of the changing status of children and evolving construction of them as active social beings. However, policy development and legislative reform on the issue of parenting in the post-separation or divorce context has been disappointing. Minimal discussion on the issue is accompanied by inappropriate service provision in the form of contact centres. The primary issues for

children's post-separation contact with a domestically abusive father therefore include concerns for their welfare and protection on a very basic level where domestic abuse is an issue and the absence of support for the maintenance and sustaining of parent-child relationships which restricts the potential for those relationships to grow given the appropriate support and protection.

Chapter Summary

This opening chapter has introduced this study of children's experience of paternal post-separation contact with a prior history of domestic abuse and within a largely conservative Irish demographic, socio-cultural, legislative and social policy context. While there have been developments in the domestic knowledge base concerning domestic abuse, family breakdown and the needs of individual family members post-separation, with concurrent growth at a legislative, policy and service provision levels, there is a marked absence of understanding of how children experience post-separation contact and of their needs and wishes in that regard. Acknowledging that this understanding is constructed within a social and cultural context, this study aims to create a knowledge base and contribute to an understanding of how children experience contact, from their own individual and unique perspective. Given the dearth of Irish research in this field of enquiry, this study aims to impact positively on discourse and practice on post-separation paternal contact for children previously exposed to domestic abuse.

The literature relevant to quality contact, domestic abuse and the decision-making process in child contact is presented in Chapters Two, Three and Four, respectively. Chapter Five presents the methodological journey engaged on to ensure that the aim of the study was realised. This chapter will present the research design, epistemological and methodological considerations and the detail of how the research was conducted.

Chapters Six through to Nine present and discuss the findings of the study in the context of the literature reviewed. Chapter Six begins this process by introducing the research participants and facilitates their review of their experience of contact. Chapter Seven focuses on the experience of parenting and being parented in the context of domestic abuse, as described by the participating children, mothers and fathers. The findings regarding the participants' experience of the decision-making process in child contact are presented in Chapter Eight, while Chapter Nine explores the challenge of achieving 'quality contact', highlighting the key ingredients necessary for quality contact to occur and the implications for policy and service development.

Chapter Ten summarises and discusses the findings, drawing this study to its final conclusions whilst also reflecting on the research process and making recommendations for future research.

CHAPTER TWO

QUALITY CONTACT: A REVIEW OF THE LITERATURE

Amato and Sobolewski (2004) surmise that contemporary family life and social change have positioned fathers in an invidious place. Whilst on the one hand they are expected to play a full and active part in their children's lives, the stresses and strains of modern life have resulted in many of these fathers living apart from those same children, arising from separation and/or divorce. Whether from a fathers' rights, children's rights or child welfare perspective, a burgeoning body of empirical evidence nonetheless underscores the importance for children's development of good quality *continuing* bonds with *both* parents (Lamb & Lewis, 2004; Lamb, 2007). Consequent concern with the deleterious impact on children of tenuous or discontinued parent-child relationships following parental separation or divorce has resulted in a depth of empirical knowledge and academic interest in the maintenance of those relationships through the medium of 'contact' (Buchanan, Hunt, Bretherton & Bream, 2001; Hunt & Roberts, 2004; Kaganas & Day Slater, 2004; May & Smart, 2007; Pollack & Mason, 2004; Trinder, Beek & Connolly, 2002; Wilson, 2006).

While research consistently demonstrates that post-separation/divorce parenting arrangements work best when they are informally arranged between two co-operative parents who are committed to making those plans work in the interests of their children (Amato & Sobolewski, 2004), the contentious, emotive and often conflictual nature of the separation/divorce experience for many families demands formal and legal regulation, particularly where domestic abuse has been a feature of pre-separation life (May & Smart, 2007). However, Kaganas and Day Slater (2004: 5) surmise that the legal system is 'a clumsy tool for managing complex family problems', with a limited capacity to influence the quality of the contact experience and the quality of the post-separation father-child relationship (Trinder *et al.*, 2002). While the law can impose arrangements for contact, its ability to influence the quality or indeed regulate the appropriateness of that contact is considerably more constrained – the subtle but crucial difference between making contact 'work' as opposed to merely ensuring that it takes place (Trinder, Connolly, Kellett, Notley & Swift, 2006). The sterile adjudication on parent-child contact that occurs in a court room or legal sphere every day in every part of the globe cannot, in isolation to the real-life experiences and relationships involved, impose a fool-proof formula for quality contact. Echoing research findings in other jurisdictions, Trinder and her colleagues (2002) conclude that quality contact requires more than the absence of problems, and indeed the legal regulation of family relationships. Research with the families involved in post-separation/divorce contact fails to identify a solitary magic ingredient that makes contact work or not work; rather a wide range of factors which operate interactively, interdependently and dynamically

(Trinder *et al.,* 2002), with the attitudes, actions and interactions of the key family players shaping contact and determining it's quality.

In this first literature review chapter, the lens of investigation is focused broadly yet comprehensively on the key ingredients or factors central to the successful occurrence of 'quality contact'. This broad focus extends out from a narrow spotlight on contact in a domestic abuse sphere to encompass the contact experience in other relevant domains. Following this, Chapters Three and Four of this thesis will narrow the analytic lens to focus specifically on the impact of exposure to domestic abuse on the developing child and the implications of this experience for post-separation contact. Chapter Five then explores the process and outcome of decision-making in contact cases where there has been a prior history of domestic abuse.

Quality Contact

In order to comprehensively review the empirical evidence on contact between children and their estranged parents across a number of domains, a framework[21] consisting of four separate yet interrelated layers has been constructed in order to illuminate and explore the complex and dynamic factors quality contact is dependent upon. These four components are as follows:

1. Situational and socio-demographic factors, including income, education, geographic location, and the age and gender of the children;

2. Attitudinal factors, including attitude and commitment to post-separation parenting, parenting capacity and style, including the capacity for flexible responses to children's changing needs; and ability to separate out their parenting & partnering roles and the influence of emotional, drug/alcohol or inter-personal violence problems on parenting capacity;

3. Relational factors, including the quality of the father-child relationship, both pre & post-separation; the inter-parental relationship and capacity for co-parenting; and the arrival of new partners and/or new children;

4. Supportive and regulatory factors, including the involvement and availability of Contact Centres and the issue of legal enforcement.

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[21] This framework was constructed by the author from the literature, influenced predominantly by the work of Cooksey and Craig (1998) work and Trinder *et al.* (2002).

Situational and socio-demographic factors

Significant amongst these factors is the fathers' socioeconomic status, which the research systematically identifies as an important determinant of his continued involvement with his children following a parental relationship breakdown (Baum, 2004; Cooksey & Craig, 1998; Hunt & Roberts, 2004). Income is deemed a crucial factor on a number of fronts. At a most practical level, the often costly nature of activities separated fathers end up participating in with their children, demands an adequate income to support contact (Stephens, 1996). In agreement, Parkinson and Smyth (2004) suggest that both the financial costs of contact and the infrastructure necessarily associated with having children overnight and for extended periods, may result in infrequent contact. The father's habitual location is also related to income with money supporting travel and telephone calls (King & Heard, 1999).

Seltzer (1998) conducted research with 161 families at two points in time; the first time when the parents were married or cohabiting, and then some four to six years later when they had legally separated or divorced. This research found that the greater the fathers' income, the more likely he was to be aware of joint custody as an option and therefore to share joint legal custody of the children, *and* the more likely he was to have frequent contact and pay child support. Seltzer (1998) review confirms this finding to be consistent with previous research. While fathers with better incomes are more likely to have their own legal representatives, who may also be more skilled and experienced than the free legal aid representatives low income fathers rely on, Seltzer (1998) cautions that the relationship between income and contact type and outcome may not be quite so simplistic and straightforward as this. Other authors stress instead the impact that education has on fathers' parenting commitment and aspirations, with educated fathers considered more likely to be in employment and therefore with adequate disposable income.

Wilson (2006), amongst others, posits that adherence to maintenance or child support arrangements can be predicated by the father's employment status and income, with fathers who maintain direct contact with their children more likely to provide economic support (King & Heard, 1999; Maclean & Eeklaar 1997; Seltzer 1991; Smyth, Sheehan & Fehlberg., 2001). With income a strong indicator of shared custody, regular contact and financial support, Bradshaw and his colleagues (1999) suggest that a father's motivation to provide economic support may be construed as a reflection of his commitment to or contract with, the child. Conversely they surmise that reluctant financial supporters may perceive maintenance as a financial contract with the mother that *allows* them to see their child. Indeed money emerges from the literature as something which can support a child's relationship with their father whilst simultaneously creating deep-seated resentment and conflict between the adult parents (Trinder, 2007). The presence of money in the form of income, supports contact, and regular

contact supports the likelihood of child support; whereas paying support but not enjoying contact results in resentment and possibly discontinued financial support (Bradshaw, Stimson, Williams & Skinner, 1999; Davis & Wikeley, 2002; Hunt & Roberts, 2004). The absence of such financial support has of course obvious and clearly documented implications for parental stress and parental coping (Lamb, 2007). Interestingly, while the research consistently finds that the payment of financial support by fathers is correlated with positive outcomes for children, the frequency of contact is not found to correlate in this way (Seltzer, 1994, Stewart, 2003). We will return to this later.

Closely connected to the issue of economic status, as referred to above, is the level of education separated/divorced fathers have attained (Baum, 2004; Cooksey & Craig, 1998; Hunt & Roberts, 2004; Pryor and Rodgers, 2001). Echoing Seltzer's (1998) finding on the correlation between education, income and commitment to contact, Stephens (1996) concluded that frequent contact with their children was more likely to occur when fathers had completed third level education compared with educational achievement at the level of high school or less. This, Stephens (1996) suggests, may arise from greater exposure to more contemporary and less traditional parenting ideals, with those ideals stressing the value and importance of the role of *both* parents in the child's life, alongside a commitment to more egalitarian parenting practices. This perspective views either parent as capable of fulfilling all parental roles. A father's exposure through education to such a perspective may encourage continued fathering involvement (Cooksey & Craig, 1998; Stewart, 1999).

Another predictor of post-separation contact concerns where the father and child live in relation to each other (Smyth *et al.,* 2001; Stephens, 1996). The distance between the two parties involved has already been related to income, considering the cost implications of travel and the restrictions that distance can place on the type and extent of contact enjoyed (Cooksey & Craig 1998, Smyth *et al.,* 2001). Significant amongst the research is the finding that while geographical distance may significantly restrict direct contact, fathers with little or no direct contact seldom engage by way of compensation in other more indirect forms in order to maintain a link with their children (King & Heard, 1999). The actual physical space fathers live in also has implications for continued contact and the maintenance of relationships, with Simpson, McCarthy & Walker's (1996) sample of separated fathers highlighting inappropriate housing as a significant problem. Lack of appropriate physical space, particularly for over-night visits challenged their ability to fully engage with the routine of their children's lives, resulting in an inconsistent and incoherent sense of their child's life.

The implications of the above are summarised by Parkinson and Smyth (2004), who caution that children in separated families live in households with multiple disadvantages. Not only do they have little or no contact with their father resulting in potentially compromised relational attachments, but

constricted socio-economic conditions may also threaten the financial security and independent capacity of the lone-parent family unit.

The final situational or socio-demographic determinant of contact activity as highlighted by the research reviewed concerns the age and gender of the child. Cooksey and Craig (1998) conclude that the correlation between the child's age and gender on contact activity is inconclusive. While some research findings indicate that older children are more involved with their fathers (King & Heard, 1999), other research finds no such correlation (Dunn, 2002). Indeed Stephens (1996) found younger children to enjoy more regular and structured contact, compared with older junior school children (children under 12 years of age) or teenagers. The research also found, interestingly, that fathers were no more likely to have contact with their sons than their daughters (Stephens, 1996), although there may be gender-specific trends in the type of contact fathers have with their children. For example fathers may be more prone to visit sons, with whom they can engage in typical male activity such as viewing or playing sports, but more likely to have telephone conversations with their daughters, which is considered a predominantly female social activity (Cooksey & Craig, 1998).

Attitudinal Factors

Commitment to contact by *both* parents, mutual understanding and acceptance of both resident and non-resident parents' roles, parenting style and quality, and the beliefs and discourses about contact, are all found to influence the quality of that experience for the child (Logan & Smith, 2005; Trinder *et al.,* 2002). While the absence of fathers from children's lives has been mooted as a significant problem for children's healthy development (Lamb, 2004), research finds the mere presence of fathers in children's lives not enough to promote children's well being (Amato & Gilbreth, 1999). Amato and Gilbreth (1999) conclude that this arises from the diverse nature of paternal relationships, as for example we can assume that an abusive or withdrawn and distant paternal relationship will have a significantly different impact on child outcomes than a relationship with a devoted and responsive father. Similarly Silverstein and Bengston (1997) found that the frequency of contact in their study was a poor substitute for relationship quality, concluding that a narrow numeric focus on contact activity ignores the qualitative and relational aspects of the contact experience.

The quality of father involvement is therefore the significant factor affecting child well-being and predicting child adjustment, not the extent of such contact (Amato & Gilbreth, 1999). Competent fathering requires dedication and commitment to the role of parent, alongside apposite parenting skills. Even where regular contact is in place, it is improbable that separated fathers who lack motivation and parenting skills will be of benefit to their children (Lamb, 1997). Regular visitation by

itself does not assure the development of a high-quality father-child relationship. Amato and Gilbreth (1999) state emphatically that whether resident or not, fathers are a positive asset to their children's well-being only if strong emotional ties exist between them and if fathers play an active role in their children's lives. Active paternal involvement in children's routine everyday activities, in their schooling for example, is associated with enhanced academic achievement and pro-social behaviour (Amato & Gilbreth, 1999; Amato & Rivera, 1999; Dunn *et al.,* 2004; Stewart, 2003).

Research focusing on the impact of various parenting activities finds that different parenting behaviours can have differential effects on child well-being outcomes (Stewart, 2003). Marking special occasions such as birthdays was found by Buchanan *et al.* (1996) to be consistently associated with adolescent adjustment. The same study with adolescents found that while their feeling of closeness to their absent fathers was positively correlated with their well-being, the strength of these emotional bonds was again not dependent on or strongly related to the frequency of contact (ibid). Indeed Amato and Gilbreth (1999) identified the strength of the father-child emotional bond, as reflected in the father's 'psychological presence' or emotional accessibility to the child (Krampe, 2009: 875) to be a relationship dimension with patent ramifications for children's well-being. A strong sense of emotional security, which supports children's coping with adversity and stress is dependent on them feeling loved and cared for by their parents, and is also implicit in their compliance with parental rules and the successful internalising of appropriate social norms (Lamb, 2007).

Authoritative parenting is another pertinent facet of parent-child relationship quality. Coined by Baumrind (1968), the term 'authoritative parenting' refers to a parenting practice where parents are open to their child's views, are actively concerned with and involved in their children's education and activities, provide appropriate praise and autonomy alongside consistent discipline. This dimension of parenting practice is positively correlated with child outcomes (Gray & Steinberg, 1999; Simons *et al.,* 1999). Simons *et al.* (1999) developed a scale entitled 'quality of fathers' parenting', involving fourteen parenting behaviours that can occur independently of the parent-child residency arrangements. These include talking with the child about school, friends, issues or problems, both parents being supportive of each other's parenting and being consistent with rules, rewards and punishments.

Amato and Gilbreth (1999) caution however that the time limited nature of many contact arrangements may render many fathers anxious that children enjoy themselves and result in activities such as going to the restaurant or the movies. Whilst enjoyable, these activities may not facilitate the execution of authoritative parenting that perhaps assisting with homework or with friendship

problems can, and furthermore they contribute little to children's development (Amato & Gilbreth, 1999).

Indeed research finds that the tenuous nature of some father-child relationships results in a reluctance on the part of those fathers to be firm or set clear boundaries (Hetherington & Jodl 1994), making it difficult to establish or maintain anything other than a shallow relationship with their children. Grief's (1997) work identifies one measure of authoritative parenting, talking to fathers about other things at school, to be a consistent positive factor related to adolescent adjustment. Grief (1997) suggests that while many topics of conversation are considered 'off limits' (for example, anything to do with the child's mother), the topic of 'school' maybe a harmless and effective way for fathers and children to communicate, whilst simultaneously providing fathers with an insight into their child's life. Amato & Gilbreth (1999) conclude however that the non-resident father-children relationship and its association with child well-being is a complex one, requiring further research to unravel. The extent to which fathers provide economic support for children represents an additional relationship dimension, as discussed in the previous section.

Cooksey and Craig (1998) focus on the influence that changing gender roles have on parenting practice, particularly with the role of fathers moving into areas of parenting that have traditionally been the domain of the mother (Stephens, 1996). More egalitarian gender beliefs and practices are found in fathers who have higher levels of contact with their children, whilst men with more traditional parenting beliefs see their children less (Arendell, 1995). Exploring fathering practices from a social versus biological parenting perspective, Stephens (1996) concluded that fathering practice is heavily influenced by their relationship with their ex-partner and/or their subsequent relationships with new partners and children. While this is very much the subject of the next section, it is worth nothing however; as Stephens (1996) does, that the nature of post-separation fathering is influenced by the father's other relationships. Distinguishing between social and biological parenting, Stephens (1996) suggests that with the former, fathers relate to their children through the child's mother. Their involvement with the child is entangled in their relationship with their ex-partner, and as such, when these fathers enter into new relationships and perhaps have more children, contact declines. While these fathers may have less time available to give their original family, the emotional needs of these fathers is also now being met by the second family. Even where fathers are devoted to their children during marriage, separation/divorce may challenge that continued devotion, whilst new partnering and fathering responsibilities may sufficiently meet their own emotional and social needs.

Reflecting on the influence of beliefs and discourses on parenting practice, Trinder *et al.* (2002) found three discourse packages about contact expressed by the parents in their research. The first discourse they termed 'dominant child welfare' is reflective of a parental belief in, and commitment to, the

value of maintaining the child's relationship with their non-resident parent. This is achieved by both parents putting the child and their needs first, not allowing adult differences and difficulties to impact or impinge on the child and their relationship with the non-resident parent. The second discourse is based on a similar belief in placing the child and their needs first. However this 'alternative child welfare discourse' suggests that the child's welfare is achieved by focusing on their relationships with the resident parent whilst simultaneously relinquishing their relationship with their non-resident parent. The third discourse- 'parental and child welfare'- stresses the needs of the parents post-separation, apportioning those equal importance in relation to the children. Trinder *et al.* (2002) conclude from this analysis that while notions of children and child welfare were widely discoursed, how the parents actually defined those terms, differed greatly. They also concluded that when contact was working, parents were able to separate out their own needs from their children's; give permission for the other parent to be the resident or non-resident parent; understand their ex-partners point of view and be sensitive to their feelings. This echoes the findings on research with children in care and their parents where the importance of the parents ability to talk with their child, play games with them, and have insight into the impact that failed visits might have on the child, are also closely positively correlated with child outcomes (Cleaver, 2000; Loar, 1998).

Also highlighted throughout the research reviewed is the vital importance of appreciating the child and their needs in the context of the family and the myriad of familial relationships as dynamic and changing over time (Hunt & Roberts, 2004; Parkinson & Smyth, 2004; Smart, 2004). Parkinson and Smyth (2004) conclude that not only will the needs of different family members change over time, but so too will their emotional responses and ability to deal reasonably and rationally with highly emotive issues. Arrangements agreed on at the point of separation may not be appropriate or workable, particular as children grow older and need more independence and responsibility (Hunt & Roberts, 2004). The Lord Chancellor's Advisory Board on Family Law (2001) concluded that while rigid arrangements might be necessary for parents, particularly where adult relationships are acrimonious, these may not be helpful for children. Smart (2004: 500) surmises that a simple and somewhat clinical formula of 'splitting children into two halves, giving each parent a kind of time-share arrangement' does not reflect children's own needs. Instead it reflects parental incapacity to put their child's needs before their own, and a situation where children exist only to meet the needs of their parents.

Parental capacity may also be compromised by emotional difficulties, drug or alcohol dependence issues or mental health problems (Cleaver, 2000, 2007). Low self-esteem and poor parenting skills may render parents avoiding contact because it reinforces feelings of failure. Similarly, mental health or addiction difficulties may interfere with the basic act of turning up for contact at the right time, on the right day and at the right venue (Cleaver, 2000).

With the relationship between the parents integral to the quality of the father-child relationship (Dunn *et al.,* 2004), Madden-Derdich, Leonard and Christopher (1999) found the extent to which parents still perceived of themselves as partners rather than parents compromised a co-parenting strategy. Even where the relationship between the parents is such that they do not communicate, contact can work if they are both committed to it (Lord Chancellor's Advisory Board on Family Law, 2001). In agreement, Parkinson and Smyth (2004) surmise that poor inter-parental relationships only play one part in the process whereby post-separation contact does not work or does not happen.

Relational factors

> Contact is not made or disrupted by one person, but by at least three (the resident and contact person and child), with their relationships also set within a wider context that includes new partners, extended family and external agencies.
>
> Trinder *et al.* (2002: 24)

Contact is about relationships, the success or failure of which is dependent on a number of inter-related and inter-dependent relationships, with the variable quality of these influencing how this contact is experienced by all those involved (Trinder *et al.,* 2002). Indeed Trinder and her colleagues (2002) identified the quality of the relationship between parents *and* between each parent and child as a 'direct determinant', a critical and overarching feature that directly determines the nature of the contact experience. While there is broad agreement in the literature that the relationship between the resident and non-resident parents is perhaps the critical relationship in determining contact, it is not the only relationship that matters. The resident parent-child relationship and non-resident or contact parent relationships are also particularly significant influences on contact outcomes. The introduction of new partners and/or new children by either parent adds a new layer of relationships with each layer and triad or dyad influencing and being influenced by the other (Stephens, 1996).

While the state of the intimate partner relationship has necessitated the breakdown of that particular union, separation and divorce does not put an end to the parent-child triad, nor can it end the parental relationship (Amato & Rezac, 1994). Contact demands a continued engagement between these two adults in their capacity as parents, the harmonious nature of which is dependent on the ability of them to co-operate and collaborate with their child's needs placed centre-stage (Cleaver, 2000). Making this triad of relationships work, is therefore essential to making contact work, with Hunt and Roberts (2004: 11) asserting that 'contact is not a good in itself; the value comes from the quality of the relationships'. Not only is the inter-parental relationship crucial in determining the quality of the

contact experience, but how the parents behave is also instrumental in influencing outcomes for the child (King & Heard, 1999). The child-contact parent relationship, in particular, is intensively attuned to the quality of the parent-parent relationship, with research also finding a potent correlation between the child's contact with their father and the mothers contact with the non-resident father (Dunn, 2002). A number of factors have been identified throughout the literature reviewed as negatively influencing quality contact relationships. These include: poor and conflictual inter-parental relationships; fear and mistrust (Baum, 2004; May & Smart, 2007; Trinder *et al.,* 2002); chaotic or non-existent contact (Cardia-Voneche & Bastard, 2007); the emotional pain of living apart from their children (Stewart, 1999); parental anger or hurt from the separation/divorce process; criticism from and of the resident parent; and difficult relationships with stepparents (Stewart, 1999). Also identified however are key ingredients or factors relative to the inter-parental relationship that positively influence the success and quality of contact. Cognisant of the overwhelming research findings that correlate poor parent relationships with difficult contact experiences and negative outcomes for children (Amato & Gilbreth, 1999; Cardia-Voneche & Bastard, 2007; Lamb, 2007; Trinder *et al.,* 2002), this section will move to focus on exploring and understanding what parents need to do to co-operate to make contact work.

- Inter-parental factors associated with continuing and quality contact

A number of ingredients pertaining to the parental relationship have been consistently identified as making up the 'recipe' for positive and constructive continuing contact (Pryor & Rodgers 2001). These include a co-operative post-separation relationship between the parents, an important feature of which is the 'parental bargain'. This involves a high level of 'permission' on behalf of the non-resident parent to allow the resident parent be the primary carer (Cooksey & Craig, 1998; Wilson, 2006), and a simultaneously high level of permission on behalf of the resident parent to allow the contact parent maintain their parental relationship (Hunt & Roberts, 2004; Pryor & Rodgers, 2001). Reflecting on a case study analysis of twelve adoption kinship networks, Grotevant *et al.* (1999) posit that this involves much negotiation and compromise until the parents reach their mutually agreed 'comfort zone of contact'. Reitz and Watson (1992: 125) highlight that while the courts can grant legal rights of residency or contact orders, the permission referred to above infers an emotional right which these authors argue, arises from a process of 'internal attribution'.

The achievement of the above is, to a considerable extent, dependent upon individual characteristics or attributes, particularly the parental ability to think through problems, the capacity for empathy and insight, and the ability to compromise. These individual skills are of course exercised in the context of a relationship with the other parent, with whom the adult relationship has broken down. This firstly demands a degree of insight into theirs and their ex-partners needs and feelings, in addition to a level

of empathy for the needs of all involved. It also necessitates an acknowledgement of the importance of the relationship between the other parent and the child and a willingness to actively facilitate this (Trinder *et al.,* 2002). Both parents need to be able to let go and to move on; to divert anger and accept differences in parenting styles; to develop other interests and talk through differences, and negotiate arrangements and boundaries. The ability to communicate is therefore fundamental to quality contact (Pryor & Rodgers, 2001; Wilson, 2006).

Both parents need to be committed to the contact; this involves limiting their conflict, compromising and putting their child's needs ahead of their own relationship to ensure the child's life between two residences is fluid (Cardia-Voneche & Bastard, 2007). This was evident in Smart's (2004) study with sixty children aged between eight and twenty years of age. Where contact arrangements were child-centred and flexible and parents were friendly, children were free to enjoy their relationships with both parents. Echoing Seltzer's (1998) caution that research should consider the pre-separation relationship due to its influence on the post-separation relationship, Trinder *et al.* (2002) concluded that post-separation co-parenting was most harmonious when it reflected the pre-separation family structure, with proximal living arrangements and enjoyable regular contact that acknowledge the importance of shared family activities (Cardia-Voneche & Bastard, 2007). Dunne's (2002) research with children highlighted the particular significance for children of shared family activities. This was positively correlated with the children's adjustment and with the depth of their relationship with their father (Dunn, 2004).

Commitment to the contact process is not in itself enough – each parent has to understand and accept both their role and the role of the other parent and accept the differences in parenting styles (Trinder *et al.,* 2002). Lack of clarity regarding role can result in continued or escalated conflict between parents, where role or boundary ambiguity, may result from parental inability to separate out their parenting role from their partnering function (Madden-Derdich *et al.,* 1999). Parents are not, of course, always able to be child focused. Research with children highlights their unhappiness with contact arrangements that they experience as 'parent-oriented' (Smart, 2004: 490). These arrangements reflect the parents' needs, perhaps for control, or arrangements that strive for parental equality which may maintain a 50:50 arrangement for many years beyond what is developmentally appropriate for growing children (Smart, 2004). In these situations, what is 'right' for parents is not necessarily in the child's interests or indeed necessarily fair. When the contact parent perceives contact time as their right, the child may subsequently experience this time as controlling and manipulative and without the counter-balancing influence of their other parent (Smart, 2004). Similarly, where contact serves the parents' emotional or psychological needs, permission may not be given to the child to miss or communicate with their resident parent or to have play time with their friends during 'contact time' as this would be experienced as a rejection by the contact parent (Smart,

2004; Trinder *et al.,* 2002). The children in Smart's (2004) research co-operated with contact out of a sense of obligation rather than love while other problems described by children included being exposed to the contact parents criticism of the resident parent and being forced to take sides in parental disagreements and been torn between both parents (Dunn, 2002).

The research also clearly highlights that, in cases of parental conflict, and in particular where there has been domestic abuse, the parents may be unable to separate out their children's needs from their own. This can apply to both mothers and fathers. Perel and Peled's (2008) research with a sample of fourteen divorced or separated fathers attending a perpetrators group found that the men experienced co-parenting as a struggle and something which frustrated their fathering. Their hopes and aspirations for themselves as fathers continued to be undermined by their personal limitations, their own childhood experiences, their children's exposure to their violence and their co-parenting capacities. Trinder *et al.* (2002) argue that many non-resident fathers do not engage with a child-centred outlook, upon which quality contact depends. This they say has obvious implications for parenting interventions.

Fathers who have engaged with research, and advocates of fathers' rights, assert that maternal gate-keeping obstructs and constricts their fathering role (Arendell, 1995; Bradshaw *et al.,* 1999; Simpson *et al.,* 2002). Maternal gate-keeping behaviour involving the methodical deprecation and belittling of the contact parent so as to guarantee that contact does not take place, has been termed 'parental-alienation syndrome' (PAS)(Gardener, 1990). PAS does not have a valid authority as a mental-health syndrome and as such is not recognised in either the American classification of mental disorders or the international classifications of disorders. 'Implacable hostility' (Sturge & Glaser, 2000) is another term used to describe the influence that it is perceived mothers have over the extent of the fathers involvement, though it has not really been clearly established how and to what extent mothers actually do this (King & Heard, 1999). Furthermore research with mothers and with children finds little evidence to support this assertion, finding instead the concept neither 'useful or appropriate' (Dunn, 2002: 26; King & Heard, 1999).

Alternatively, the research with mothers identifies their difficulty supporting and facilitating a father's contact with his children when his behaviour is upsetting them and the children themselves are resistant to the contact (Buchanan *et al.,* 1996; Simpson *et al.,* 2002; Smart & Neale, 1999a). Concerning paternal behaviour includes arriving late or erratic attendance at contact; where children describe feeling let down by their father and are bored with him. Children have also expressed their unhappiness with being 'interrogated' (Simpson *et al.,* 2002) and were acutely sensitive to the tension between their parents and the distress which was caused by parental interaction (Dunn, 2002). Smart and Neale (1999a) further surmise that supporting their ex-partners' contact demands a degree of

emotional energy that some resident mothers may decide they need to preserve in order to support their own transition. As such, withdrawing their support for his contact might be a reflection of more than their concerns about the quality of that contact.

- New Partners & New Children

The introduction of new partners and/or new children is found to correlate with declining and/or problematic contact, even where arrangements had been satisfactory prior to the introduction of new partners (Bradshaw *et al.,* 1999; May & Smart, 2007; Parkinson & Smyth, 2004). Stephens (1996) surmises that when fathers remarry, the added responsibilities incurred, negatively affect the time available for contact with their children. New parenting responsibilities may also contribute to this and may of course (as discussed earlier) also fulfil the father's emotional needs so that contact with his first family is no longer necessary. Children may also relocate when their mothers remarry, making contact more difficult for fathers.

Parkinson and Smyth (2004) found re-partnered non-resident fathers likely to live further away from their children with their new family, while the re-marriage or re-partnering of the mother was found by Pollack and Mason (2004) to be associated with the resident parent reporting severe contact visitation difficulties with the non-resident parent. Stephens (1999) posits that fathers may struggle with what they see as the mother's new partner 'replacing' them and may actually not be as needed as children begin to form a relationship with their step-father. Conflict over the parenting style and role of step-parents may also contribute to declining relationships (Stewart, 1999). The impact of these new relationships on contact is highlighted by Bradshaw *et al.* (1999) whose research found that fathers who lived alone were more than twice as likely as fathers with a new partner and more than three times as likely as fathers who also had new children, to have regular post-separation contact with their children.

Differences are highlighted in the literature regarding the variable impact that mothers remarriage or subsequent children have on the contact arrangement versus that of the fathers' remarriage or new children has. There is however broad agreement that new relationships or children in the father's life have a greater negative impact on the contact arrangement than do changes in the mother's relationship or mothering status (Trinder *et al.,* 2002). While for some children contact decreases when their mothers remarry, it is the introduction of new relationships in the father's lives, either new partners and/or new children that are more likely to negative impact upon the quality and frequency of father-child post-separation contact (Stephens, 1996). Research with children on their experiences of reconstituted family structures post-separation (Dunn, 2002), reveal interesting and concerning findings regarding the presence of step-siblings. Half of the children in Dunn's (2002) sample stated

that they felt they came second to the new child of their birth parents whilst 45% felt that they came second to their step-parents own children.

This section has considered the role of relationships and the inter-play between and within different sets of relationships on the quality of the contact experience. Chief amongst these is the relationship between the child's parents; their willingness and capacity to put aside their own interpersonal difficulties so that the parenting relationship can be maintained and sustained in the absence of the partnering relationship. As such this section concludes that a tacit commitment to this ongoing relationship, on its own, is not enough; *both* parents require the basic skills of communication and a willingness to compromise in order to reach the parental bargain required for post-separation co-parenting to work. They need to view contact as both a need and right of their child, as opposed to something that fulfils their needs and is their right to exercise. While many separating and divorcing parents make their own contact decisions without formal support or intervention and without recourse to the legal system, a smaller percentage of couples require intervention in order to 'shift not working into working' (Trinder *et al.,* 2002: 46). The next section will discuss this.

Supportive and regulatory factors

Support or regulation of contact may require the formal intervention of the legal system, the involvement of a contact centre or other professional interventions in order to promote quality contact and ensure that contact is a safe one for all those involved. Where formal contact arrangements are not adhered to, from the point of view of resident parents or children not complying, a range of enforcement orders may be applied. This final section in this chapter on 'Quality Contact' critically explores these supportive and regulatory mechanisms and the role they are designed to play in the re-ordering of family roles, relationships and margins to allow the family to continue to function as a separated family system (Kruk, 1994).

- Contact Centres: Role and Function

Contact centres have a historically established role in child protection work for the facilitation and regulation of contact between children in care and their families (Dunn *et al.,* 2004). Over the last two decades contact centres have subsequently emerged as a much needed resource where there are concerns about children losing contact with their non-resident parent (Humphries & Harrison, 2003; Hunt & Roberts, 2004); and also for what are considered high-risk or custody disputing families who are litigating before the court (Birnbaum & Alaggia, 2006; Thoennes & Pearson, 1999). As such, they

are rooted in and have grown out of a 'pro-contact discourse' that values and supports continuing non-resident child (usually father-child) contact (Humphreys & Harrison 2003). Furthermore, the presumption that contact is in the best interest of the child and that contact is a 'right' of both parents and children, also underpins and has influenced the development of these centres (Cohen & Kearns, 2008; Kaganas & Day Sclater, 2004).

By providing a 'neutral' meeting place where children can meet with their non-resident parent (usually the father), the aim of the contact centres is to limit the interaction and potential for dispute and aggravation between acrimonious parents (Furniss, 2000; Dunn *et al.,* 2004). The functions of contact centres have historically included the facilitation and encouragement of emotional and psychological relationships between children and their non-resident parent (Dickens, 1999) and the provision of a neutral venue on a short term basis, particularly in the early stages of separation/divorce, to support parents make post-separation contact arrangements (Parkinson, 2006). In more recent years, centres have been increasingly charged with protective functions (Humphries & Harrison, 2003). Safety and neutrality are therefore two concepts that are central to the philosophy of these facilities. Many centres also offer exchange services, which essentially involves the dropping off and picking up of children under supervised conditions, but the actual visit itself takes place elsewhere and is not supervised (Birnbaum & Alaggia, 2006). Other services offered by a small number of centres include counselling, mediation and play therapy and parenting work (Hunt & Roberts, 2004).

The US was the first country to introduce the concept of the contact centre in 1982, and since that time, growth has increased rapidly (Johnson & Strauss, 1999; Pearson & Thoennes, 2000). Writing in 2004, Hunt and Roberts estimated that there were at least 520 centres in the UK, with 280 of those centres affiliated to the National Association of Child Contact Centres and approximately 2000 children using the centres each week. A similarly sophisticated network has developed in the US, which meets annually, produces a newsletter and provides standards and guidelines for the setting up of contact centres (Birnbaum & Alaggia, 2006).

Two primary types of contact centre – supported and supervised - appear to dominate the literature, with clear differences apparent between the two. While the majority of centres offer supported contact, only about 12% provide supervisory facilities (Hunt & Roberts, 2004). As the title of these centres imply, they are differentiated according to the level of scrutiny and vigilance by centre staff of the contact activity. Supported centres, which are mainly run on a voluntary basis or with involvement from religious organisations (Dickens, 1999), function with several families in the same room under no more than a 'watchful' eye from the staff (Furniss, 2000). As such, the venue is supervised but the parents are not (McConnell-Trevillion, Coope, Postan, Lane, 2004). There does not appear to be a

clear consensus in the literature regarding the functioning of these centres, with some centres not getting involved in the 'supervision' of parents (McConnell-Trevillion *et al.,* 2004) or the writing of court reports (Kroll 2000). Other centres however take a more active role in facilitating the contact and will intervene if they fear there is a danger of child abuse (Dickens, 1999; McConnell-Trevillion *et al.,* 2004).

In contrast, the high vigilance of supervised centres is reflected in one worker formally and closely monitoring behaviours and interactions during the contact session (Halliday, 1997; McConnell-Trevillion *et al.,* 2004; Sproston, Woodfield, Tisdall, 2004). Supervisory contact centre staff are usually trained social or child care workers, assessments are conducted and court reports produced. The predominant reasons for attendance at a supervised contact centre include concerns about child safety and supervision is most usually court ordered, for a number of reasons. Concerns may have been expressed by involved professionals or by either parent about the parenting of the other (Furniss, 1999); there may be child protection and welfare concerns and/or concerns about the contact parent's mental health or addiction difficulties; the child may not have seen the contact parent for a considerable length of time or the child may not wish to engage in contact (Birnbaum & Alaggia, 2006; Hunt & Roberts, 2004; McConnell-Trevillion *et al.,* 2004; Sproston *et al.,* 2004). Hunt and Roberts (2004) surmise that about one half of cases attending centres involve high levels of parental conflict, one-third involve domestic abuse and one quarter involve fears of child abduction (Furniss, 1999). Pearson and Thoennes's (1997) review of twelve US contact centre sites, one of the few studies to employ randomised controlled trials, found 43-53% of the custodial mothers reporting domestic abuse against themselves during their relationship, with concerns about child safety expressed between 29-45% of the time.

As such, contact centres work with a heterogeneous clientele including contact parents with limited parenting skills/experience at one end of the spectrum, and families with serious child protection concerns at the more serious end (Hunt & Roberts, 2004). It would appear that there are a variety of issues that result in the need for a contact centre, and that there are critical differences in the form and nature of services provided by these centres. Indeed while the difficulties experienced by some parents are resolved with brief and time-limited interventions, the majority of service users present with more complex and serious issues (Pearson & Thoennes, 1997; Kaye, Stubbs & Tolmie, 2003).

There have been minimal attempts to evaluate contact services, although the limitations of the methodologies employed this far are clearly acknowledged (Birnbaum & Alaggia, 2006). Birnbaum and Alaggia (2006) are critical of the lack of scientific basis to much of the research that has been conducted on contact centres and contact centre activity. Specifically they alert our attention to small voluntary samples without comparison groups, from which the findings cannot be generalised (Aris *et*

al., 2002; Dunn *et al.,* 2004); descriptive samples (Pearson & Thoennes, 2000; Thoennes & Pearson, 1999); clinical (and as such not representative) samples of children attending therapeutic services in tandem with attending contact services (Johnson & Strauss, 1999); over-representation of mothers (Aris *et al.,* 2002: Trinder *et al.,* 2002); of custodial parents (Jenkins *et al.,* 1997); or of serious abuse cases (Brown *et al.,* 2001).

Notwithstanding these methodological limitations, the benefits of attendance at either a supervised or supported contact centre are clearly documented throughout the literature (Pearson & Thoennes, 2000), with recent studies assessing quality and measuring outcomes for child and parents of supervised visitation (Dunn, Flory, & Berg-Weger 2004; Jenkins & Lyons, 2006). Significant increases in visits between children and their non-custodial parents have been found to occur after six months of supervised visitation, in addition to a concurrent lessening of verbal assault between partners, no reports of physical violence during their involvement with the contact program and a decrease in the use of physical punishment of the children (Dunn *et al.,*2004). However Birnbaum and Alaggia (2006) caution that significant improvement in the parent child relationship and in the level of emotional and behavioural difficulties experienced by the child have yet to be found.

Johnston and Strauss (1999) encourage us to consider another dimension of children's well-being, notably emotional or psychological safety, which essentially involves minimising or preventing the re-traumatisation of the child. This, Strauss (2000) asserts can only occur when there is an appropriate match between the services provided and the presenting need of the client group. With a documented increase in more complex and volatile cases presenting to the contact centres, particularly a large number of men using contact centres who have a history of domestic abuse (Humphreys & Harrison, 2003), concerns are consequently raised about the capacity of services, predominantly those most appropriately located under the umbrella of 'supported' contact services, to deal with the complexity and volatility inherent in these families (Marsh, 2000). Indeed the point is repeatedly made in the literature that contact centre services were designed to resolve access problems and reduce exposure to parental conflict in the immediate aftermath of separation or divorce. They were never intended to be a long-term solution to more entrenched parental difficulties and as such over-reliance on supervised visitation/exchange is minimized and not encouraged (Hunt & Roberts, 2004). Consequently, while the original aims of contact centres have not changed, the demand for them has, with increased numbers of complex and volatile domestic abuse cases being referred in, that are not matched with the requisite level of vigilance and security needed to ensure safety (Cohen & Kearns, 2008; Furniss, 2000; Humphreys & Harrison, 2003; Kroll 2000). Simply stated, the informal and unsupervised nature of supported contact centres are not considered secure enough for women and children where there has been domestic abuse, stalking or child abuse (Furniss, 2000; Harrison, 2006). Humphreys and Harrison's (2003) research highlights however that there are many opportunities in

the process of deciding on child contact where domestic abuse and the accompanying questions of women and children's safety and protection can disappear or become irrelevant. The presumption of contact discourse is one such factor which negates any serious attention to these issues.

A doctrinaire adherence to a pro-contact discourse, coupled with a child welfare focus means that in only the rarest of cases will courts deny direct contact (Furniss, 2000). This concern is highlighted in Thoennes and Pearson's (1999) national survey of court officers which found that 82% of officers favoured supervised contact even where inter-parental abuse was alleged. They concluded that even when there was evidence of violence, there was a reluctance to terminate contact. This may result in contact arrangements that are based on the constructive role that men can play in children's lives and a belief in the need to encourage contact, rendering these arrangements potentially misguided and unsafe (Furniss, 2000, Harrison, 2006; Humphreys & Harrison, 2003). It also raises questions, both about the initial process of assessment of potential attendees and the ongoing process of assessment of risk, safety, parental skills and capacity etc.

Humphreys and Harrison (2003) specify three points in the contact process where assessment can be problematic. The first involves the process of screening for domestic abuse at the point of referral to the contact centre, where haphazard systems result in this information not always being sought by the centre or alternatively not always being passed on by the referrer. Indeed Trinder *et al.* (2002) concluded from their qualitative study with eighty-three resident and contact parents and fifty-seven children that assessment procedures need to be more stringent in cases where there has been a history of domestic abuse in order to avoid referrals where the extent of risk surpasses the level of supervision available. However, Humphreys and Harrison (2003) note that even where domestic abuse is an established fact, a myriad of assessments can be made and conclusions reached about the relevance of this information for contact decisions. For example while 41% of contact centre co-ordinators asserted they applied risk assessment in cases where domestic abuse and/or child protection were highlighted, it emerged that these 'risk assessments' were not comprehensive, only taking the form of a brief and once-off discussion (Harrison, 2006; Humphreys & Harrison, 2003). This may go some way to explain that while 86% of the mothers cited violence as the reason for attending a centre, only 25% were attending a supervised centre (ibid).

As such, the history of domestic abuse may not be recorded in the absence of a comprehensive assessment. However, a further concern highlighted by Humphreys and Harrison's (2003) research, was the finding that a history of domestic abuse and/or child abuse may not be understood as requiring a comprehensive assessment to begin with, indicating that this history was seen as of secondary importance to the promotion of contact. Consequently there was a risk that abusive incidents occurring during contact centre time would not warrant any punitive action against the

father, with mothers of young children ending up facilitating access when children were upset. It is also clear from the research that while the views of children are integral to an assessment (Lord Chancellor's Advisory Board on Family Law, 2001), discussions with children about their perceived safety and risk seldom occurred. While many children enjoy contact, Humphreys and Harrison (2003) found two-thirds of the twenty-one children in their study consistently wanted their mothers close by. Their reticence to actively engage with the contact parent was most often construed as manipulation by their mothers, rather than as a result of their experience of or exposure to abuse by their father. Despite their exposure to abuse (Peled, 2000), some children may want continued contact with their abusive parent and contact plans should not place them at further risk.

Perpetrator denial and minimization of violence and abuse was found to be a significant problem (Humphreys & Harrison, 2003). When combined with lack of evidence and conflicting reports, this renders corroboration more problematic. It also highlights a second issue, that of staff training, as found in Aris *et al.*'s earlier (2002) multi-method study involving eighty-six centres in England and Wales. Chief amongst the findings was a concern expressed by professionals that staff were not adequately trained to provide the vigilance required and that mothers were concerned about inadequate supervision of their child with the father. Humphreys and Harrison (2003) further noted that even where staff had undergone training in domestic abuse, they became focused on the current or presenting behaviours in the absence of any comprehension of that behaviour in the context of a history of controlling and abusive behaviour. As such when what they saw and interpreted was amiable and reasonable behaviour on the father's part, with mothers presenting as apprehensive, controlling and obstructive, the victim status quickly changes. Untrained centre staff can become unwittingly complicit in the facilitation of tactical and controlling behaviour, particularly where the man is articulate and presents well and the mother is non-compliant with contact and deemed obstructive (Parker, Rodgers, Collins & Edleson, 2008). Bancroft and Silverman (2002) clearly detail the efforts abusive men go to, to 'look good' and present well during supervised contact. Their efforts to engage with their children, including bringing snacks and presents appeals to the pro-contact discourse referred to earlier, to the extent that the history of abuse becomes incidental and irrelevant. Similarly, Kaye *et al.*'s (2003) Australian study with a purposive sample of forty women negotiating contact arrangements with previously abusive ex-partners highlighted the women reporting violence that continued post-separation, while Parker *et al.* (2008) note the evidence of 'drilling' of the children during contact visits, and the passing of abusive and threatening messages to the mother through the children. The limited ability of these centres to recognise dangerous behaviour and deal with high risk cases is perhaps reflected in the evidence of women murdered during contact (Holt, 2007) and the continuation of abuse before, during or after the contact activity (Jaffe *et al.*, 2003; Parker *et al.*, 2008).

Recommendations include the need for appropriately qualified staff (with specific training on the dynamics of domestic abuse), for rigorous screening and risk assessment and for tighter collaboration and agreement of purpose of the contact facility between the contact centre, the potential referrers and the service users themselves. Specifically, the role of safety and risk assessment procedures becomes critical to ensuring, at a very minimum, the safety of children (and their mothers) attending. A wider range of interventions aimed at addressing abusive behaviour and reducing conflict and/or risk may be required. Concurring with this sentiment, Parker *et al.* (2008) conclude that for contact centres to work as a facility for separated families with a history of domestic abuse, they must be supervised by highly trained professionals and the supervised centres must be embedded within a broader community response to domestic abuse, that has as one of its critical requirements, strong links between the centre and perpetrator programmes.

While Trinder *et al.* (2002) clearly argue that the option of a longer term use of the contact centres should be deemed appropriate, they nonetheless are in accord with Sturge and Glaser's (2000) conclusion that contact does not always, and nor should it be assumed to, equate with child or adult welfare. When child contact is given prominence over an acknowledgment of the impact of domestic abuse in the lives of women and children, child (and woman) safety are compromised. In this way we find a pro-contact culture that understands contact to be almost consistently in the child's best interests, clashing rather heavily and at times fatally with a culture of safety and protection that by necessity underscores the philosophy and practice of interventions responding to domestic abuse. Observers conclude that when a history of domestic abuse accompanies the child contact arrangement, the position of the contact centre becomes increasingly ambiguous and the original aims of those centres become obsolete (Aris *et al.* 2002; Harrison, 2006).

Other criticisms of contact centres concern the unnatural location for parent-child interaction and the constricted opportunities for involvement in regular routine family activities such as preparing and eating a meal together as a family, reading bedtime stories etc (Jenkins & Lyons, 2006). Hester *et al.* (1994) further caution that attendance at contact centres can render children feeling different, reinforcing the 'un-sameness' of their paternal relationship when compared with others. Parker *et al.* (2008) also notes the limitations of contact centres with respect to abused mothers and their need for advocacy, a service contact centre workers cannot provide because of their emphasis on neutrality. With the time that women spend in these centres waiting for their children an obvious intervention 'window', Parker *et al.* (2008) introduced changes in their centre including a comfortable waiting area with information on local services, internet access and supportive and interested staff. They further recommended the co-location of advocates at contact centres, would provide a much needed service that mothers could access during the child's visit with their contact father.

Parenting support for non-resident fathers is raised by Wilson (2006) who suggests that while a divorce education parenting programme may not seize the attention of separating or divorcing fathers, a programme specifically focusing on parent-child contact activity might have more appeal and this may also be an initiative that could be driven by the contact centre itself. In agreement, Rhoades (2002) asserts that the non-resident parent's need for parenting education is acute considering that they are unlikely to have been the primary carers prior to separation. Smart and Neale (1999) identify a clear difference between 'contact' and 'parenting', arguing that some non-resident fathers engage in the former, not the latter. This they also describe as a 'self-interested' as opposed to 'child-centred' attitude towards contact which manifests itself in inconsistency and unreliability regarding contact arrangements, failing to spend time with the children while on contact and lack of flexibility. Any of these practices can result in the child withdrawing from contact or the contact parent (mother) refusing to facilitate it. This can then lead to a regulatory approach to the enforcement of contact.

- Regulatory Factors

Alongside the growing centrality and importance of contact in many jurisdictions has emerged a simultaneous fixation with enforcement of contact orders (Kaganas & Day Slater, 2004). Trinder (2007) questions whether or not enforcement measures result in or impact on high quality contact, particularly when the lens of interest is focused on ensuring, at all cost, that contact is available to the non-resident parent. Critics of this argue that similar powers of enforcement are not available or applied to contact parents who fail to pay maintenance or child support. As such it would seem that 'enforcement' is a one-way solution only accessible to the contact parent; while the court can and does apply penalties to mothers for failing to 'comply' with contact orders, the same or similar penalty cannot be imposed on the contact parent for failing to engage with their contact and parental responsibilities (Rhoades, 2002). Therefore the vast majority of applications for enforcement orders result from allegations by men that they are being refused contact rather than by mothers attempting to ensure fathers actually engage with the contact (Rhoades, 2002). Rhoades (2002) suggests that the irony of these cases lies in the sporadic, inconsistent and in some cases non-existent nature of the prior contact activity, a prior experience that neither mother nor children wished to re-engage with, and therefore were resisting. Rhoades (2002) concludes with a poignant observation on the unequal treatment of the parents by a system insistent on equality and equity, where contact parents can violate the conditions of the contact order without reprimand, while the resident parent is not given the same latitude. Commenting on this apparent 'double standard', Smart and Neale (1997: 336) note that the emergence and criticism of the 'implacably hostile mother' has not been balanced with the similar positioning of an 'implacably irresponsible father'. Furthermore, the emphasis on joint parenting means that a fresh start for the woman is not possible because failure to facilitate, encourage or

participate in contact will incur legal and perhaps financial penalties or mandated parenting classes. For the father however, there are no legal obligations or sanctions regarding his take-up of contact.

Strega Fleet, Brown, Dominelli, Callahan and Walmsley, (2008: 3) surmise that this approach holds mothers responsible for contact 'even when fathers are either the source of the problem or, minimally, equally responsible'. As many authors have noted and as explored elsewhere in this thesis, parenting and post-separation contact are gendered activities located firmly within a gendered discourse (Daniel & Taylor, 1999; Dominelli *et al.,* 2005; Scourfield, 2003). Dominelli *et al.* (2005) argues that women are held solely responsible for the care and protection of their children and penalised if they do not achieve this. Comparatively little or nothing is expected from men who are considered irrelevant (Daniel & Taylor, 1999). Smart (1997) similarly argues that equity in terms of parental activity and responsibility cannot work if it does not reflect the parental divide of those same activities and responsibilities prior to the separation or divorce. Rhoades (2002) asserts that this focus on equal parenting and the contact period provides abusive men with legitimate opportunities for continued abuse of their ex-partner, whilst simultaneously denying the child their right to adequate and appropriate parenting during contact.

The attempt in children's rights legislation to create responsible fathers by prescribing contact has been criticised for ignoring how divorce destroys the previous negotiation of parental and carer roles fundamental to bringing up children (Smart & Neale, 1997). Parental activity cannot be expected to continue as before since all the other adult roles pertaining to those of the parenthood have changed, and equity in parenting is an unworkable imposition in the vast majority of families where this has not been the pre-divorce pattern (ibid).

Chapter Summary

This first literature review chapter has presented and critically examined the features, functions and mechanics essential for quality contact to operate in the post-separation period of the family's life cycle. In this chapter, the concern has not been solely on families with a prior experience of domestic abuse, but rather has broadened the lens of investigation to consider the key ingredients or factors central to the successful occurrence of 'quality contact' for all separating families. Reiterating the assertion that there is no solitary magic ingredient that makes contact work or not work, the discussion in this chapter has centred on a framework of four independent yet interdependent sets of factors that interact dynamically to influence contact outcomes. A number of clear messages have emerged from the literature reviewed.

The first clear message emerging from this review is that while socio-demographic and situational factors (including where a father lives and his disposable income) can pose both logistical and financial challenges to the frequency of contact, contact frequency is of less importance to children's well-being than contact activity. The review of the literature highlights that positive outcomes for children are directly related to the quality of their relationships with their parents, whether or not their parents cohabit. Directly related to this is the ability of the non-resident parent (usually the father) to engage in authoritative parenting practice, a requirement that demands both a commitment on the part of both parents and the skill to execute this. As such, this chapter concludes that post-separation contact arrangements should focus specifically on the development and maintenance of positive fathering involvement that embraces an authoritative parental role, rather than simply on the structural arrangements regarding time and place.

The second message concerns the centrality of the relationships between all those involved in the contact debate, which are considered critical in shaping contact and determining its quality. While the relationship between the two parents is important, in particular their adherence to a child welfare discourse, the literature reviewed in this chapter argues that the acceptance of resident and non-resident parenting status and the ability of both parents to relinquish their partnering relationship whilst maintaining their parenting roles are essential cogs in the wheel of contact, influencing its capacity to grind smoothly or to simply grind to a halt. This process of 'internal attribution' whereby each parent confers upon the other the emotional right to engage in either resident or non-resident parenting, requires a parental capacity for empathy, insight and compromise, a requirement carefully considered by the third message.

The third and final message emerging from the literature reviewed cautions that those same features deemed critical for quality contact may be compromised where there has been a prior history of domestic abuse, with this history identified as a potential contraindication to healthy and meaningful relationships. This caveat is responded to with the need for both supportive and regulatory structures, particularly where domestic abuse is a feature of the relationship, with a clear message from the research concluding that this situation demands minimal and safe contact if contact is to be in the child's best interests. It also requires an appropriate match between the presenting needs of the families involved and the availability and capacity of the services to meet those needs. This chapter specifically concludes with a caution that a pro-contact culture that considers contact to be inevitably in the child's best needs may clash heavily with the culture of safety and protection at the heart of interventions designed to meet the needs of women and children experiencing domestic abuse.

Picking up on this final message, the next literature review chapter considers the evidence relating to the impact of domestic abuse, both on the child and on the relationships this initial literature review

chapter has deemed integral to achieving quality contact. The next chapter will also critical review the implications of a prior history of domestic abuse for post-separation parenting.

CHAPTER THREE

THE IMPACT OF EXPOSURE TO DOMESTIC ABUSE ON CHILDREN: A REVIEW OF THE LITERATURE

Cognisant of the factors highlighted as critical for quality post-separation contact to occur, this chapter provides a critical review of the literature pertaining to two separate yet inter-connected areas of interest to this research study: firstly the impact of exposure to domestic abuse on children and young people, and secondly the issues and dilemmas inherent in post-separation contact for children with a domestically abusive father. This review will reflect, in so far as that is attainable, the emerging understanding and acceptance of children as dynamic in their efforts to make sense of their experiences while navigating their way around the complexity that is intrinsic to domestic abuse (McIntosh, 2002; Mullender, *et al.,* 2002). Appreciation of the impact of domestic abuse on the familial context is a critical pre-requisite to a fully informed analysis of the limitations and possibilities of post-separation family life. This chapter will begin with a critical review of the methodological considerations in conducting domestic abuse research concerning children.

Methodological Considerations

Studies on the impact of children's exposure to domestic abuse have been beset with methodological concerns and complications. Firstly, exposure to domestic abuse is not a "homogeneous uni-dimensional phenomenon" (Jouriles, McDonald, Norwood, Shinn Ware, Collazos Spiller, & Swank, 1998:178), the impact of which can be neatly examined in isolation from the potential impact of other stressors or traumas in a child's life. With the co-occurrence of domestic abuse and other forms of abuse and adversity clearly established in the literature, there may be a failure to differentiate between children who are physically or sexually abused or neglected and also witness violence, from those who witness domestic abuse only. This may inaccurately attribute a child's difficulties to the impact of witnessing, without considering the impact that being a direct victim of abuse may also have on outcomes for the child (Connolly, Hazen, Coben, Kelleher, Barth, & Landsverk, 2006; Edleson, 1999). Similarly, comparing children exposed to domestic abuse with children who are not exposed, without regard for the variability in the level and type of abuses those children are exposed to, both ignores and obscures the potential differential impact on child adjustment arising from exposure to different types of spousal violence (Jouriles *et al.,* 1998).

Secondly, while recent studies have been more inclusive of broader populations to reflect the perceptions and experiences of multiple stakeholders in multiple settings, (Levendosky & Graham-

Bermann, 2001), prior research has been criticised for an over-sampling of research participants from refuges (Kashani & Allen, 1998). While representing a unique and highly visible sub-population of those exposed to domestic abuse, refuge populations may constitute those most recently and severely affected (Edleson, 1999; McIntosh, 2003) and may be disproportionately representative of lower socio-economic populations (Kerig, 1998). In addition, refuge life may have a stressful and unique influence on children, which may be independent of their experience of family violence and not necessarily an accurate representation of their mental health in the long term (Edleson, 1999). Kerig (1998) also highlights concerns about research relying on children drawn from clinical populations, as they may be over represented by boys and dominated by externalizing problems.

In a similar vein, researchers comment on the paucity of reports of domestic abuse from multiple family members or professionals, citing evidence that when such reports are sought, agreement is surprisingly low (Holden, 2003), and cautioning that studies which predominantly or solely reflect mothers' reports of their children's problems, will by their nature, have limited accuracy as they lack the converging information necessary to ensure reliability and validity (Edleson, 1999). Appel and Holden (1998) suggest that, as mothers are the sole informants in the majority of cases, the potential for both under and over-reporting needs to be considered. In partial agreement McIntosh (2003) warns only of widespread underreporting of domestic abuse by women.

A third methodological issue is raised in Appel and Holden (1998) concerning the inconsistent use of a common criterion for defining child abuse, finding upward of fifteen different definitions applied to the thirty-one studies they reviewed. Holden's later (2003) reflections on terminology considered the range and dramatically different types of exposure mentioned in the literature, with assessment of this exposure inclusive of both mothers' reports about what their child saw or heard and children's own reports as witnesses.

Fourthly, criticisms of the measures employed to gather data include what Edleson (1999: 860) considers to be an over-reliance on the child behaviour checklist, on the grounds that it is a "rough gauge of general functioning", and not developed to tap into the distinctive impacts of witnessing violence. Echoing this point, McIntosh (2003) highlights the limited usefulness of measures across both cultural and socio-economically diverse populations, while Fantuzzo and Mohr (1999) go so far as to say that checklists are biased against those diverse populations. Fantuzzo and Mohr (1999) also point out that while the majority of research controls for the child's age and gender and the family's socio-economic status, less than half of the studies they reviewed controlled for variables such as marital status, mother's age and family size, with less again controlling for family stress, child's health or ethnicity (Fantuzzo & Mohr, 1999). Finally, Appel and Holden (1998) draw attention to the

inconsistent referent period applied, with some studies reviewing lifetime experiences, while others focusing only on more recent experiences.

Despite these methodological complexities, a substantial accumulation of reliable empirical data research which has gone some way to indicate the short- and long- term developmental implications for children who live with domestic abuse, has highlighted a differential yet potentially deleterious impact for children (Cleaver, Unell, & Aldgate, 1999; Edleson, 1999; Hester, Pearson, & Harwin, 2000; McGee, 2000; Mullender *et al.,* 2002; Saunders, 2003). This chapter will now explore impact within and across the following domains: (1) The co-occurrence of domestic abuse and child abuse; (2) The impact on parental capacity; (3) The impact on child development; (4) Exposure to additional adversities.

While there is undoubtedly a certain level of commonality in children's experience of domestic abuse, it would be erroneous to assume that either impact or outcomes are predictably similar for all children (Magen, 1999). Masten and Coatsworth's (1998: 126) work on resilient development identifies the different influences on children's development, and that children are protected:

> 'not only by the self-righting nature of development, but also by the actions of adults, by their own actions, by the nurturing of their assets, by opportunities to succeed and by the experience of success'.

Holding this resilient focus, this first section concludes with an overview of the potential outcomes for children exposed to domestic abuse and a summary of the key messages for professionals concerning best practice responses to children's needs in the context of domestic abuse.

Domestic abuse as an abusive context for children

The literature reviewed has unequivocally established the interconnectedness between men's abuse of women and child abuse (Connelly *et al.,* 2006; Edleson, 1999; Guille, 2004; Harrison, 2006; Hester *et al.,* 2000; Rakil, 2006). At its most basic level, living with the abuse of their mother can be considered a form of emotional abuse (Wolfe, Crooks, Lee, McIntyre-Smith, & Jaffe, 2003) with negative implications for children's emotional and mental health and future relationships (Bow & Boxer, 2003; Brandon & Lewis, 1996).

Exposure to the abuse of their mother

Direct observation of violence can include witnessing both violent physical and sexual assaults on their mothers, the nature of which appears to be consistent over time and across the studies reviewed. For example, McGee's (2000) research with 54 children and 48 mothers found 71% of children witnessed the physical assault of their mother and 10% witnessed the rape of their mother. McCloskey, Figuerdo and Koss's (1995) earlier research with a substantially larger sample (365 women and 365 children) reported similar findings, with two-thirds of the women interviewed reporting physical assault involving choking, and just under half of the children reporting they witnessed such an assault.

Moreover, many authors agree that children can 'witness' in ways that go beyond direct observation, such as overhearing arguments or observing the aftermath; for example seeing bruises and cuts and broken furniture (Cunningham & Baker, 2004; Mullender *et al.,* 2002). Opinion diverges however on the effects of such witnessing on the child, with studies demonstrating marked variability in the results (Edleson, 1999; Shipman, Rossman, & West, 1999), depending on the variables measured and the risk and protective factors considered. Some authors highlight the importance of discerning whether the child has been exposed by directly observing or hearing inter-parental violence, noting the absence of this distinction from many earlier studies (Kaufman, Kantor, & Little, 2003). However, Jouriles *et al.*'s (1998) research with 155 exposed 8-12-year olds revealed that the severity of the violence, as reflected in the use of knives or guns influenced how traumatic this was for children, regardless of whether they saw the assault or not. Dispute concerning the validity of the term 'witnessing' has resulted in the adoption of the more encompassing term 'exposure' (Wolak & Finklehor, 1998).

Children's exposure to domestic abuse may manifest itself in their taking responsibility for calling for help, either locally to neighbours, or calling the police. Both gender and age are important factors, with girls and those over the age of seven more likely to do this (Fusco & Fantuzzo, 2009).

Domestic abuse and direct child abuse

Domestic abuse is also an important indicator of the risk of direct physical and sexual abuse of children (Farmer & Owen, 1995; Kellog & Menard, 2003; McGee, 2000; Osofsky, 2003), representing the extension of ongoing violence (Stark & Flitcraft, 1996). While rates of overlap between domestic abuse and child physical abuse fluctuate between studies, as indicated by a range of 30-71%, there is nonetheless agreement that the presence of domestic abuse is a risk factor for child

physical abuse, regardless of the methodology employed or the sample sourced. For example, Edleson's (1999) review of 35 published studies of the co-occurrence established that there was a high level of overlap ranging from 30-60% in most studies reviewed. A slightly earlier review of 31 studies by Appel and Holden (1998) concluded that the abuse of the child co-occurred with the abuse of their mother in 40% of cases. This figure was arrived at after the authors recalculated the rates of co-occurrence using a definition of child abuse that was closest to the one used by social service agencies. Cross referencing police records with child protection referrals by Beeman, Hagenmeister and Edleson (2001) identified over 64% of cases as dual violence families, while Shepard and Raschick's (1999) research with child welfare workers highlighted that 71% of the families in crisis had reported issues relating to domestic abuse. Osofsky (1999) concluded from her research that children who are exposed to domestic abuse are 15 times more likely to be physically abused and neglected than children without such exposure.

Although relatively little attention has been devoted to the overlap between domestic abuse and child sexual abuse, there is evidence in the literature of a raised incidence of co-occurrence (Cawson, 2002; Kellog & Menard, 2003; McCloskey *et al.,* 1995). Again, convergence on rates varies, primarily influenced by the sample and location the data are drawn from. For example, 4% of Smith, Berthelsen, and O'Connor's (1997) community sample of 54 abused mothers reported the sexual abuse of their child by their ex-partners, while a higher rate of co-occurrence was recorded in a more recent follow-up study with 164 (7-19 year old) young people who had previously disclosed sexual abuse and attended a sexual abuse clinic (Kellog & Menard, 2003). While it would not be appropriate to compare the findings of these two studies because of the very different sample populations, this later research nonetheless identified a concurrent rate of 77% when the sexual abuse offender was also the perpetrator of the inter-parental abuse. McCloskey *et al.*'s earlier research (1995) with 365 women and 365 of their children also established an overlap of abuses across relationships, with clear associations between the abuse of the mother and the sexual abuse of the child, with men who were abusing their partners, more likely to abuse their children.

At its most extreme, violence against women may have lethal implications for both mother and child (Hester *et al.,* 2000; Holt, 2007; Jaffe & Juodis, 2006). Children may be injured, intentionally or unintentionally, while trying to intervene or defend their mother (Fusco & Fantuzzo, 2009). They may be abused as part of the abuse of their mother, and indeed vice versa (Hester & Radford, 1996; McGee, 2000), making it difficult at times to separate out discrete categories of child abuse and domestic abuse, because in some cases it is the perpetrator's intention that the abuse of the child will have an abusive impact on the mother. Kelly (1996) refers to this as a double level of intentionality. Supporting this assertion, McCloskey *et al.* (1995) found the father's relationship with his children to be secondary to his intermediary use of them to abuse their mother. The second domain will explore this further.

Parenting ability and the experience of being parented in the context of domestic abuse

The empirical evidence clearly states that the quality of parenting and the ability of both parents to meet their child's needs are compromised in domestic abuse households (Bancroft & Silverman, 2002; Buchbinder, 2004; Kaye *et al.,* 2003; Levendosky & Graham-Bermann, 2001; McIntosh, 2002; Mullender *et al.,* 2002). The impact of domestic abuse on the parenting of mothers and fathers will be addressed separately.

Mothering in the context of domestic abuse

For women, continuing abuse affects their relationship with their children (Mullender *et al.,* 2002) and can impact negatively on their parenting capacity (Stephens, 1999) and on the quality of the attachment between them (Cleaver *et al.,* 1999; Levendosky, Huth-Bocks *et al.*, 2003). Holden (2003) suggested that maternal stress and depression result at times in an emotionally distant, unavailable or even abusive mother, whose emotional energy and time for her children is severely compromised. Holtzworth-Munroe, Smutzler and Sandin's (1997) review of the literature estimated that one to two thirds of abused women experience post traumatic stress disorder, low self-esteem, depression and anxiety. This may compound the behavioural problems of the child and increase the impact of the violence for the child (Levendosky & Graham-Bermann, 1998).

Research also indicates that domestic abuse impacts negatively on the woman's ability to develop authority and control over her children, culminating in some cases in physical aggression by adolescents towards their parents (Jackson, 2003; Ulman & Strauss, 2003). This aggression increases with the child's age and is 18 times more frequent in families in which the mother is abused (McCloskey & Lichter, 2003). Levendosky, Lynch and Graham-Bermann (2000) advise that this not only has implications for parenting, but also serves to put children at risk of anti-social behaviour.

While it may be considered erroneous to assume that all abused women show greater deficiencies in parenting than their non-abused counterparts, the research highlights that as a result of living in constant fear, they may deny their children normal developmental transitions and the sense of basic trust and security that is the foundation of healthy emotional development (Levendosky *et al.,* 2000; Levendosky & Graham-Bermann, 2001). The sequential perpetrator model (Coohey, 2004) proposes that battered women are more likely to hit their children as a reaction to being hit themselves. Under this model, Holden, Stein, Richie, Harris, and Jouriles (1998) purport that children are not only directly at risk from the perpetrator of the adult violence, but are also at the receiving end of either intentional or unintentional aggression from their victimised mother, who may also be directed by the

perpetrator to abuse the child. While Buchbinder's (2004) small qualitative study with 20 abused mothers found them distressed after using physical punishment, Holden *et al.* (1998) concluded that there was no evidence of diminished parenting in their sample of abused women, despite the extensive use of physical punishment.

'Failure to protect' is a charge often levelled at women, either the failure to recognise the abuse of her child or the failure to leave the violent relationship and thereby end its impact on the child (Farmer & Owen, 1995). Bell (2003) questions why mothers often attract as much if not more anger and blame than the abuser himself, while Scourfield (2003) observes that despite abusive men being understood as dangerous, it is mothers who are constructed as responsible for the protection of their children. In the process of this re-alignment of blame and responsibility, little attention may be paid to either the mother's protection needs or the strategies she does employ to protect her children (Farmer & Boushel, 1999). Both Mullender *et al.* (2002) and Margolin, Gordis, Medina and Oliver (2003) found evidence that women do make considerable efforts to protect their children, and may in fact employ more authoritarian parenting tactics to ensure their children are well-behaved, to avoid aggravating the abuser. Also reported by 19 of the 95 low income women participating in Levendosky, Lynch, and Graham Berman's study (2000) are the positive direct effects on both parenting effectiveness and attachment. The participants in this study were recruited with flyers distributed to shelters, community organisations and public places, and all had been in a violent relationship in their children's lifetime. As a result of the abuse they had or were still experiencing, they commented on their increased sensitivity to their children and described the attempts they made to compensate for the violence and abusive parenting of their children's fathers. Stephens (1999) conducted qualitative research with 26 women victims of domestic abuse, six of whom were residing in a refuge and the remainder in their own communities at the time the research was conducted. Stephens (1999) found that the abused women in her research had internalized a model of healthy and appropriate parenting that predated their intimate abuse, and could locate their care-giving from this earlier experience.

Imposing a caveat on research that indicates a comparable quantity of corporal punishment by both parents, both Appel and Holden (1998) and Edleson (1999) caution that fathers nonetheless employ more severe levels than mothers, and that as mothers are frequently the primary caregivers, they have enhanced opportunities to parent abusively. While the former authors suggest that if the rate of co-occurrence across mothers and fathers was corrected for the amount of time spent with the children, the rates would likely be quite different, Edleson (1999) hypothesizes that an over-reliance on measures of the mother-child relationship relative to the father-child relationship, has also resulted in findings highlighting mothers' problems, rather than the abusive dynamics that created them. From their review of the research on the influence of fathers in their children's lives, Cummings *et al.*

(2004) conclude that in the context of domestic abuse, the quality of fathering is more likely to be compromised than the quality of mothering.

Fathering and domestic abuse

Guille's (2004) comprehensive literature review highlights the lack of attention to the father-child relationship in domestically violent families, revealing minimal investigation into the abuser's perception of his violence or his relationship with his children. What little information does exist suggests that when compared to their non-violent counterparts, these fathers are less likely to have been involved with their children and more likely to have used negative child rearing practices, such as slapping; are more controlling, rigid and authoritarian, and less consistent (Bancroft & Silverman, 2002); are more often angry with their children (Holden, Stein, Richie, Harris & Jouriles, 1998); are less likely to allow freedom of expression, creativity and structure in their children's lives (Margolin *et al.,* 2003); are more negligent of their basic needs (Holden & Richie, 1999) and are poor role models with regard to relationships and conflict resolution (Bancroft & Silverman, 2002; Cummings *et al.,* 2004).

Fathers are characterised as individuals with low self-esteem and a poorly developed sense of identity that results in neediness, dependency, self-absorption, a lack of trust in others, and an inability to see the impact of their violence on their children (Bancroft & Silverman, 2002; Mullender *et al.,* 2002), or to see violence towards women as child abuse (Hearn, 1998). They are also described as physically punitive but not physically affectionate (Holden & Richie, 1991), with Fox and Benson (2004) finding that violent men employ more disciplinary behaviours and less constructive parenting behaviours than their non-violent equivalents. The empirical evidence highlights the complex relationships children who grow up with inter-parental violence have with both of their parents (Edleson, 1999; Holden, 2003; Levendosky *et al.,* 2003; Peled, 2000). Peled (2000) postulated that children view their abusive fathers in two contradictory ways - as the 'good, loved father' and as the 'bad, abusive father' - but seldom maintain both views simultaneously. Peled's earlier research (1998) with 14 pre-adolescent children found that they implemented strategies to both minimize the negative view of their fathers, and to find ways to see their fathers in a positive light, with both of these strategies creating complex emotions when it came to making choices involving their parents. Children and young people in Mullender *et al.*'s (2002) research described paternal experiences that were tainted with sadness, fear, confusion and disappointment, while Goldblatt (2003) highlighted ambivalent attitudes towards both their parents, including fear and empathy towards their father, and compassion coupled with a sense of obligation to protect their mother.

While acknowledging that parenting cannot prevent a child from ever experiencing conflict or stress, McIntosh (2002) suggests that parenting is, however, about filtering those experiences in ways that can be thought about and integrated by the child. McIntosh (2002) argues that the presence of domestic abuse results in the failure or collapse of the parental functions of protection and thought. While the man has detached himself from the experiences of those around him, the woman's survival may require her to create a state of disassociation from aggression, that itself perpetuates a cycle of fear and victimization (McIntosh, 2002). Both aspects of parental dissociation result in a lack of empathy with the child's experience, where the child is not helped to deal with and integrate the impact of domestic abuse in order to recover from the trauma they have experienced. This then has a differential impact across the developmental pathway, as the next domain explores.

The impact of domestic abuse on children: a developmental perspective

The empirical evidence suggests that growing up in an abusive home environment can critically jeopardize the developmental progress and personal ability of children (McIntosh, 2002; Martin, 2002; Roseby & Johnson, 1998), the cumulative effect of which may be carried into adulthood and can contribute significantly to the cycle of adversity and abuse (Levendosky & Graham-Bermann, 1998). Exposure to domestic abuse may have a varied impact at different stages (Cunningham & Baker, 2004); with early and prolonged exposure potentially creating more severe problems because it affects the subsequent chain of development.

Infants & toddlers

Infants and toddlers are totally dependent upon others for care and their lives are organised around the primary attachment relationship to a caregiver, usually their mother. Distress may manifest itself behaviourally in excessive irritability, regressed behaviour around language and toilet-training (Osofsky, 1999); sleep disturbances, emotional distress and a fear of being alone (Lundy & Grossman, 2005). Edleson's (1999) review of the literature concluded that a toddler's need for adults to provide structure because of their developmental inability to understand and control their own emotions, may be difficult to meet by depressed and overwhelmed mothers, thus impacting on the child's experience of emotional expression. Exploring this further, Lundy and Grossman's (2005) research with 40,636 children aged 1-12 years engaged with domestic abuse services found that toddlers actually seemed to exhibit emotionally distressed behaviour less often than older children, a finding resonating in Bogat, DeJonghe, Levendosky, Davidson and Von Eye's (2006) later, if considerably smaller study involving 48 infants whose mothers had experienced domestic abuse during pregnancy and indicated that their infants had also seen or heard one or more abusive incidents. While Bogat *et al.* (2006) found that

only 44% of infants exposed to domestic abuse had at least one trauma symptom, compared with the majority of pre-school and school-age children, Lundy and Grossman (2005) found that more than any other age group, these youngest children appeared to have difficulty separating from parents, perhaps reflecting problematic attachments.

Concurring with this, Martin's (2002) review of the literature suggests that the dynamics of domestic abuse undermine the child's developmental need for safety and security, potentially resulting in a difficulty developing a logical approach for getting comfort and in the development of disorganised attachments to their mother, who is simultaneously a source of comfort and fear for the child (McIntosh, 2002). If unabated, Martin (2002) concluded that such attachments result in the infant being chronically overwhelmed, and if uninterrupted, this pattern could have devastating developmental consequences for the child, underpinning much of the intergenerational cycle of domestic abuse (Zeanah, Danis, Hirshberg, Benoit, Miller, & Heller, 1999).

Both Rossman (1998) and Huth-Bocks, Levendosky and Semel (2001) posit that preschoolers who witness violence have more behavioural and social problems, post-traumatic stress symptoms, greater difficulty developing empathy and poorer self-esteem than non-witnesses. The effects of domestic abuse are amplified for these young children, whose developmental dependency on their parents for all aspects of their care may expose them to greater amounts of violence than older children (Huth-Bocks *et al.,* 2001). Not surprisingly, research with their mothers found this age group to exhibit more problems, with care-giving more difficult than any other age group (Levendosky *et al.,* 2003). Martin (2002) surmised that extreme fear may result in psychosomatic problems such as headaches, stomach aches and asthma, as well as insomnia, nightmares, sleepwalking and enuresis. The ego-centrism of children of this age may be reflected in a preoccupation with fear for their own safety and they may engage in mental and behavioural disengagements in an effort to cope with this distress (Cunningham & Baker, 2004).

6-12 year old children

School-age children (6-12 years) are able to think in more complex ways about the reasons for the violence and may try to predict and prevent the abuse based on this reasoning. Younger children in this developmental stage are still thinking ego-centrically and may blame themselves for their mother's abuse. They will also try to justify their father's behaviour on the basis of alcohol, stress, or theirs or their mother's behaviour. This helps them cope with the idea that their father is bad or imperfect in any way (Cunningham & Baker, 2004).

Academic and social success at school has a primary impact on children's self-concept. As they rely increasingly more on influences outside the family as role models and as indicators of their own worth (Daniel *et al.*,1999), most children will hide their 'secret' from everyone, because if others found out, the shame would be devastating, further compounding the imbuing sense of sadness and vulnerability (Alexander, Macdonald & Paton, 2005). With the development and preservation of friendships a fundamental part of this developmental stage, Lundy and Grossman (2005) believe that social problems may make this developmental task unachievable. They may either pick up on and react to aggressive cues in their interactions with other children and consequently be at risk of bullying, or tune out from such cues and be at increased risk of being bullied (Bauer, Herrenkohl, Lozano, Rivara, Hill, & Hawkins 2006). One third of Lundy and Grossman's (2005) sample of 4,636 children who were exposed to domestic abuse were described as frequently aggressive. The first US study to examine the relationship between domestic abuse exposure and bullying corroborated this finding that children exposed to violence engaged in higher level of generalised aggression (Bauer *et al.*, 2006). Furthermore, the child's learning potential may be compromised by poorly developed verbal skills, competing demands for their energy, exhaustion or absenteeism (Moore & Pepler, 1998). Alternatively school is experienced as a respite and engaged in fully, both to maximise the respite and to avoid going home.

Adolescence

Research suggests exposed adolescents are less likely to have a secure attachment style and more likely to have an avoidant attachment style, indicating perhaps that they no longer feel trust in intimate relationships (Levendosky *et al.*, 2002). Wekerle and Wolfe (1999) found exposure to violence in the home to be the best predictor of adolescent male abusive behaviour and a significant predictor of male and female experiences of victimization in intimate relationships. Similarly, Aymer's (2008) study with ten adolescent males drew a distinct correlation between childhood exposure and violence in teen/young adult dating relationships. In contrast, Levendosky *et al.*'s study (2002) with 111 exposed adolescents found they were more likely to be victimized, lending some support to the intergenerational transmission of violence hypothesis. On a similar theme, the young people in Goldblatt's (2003) study doubted their competency to become non-violent partners and were ambivalent about their ability to control themselves.

Coping strategies for this developmental stage include mental or emotional disengagement involving both tuning out by listening to music or positioning themselves away from the violence, with more hazardous efforts involving experimentation with drugs and/or alcohol (Cunningham & Baker, 2004; Mullender *et al.*, 2002). As children get older, they may become more active and focused in trying to

prevent or intervene in the abuse or in providing emotional or practical support to their mother (Hester *et al.,* 2000). Anger may be directed at the abuser for the violence or at the mother for perceived failure to protect, inability to leave or returning to the abuser. Adolescents may adopt care-taking roles for their mother and siblings, and although this can empower by providing a sense of control in an otherwise out of control environment, Goldblatt (2003) cautions that the cost of over parentification is a lost childhood and the likelihood of severe emotional distress.

Opening up the adversity package

Because domestic abuse is not an isolated event but occurs within a family system, it is potentially something that disrupts broader family functioning and the home environment (Huth-Bocks *et al.,* 2001; Salcido Carter, Weithorn, & Behrman, 1999; Ullman, 2003). Rossman (2000:45) adopted the term 'adversity package' to describe the multiple stressors which can accumulate in the lives of young people exposed to domestic abuse, including child abuse, parental substance abuse and mental health difficulties, unemployment, homelessness, social isolation and involvement in crime (Golding, 1999). In agreement and focusing on youth at risk, Vera & Shin (2006, cited in Aymer, 2008) view these multiple adversities as 'toxins' that impair normal developmental growth and functioning. The presence of multiple stressors in a child's life may both elevate the risk of negative outcomes and possibly render indistinct the exact relationship between domestic abuse and those negative outcomes (Jones, Gross, & Becker, 2002). This section selectively reviews two of these adversities.

Poverty & domestic abuse

Although domestic abuse cuts across the economic spectrum, the literature nonetheless suggests that poor families are more likely to be affected (Buckner, Bearslee, & Bassuk, 2004; Kruttschnitt, Gartner, & Ferraro, 2002). With the child's safety found to be related to the structure and socio-economic circumstances of the families (Berger, 2005), Cox, Kotch, and Everson's (2003) longitudinal research with a purposive community sample of 184 low-income and high-risk (for maltreatment) families, identified low socioeconomic status as a strong predictor of both domestic abuse and child maltreatment. A related correlation was highlighted by Levendosky and Graham-Bermann (1998) in their study with 60 refuge based women and their children and a comparison group of 61 community based women and their children who were living in the same low income neighbourhood. This study found that domestic abuse was reported by one-third of the families in their low income comparison group, suggesting that there may be a high incidence of domestic abuse in some low-income communities.

Levendosky and her colleagues (2000) also found income to be a significant predictor of parenting behaviours, where economically stressful situations are associated with higher rates of physical and mental health difficulties for both parents and children when compared to the general population (Ghate & Hazel, 2002). There is also a direct correlation between poverty and poor educational achievement, with fewer resources and low-achieving classroom environments increasing children's behaviour problems (Keegan-Eamon, 2001). This correlation between poverty and poor educational achievement is particularly significant for two reasons; firstly, because family poverty in childhood and adolescence and low academic achievement are strong predictors of abuse in later life (World Health Organisation, 2002), and secondly because resilience theory recognises educational attainment as a protective factor promoting positive outcomes for children living with adversity (Daniel & Wassell, 2002; Gilligan, 1999). Unemployment, a closely related adversity to poverty, is found to be a common correlate in domestic assaults, with Kruttschnitt *et al.*'s (2002) review of the literature on female violence concluding that the employment of women lowers their risk of abuse when their partner is employed, but significantly increases their risk for abuse when their partner is unemployed.

Alcohol & domestic abuse

Research has also identified the potent presence and misuse of alcohol in the lives of women who are abused (Kashani & Allan, 1998; Kruttschnitt *et al.,* 2002). While alcohol is not understood or viewed as a causal factor in the abuse of women, it has been established as a major contributor to female physical as well as sexual victimization (Ullman, 2003; Lipsky, Caetano, Field, & Larkin, 2004). It is also more closely linked to murder, rape and assault than any other substance and found to be a contributing factor in incest, child molestation, spousal abuse and other family violence, with the percentage of men who assault their partners while under the influence of alcohol ranging from 48-87% (Lipsky *et al.,* 2004).

Exploring this further, Ullman (2003) states that on the one hand heavy drinking in men is associated with lifetime self-reported involvement in sexual aggression, with offender alcohol use potentially leading to disinhibition of violence, contributing to more severe assault outcomes, for example rape and physical injury (Boles & Miotto, 2003). On the other hand, female victimization may contribute to the development of subsequent drinking problems as a coping mechanism (Ullman, 2003). Similarly, Caetano, Field, and Nelson (2003) postulate that early childhood abuse may contribute to increased drinking, which may lead to increased risk of adolescent sexual assault and contribute to further problem drinking, as victims self-medicate in order to cope.

These adversities can together advance the web of social isolation and rejection that entrap many families (Anooshian, 2005; Kruttschnitt *et al.,* 2002). Social isolation contributes to parenting

difficulties and compromises the opportunities children need for developing relationships with extended family and friends (Kruttschnitt *et al.,* 2002). It is also negatively connected with poverty, where poor environments and low-income families are both deficient in social support and where members of networks can themselves be a source of obligation and stress (Ghate & Hazel, 2002). While robust social support can protect women's functioning, Levendosky & Graham-Bermann (2001) suggest that the absence of such social support combined with traumatic experiences, negatively influences women's psychological functioning. This is a particularly important finding in that many women in abusive relationships have few social supports due to the controlling aspect of the abusive relationship.

Factors influencing outcomes for children exposed to domestic abuse

The previous sections have considered the deleterious impact that exposure to domestic abuse can have on children, reflected in high levels of cognitive, emotional, behavioural and social problems (Hester, Pearson, Harwin & Abrahams, 2007; Kitzman, Gaylord, Holt, and Kenny, 2003; Kolbo, Blakely, & Engleman, 1996; McAlister-Groves, 1999; Peled, 2000). However, cognisant of the methodological constraints discussed earlier, this section will respond to Kerig's (1998: 346) encouragement to "move beyond documenting the negative effects", in order to discover the processes underlying children's responses to their mothers' abuse. Furthermore each child is unique and their reaction will vary according to age, gender, personality, socio-economic status, role within the family, the frequency, nature and length of exposure to violence, with the impact moderated or mitigated by a further set of considerations, such as relationship with parents and siblings and available supports (Hester *et al.,* 2000; Holt *et al.,* 2008; Kashani & Allan, 1998; Salcido Carter *et al.,* 1999).

The research provides ample support for the intergenerational transmission of violence theory, which holds that witnessing and experiencing domestic abuse as a child leads to a greater use or tolerance of such abuse as an adult (Markowitz, 2001; Smith, Rosen, Middleton, Busch, Lundeberg, & Carlton, 2000). Gelles and Cavanaugh (2005) suggest an estimated intergenerational transmission rate of 30% (plus or minus 5%), which can manifest itself in a number of ways. Firstly, there is evidence that children from abusive families go on to be abusive or be abused in their adult intimate relationships (Coohey, 2004; Margolin *et al.,* 2003). Amato's (2000) review of a 12 year longitudinal study found that young adults who had been exposed to domestic abuse as children were 189% more likely than those not exposed, to experience abuse in their own adult relationships.

Secondly, longitudinal research on young offenders finds that they are more likely to have been exposed to domestic abuse, compared to their non-offending counterparts (Steinberg, 2000) and to become involved in anti-social behaviour, violent crime, substance abuse, further delinquency and adult criminality (Edleson, 1999; Osofsky, 1999). Finally, there is an association between exposure to domestic abuse and peer aggression and bullying (Baldry, 2003).

Drawing on an ecological perspective, Osofsky (2003) concludes that it is not just that children see aggression but rather that they learn how aggression is functional in intimate relationships, experiencing what Holden (2003) considered corruption or 'mis-socialization'. Concurring with this hypothesis, Graham-Bermann, and Brescoll's (2000) research with 221 children (6-12 year olds) and their mothers, found a direct relationship between the level of physical and emotional abuse of mothers and children's belief systems regarding the intrinsic dominance and privilege of men and the acceptable purpose of violence in family interactions. Reflecting on family systems theory, these authors surmise that domestically abusive families methodically internalise stereotyped gender beliefs through the acts of physical abuse. Indeed Bandura (1973) had much earlier surmised that exposed adolescent males may perceive domestic abuse to be a legitimate way of dealing with conflict.

However, a final word of warning is expressed by Gelles and Cavanaugh (2005), that while a child's experience of violence is often correlated with later violent behaviour, such experience is not the sole determining factor. Indeed despite all of the above, there are some children and young people who remain resilient and emerge from their experiences relatively unscathed, or with developed coping and survival strategies (Daniel & Wassell, 2002). Kitzmann *et al.*'s (2003) meta-analytic review of the literature found that while approximately 67% of child witnesses were faring more poorly than the average child, the remaining 33% presented with outcomes that were similar to or better than most of the non witnesses. These results support Hughes and Luke's (1998) earlier finding that not all children show maladjustment from exposure to domestic abuse. Acknowledging the caveat expressed by Kitzman *et al.* (2003) and McIntosh (2003) that the absence of serious adjustment problems does not necessarily mean that children are unaffected by the domestic abuse, a range of protective factors have, nonetheless, been identified as influencing the extent of the impact of exposure to domestic abuse on the child and the subsequent outcomes for the child. The next section will detail these.

Resilience

A secure attachment to a non-violent parent or other significant carer is cited consistently in the literature as an important protective factor in mitigating trauma and distress (Graham-Bermann, DeVoe, Mattis, Lynch, & Thomas, 2006; Mullender *et al.,* 2002), with research highlighting the considerable role that maternal parenting plays in the overall adjustment of children, across their

developmental stages (Levendosky & Graham-Bermann, 1998, 2001; Radford & Hester, 2006). Indeed Osofsky (1999) concluded from her review of the literature that the relationship with a parent or another caring adult is the exposed child's greatest protective resource. This finding resonates in Mullender *et al.*'s (2002: 210) research with 8-16- year olds who cited mothers as 'their most important source of help than anyone else in their lives'.

A related theme concerns the availability of someone for the child to turn to for emotional support, considered crucial in determining the impact of domestic abuse (Aymer, 2008; Kashani & Allan, 1998; Ullman, 2003). While this clearly overlaps with attachment issues, most accounts also emphasise the key role of the wider social and community support structures and of supportive family relationships more generally (Gilligan, 1995). Cox *et al.*'s (2003) longitudinal study with 219 families of 6-7-year olds found that supportive adults such as grandparents could protect the child by acting as agents of social control within the family, or by spending time with the child. Research conducted by Levendosky and her colleagues (2002) with 111 adolescents and their mothers, also found that a supportive relationship with an adult family member served as a protective factor in a high-risk environment. However, McCloskey *et al.* (1995) argue that when the family is profoundly dysfunctional as to involve severe violence and sexual abuse, the supportive qualities of family relationships fail to safeguard the children from negative effects, at least in the short-term. Resilience is also associated with having positive peer and sibling relationships that can buffer the effects of stress (Guille, 2004; Mullender *et al.*, 2002).

Self-esteem, one of the building blocks of resilience (Daniel & Wassell 2002; Martin, 2002), emerges as a critical element underlying children's ability to develop successful coping strategies and as a significant distinguishing factor between resilient and non-resilient adolescents (Kashani & Allan, 1998). While the domestic abuse literature reports that self-esteem is often likely to be damaged as a result of living with the shame and the undermining attitudes of the abusive man (McGee, 2000), it is also important to remember that children with high self-esteem in one area, for example sporting activities (Aymer, 2008) may focus on and build on that domain, which allows them more easily to escape their domestically abusive home.

Responding to the needs of children exposed to domestic abuse

A potently consistent message resonating through the literature regarding best practice with children exposed to domestic abuse is the need for this exposure to end (Cunningham & Baker, 2002). The focus of health, social care, child welfare and protection fixates on this as the optimum ending, often offering abused mothers a choice of leaving their abusive partner (or indeed excluding him from her

home) or having their children removed into care (Strega *et al.,* 2008). However this is sometimes naively understood as a solution to the problem, with research finding unequivocally that the paramountcy of the child's welfare and the protection and empowerment of their mother are difficult to achieve and reconcile with the continued exposure to this abusive man through the medium of post-separation contact. The next section explores this issue in more detail.

Post-separation contact & domestic abuse

Contact arrangements, post-separation, provide an opportunity for the child/children and the absent parent to continue to see each other regularly, in order to maintain and sustain the parent-child relationship. There are clearly documented and obvious benefits to post-separation contact including: continued attachment to the non-resident parent and continued relationships to both sets of kin (Lamb, 2007; Radford & Sayer, 1999); the transmission of culture and tradition from one generation to the next (Hester *et al.,* 1994); helping the child cope with the separation; providing respite for the woman caring alone; and reducing the risk of abduction. The more central role that fathers have come to occupy in their children's lives had led to many experts concluding that the absence of this role is damaging for children (Guille, 2004; Lamb 1997, 2007; Perel & Peled, 2008). This perspective would suggest that it is beneficial to try to support domestically abusive fathers to remain in contact with their children post separation, (Levin & Mills, 2003). Moreover, it can often be in response to what both children and their parents want (Radford & Sayer, 1999). Indeed research indicates that the majority of women are in favour of maintaining contact, in the belief that children should be in touch with their fathers and that the fathers are not deprived of seeing their children (Mullender *et al.,* 2002; Trinder, 2007) and will make this judgement on the basis of the children's wishes and interests rather than their own safety.

Contact between children and their father may be arranged informally between the parties involved or directed more formally by the courts. While this may seem a relatively straightforward process and in some cases can be arranged without major problems (Hester *et al.,* 2000), the research evidence highlights that for approximately 10-30% of separating families, the process by which contact is agreed is an 'uphill battle' (Dunn *et al.,* 2004), that is emotionally charged, problematic and potentially dangerous (Dunn *et al.,* 2004; Radford & Sayer, 1999; Saunders & Barron, 2003; Trinder, 2007). Guille's (2004) comprehensive literature review highlighted the paucity of attention to the father-child relationship in domestically abusive families, revealing minimal investigation into the abusers' perception of his abuse and rarely mentioning his relationship with his children or experience as a father. In agreement, Perel and Peled (2008) assert that the overwhelming focus in the literature on the negative aspects of abusive men's parenting is somewhat one-sided, the bulk of which we have

learnt by asking their partners or children (Holden *et al.,* 1998; Levendosky & Graham-Bermann, 1998), or from sketched 'profiles' of violent men and their parenting skills (Bancroft & Silverman, 2002) but not by focusing the enquiry on the men themselves. As such Perel and Peled (2008) conclude that the dialogue on the fathering of violent men is by and large disparaging and focused on deficit. Very few studies have sought to engage with men directly, resulting in a stockpile of information that informs us about the experience of the victims but does little to inform our understanding of the perpetrator (Peled & Edleson, 1999).

However, Guille (2004) amongst many other authors also draws attention to the volume of literature and research detailing the complex, problematic and potentially dangerous risks of post-separation contact for both children and their mothers, clearly stating that these risks far outweigh any possible benefits for children (Jaffe, Crooks & Bala, 2005; Jaffe & Geffner, 1998; Levin & Mills, 2003; Perel & Peled, 2008; Saunders & Barron, 2003). Adopting a more radical stance, Radford, Sayer and Amica's (1999) survey research with 130 domestic abuse survivors who had experienced post-separation contact led them to conclude emphatically that there is no research evidence to suggest that children benefit from having continued relationships with men who are domestically abusive. A similar conclusion was reached by Haddix (1996) in her overview of US statutory approaches to terminating parental rights. Restricting her definition of domestic abuse to only those cases where physical force is used by one parent against the other, Haddix (1996) presents a model for the termination of parental rights based on her review. There are a number of empirically grounded concerns underpinning the caution with which the above authors consider post-separation contact.

Post-separation contact and continued abuse of the woman

Reflecting Jaffe *et al.*'s (2003:29) assertion that 'separation is not a vaccination against domestic violence', the abuse of the woman post-separation has been found to continue and may actually increase in severity and lethality, across a broad range of research methodologies and populations (Jaffe & Crooks, 2004). These include national household surveys (Hotton, 2001), crime surveys (Walby & Allen, 2004), questionnaire surveys of convenience samples of women (Radford *et al.*, 1999) and of domestic abuse service providers (Saunders & Barron, 2003), and mixed method research with young people (Mullender *et al.,* 2002). Jaffe and Geffner (1998) suggest there are a number of critical turning points for women and children in the post separation period.

The first is at the point of separation and in particular for the first six months, where the risk of escalated violence and homicide is greatest (Holt, 2007; Humphreys & Thiara, 2003). This is an important issue that often goes unrecognised by many legal and mental health professionals (Wilson

& Daly, 2002). If this stage is negotiated safely, then women may subsequently find contact facilitating the continuation of their abusive relationships (Jaffe & Crooks, 2004; Marsiglio *et al.,* 2000). Some of the tactics that are employed by men in order to maintain power include arriving late to pick up and return children, not arriving at all, not returning them, or arriving early. In this way men exercise control over timing, with women (and children) never knowing when or whether or not contact will take place (Cleaver, 2000). Women in Hester *et al.*'s (1994) study found this particularly disturbing for the children who they felt needed safe, predictable and regular contact with their father.

When the primary motivation for seeking contact is to maintain ties with their partners, research shows that contact with the child ceases if this control is not achieved (Jaffe *et al.,* 2003; Perry & Rainey, 2007). Furthermore, where abusive men use increased contact with children they previously ignored as a way of continuing an abusive contact with a partner from whom they have separated, it is likely that the consequences for the child, as well as for the ex-partner, will be negative (Guille, 2004). Explicit abuse of the mother is documented to include verbal and psychological abuse (Kirkwood, 1993), harassment, stalking, threats of violence (including death threats), physical and sexual assaults (Kaye *et al.,* 2003), and threats or attempts of suicide (Brewster, 2000; Hardesty, 2002; Parker, 2008; Saunders & Barron, 2003). Fleury *et al.'s* (2000) research with one hundred and thirty-five abused women found that more than one third (36%) were re-assaulted in the post-separation period. This abuse can be witnessed by children and children can also be implicitly and explicitly involved in the abuse of their mother.

Post-separation contact as an abusive context for children

This brings us on to the second concern, with many authors asserting that post-separation contact is a potentially abusive experience for children who are 'caught in the crossfire' (Aris, Harrison & Humphreys, 2002; Kernic *et al.,* 2005: 991) and exposed to the physical and psychological abuse of their mother (Buchanan *et al.,* 2001; Hunt & Roberts, 2004; Mullender *et al.,* 2002; Smith-Stover, Horn, Turner, Cooper & Lieberman, 2003). They may also witness or be aware of the sexual abuse of their mother during contact visits (Radford *et al.*, 1999; Saunders & Barron, 2003). Furthermore there is a strong correlation between child contact and child physical and/or sexual abuse (Aris *et al.,* 2002; Brown, 2006; Cawson, 2002; Smith, 1995), with Radford *et al.*'s (1999) study finding that 10% of children had been sexually abused and 15% had been physically assaulted. Brown *et al.*'s (1998; 2001) Australian research found that child abuse in the context of parental separation and divorce typically involved multiple forms of abuse, 'at the more severe end of the child abuse continuum' (Brown & Alexander, 2007:14), while research in the US established that the risk of post-separation

child abuse was highest for the sexual abuse of female children (Wilson, 2002). There is a growing concern about the levels of child contact related abduction (Kilsby, 2001) with 26% of the children in Radford *et al.*'s (1999) sample experiencing abduction during contact.

Further abuse of the child involves their forced participation in the ongoing abuse of their mother, as such acting in proxy for her abuser if he is denied access to her (Hester *et al.,* 1994). Examples of this behaviour include conveying threatening messages to their mother, where there are attempts made to indoctrinate children against their mother, where inappropriate behaviour is encouraged and rewarded and where children are pawns in the struggle for power and control, leaving them confused and upset about their own feelings after contact. Finally there is a growing concern about maternal and child deaths connected to child contact arrangements (Holt, 2008; Saunders, 2004), with research in the UK establishing that domestic violence and child contact are prominent themes in child death inquiries (Humphreys & Harrison, 2003).

Impact on parenting

> Despite almost thirty years of research into and activism against violence against women, little has been written about mothering in the context of abuse, whether from the viewpoint of women's experiences, of children's experiences, or on the basis of review of social policy and academic discourses.
>
> Radford and Hester (2001: 135)

The impact of domestic violence on parenting has already been discussed but deserves special mention in the context of post-separation contact. Concurring with Radford and Hester's (2001) assertion above, scholarship on domestic abuse has until more recent times primarily concerned itself with the *women's* (as opposed to the *mother's*) experience of abuse. The empirical focus of interest in parenting in domestic violence has however remained firmly on mothering, with a dearth of understanding of the parenting of abusive men and the impact that this has on their children (Edleson, Mbilinyi & Shetty, 2003). Despite this, we do know that continued exposure to this abuse through post-separation contact has subsequent further implications for the mothering and fathering of these children (Radford & Hester, 2006; Rothman, Mandel & Silverman, 2008).

Focusing firstly on mothering, many authors surmise however that this discourse on domestic abuse, children and mothering is dominated by a largely 'deficit model of mothering' (Lapierre, 2008), characterised by gendered notions of parenting, blame and responsibility (Mullender, 1996;

Scourfield, 2003). The focus on the mother pre-separation, in particular on her role and responsibility as protector of her children from her abusive partner is frequently cited as being accompanied by a finger of blame being pointed at her for not leaving this abusive partner sooner, with little understanding of what leaving entails (Radford & Hester, 2006). Implicit in this is a criticism of her parenting or mothering for exposing her children to this abuse while a stark absence of holding the abuser responsible for his behaviour is also notable (Mullender, 1996). The dominant emphasis on the negative impact of this exposure on children stands in stark contrast to the secondary consideration of the therapeutic importance of the mother-child relationship in both a protective and therapeutic capacity (Levendosky & Graham-Bermann, 2000, 2001; Jaffe & Crooks, 2004; Letourneau, *et al.,* 2001, 2007). Subsequently when the mother leaves this abusive partner she may find herself resisting post-separation child contact and again engendering blame for daring to interfere with the father-child relationship – the same relationship she was charged with protecting her children from (Radford & Hester, 2006). Finally, simultaneously minimal attention has been paid to the abusive actions of men and to their role as fathers in this regard (Featherstone & Peckover, 2007; Harne, 2004; Lapierre, 2008).

From the mothers' perspective, the stress of enforced ongoing contact with their ex-partner may result in them becoming overwhelmed and withdrawing from their children at a time when they critically need protection and support (Dunn *et al.,* 2004). The absence of social support combined with a reconstruction of their parenting role as lone parents may render some women with complete responsibility for parenting, leading to increased loneliness and parenting stress (Krane & Davis, 2007; Laing, 2006). The maternal parenting role may be undermined where, as stated earlier, inappropriate behaviour is encouraged and rewarded or where the mother is blamed for the separation (Bancroft & Silverman, 2002). Having made efforts to protect herself and her children, often under pressure from child protection workers (Radford & Hester, 2006), she now finds she cannot actually extricate herself from her relationship with this abusive man as contact negates her chance of a fresh 'violence free' start (Kelly, 2009; Rhoades, 2002). Nor can she guarantee her children's safety and protection when the surveillance lens has switched from viewing her ex-partner as abusive and dangerous for her children to one that holds the father-child relationship in high esteem (Rhoades, 2002).

Turning our attention now to the fathering of domestically abusive men, Bancroft and Silverman (2002) highlighted their poorly developed paternal skills and limited parenting capacity. Arriving late or not at all for contact, not spending time with the children, rigidity around arrangements that are unresponsive to children's changing needs (Reece, 2006; Rhoades, 2002; Simpson *et al.,* 2002) are commonly cited examples of poor post-separation parenting and contrary to those characteristics of parenting identified in the previous chapter as central to the achievement of quality contact (Trinder *et*

al., 2002). Jaffe *et al.*'s (2005) review of the literature cautions that post-separation contact facilitates children's exposure to poor role modelling while Peled (2000) reminds us that the 'instrumental approach' of abusive men's post-parenting behaviour results in a construction of fatherhood in terms of 'rights' to children, with little emphasis on nurturance. Similarly, Dunn *et al.* (2004) caution that abusive fathers who continue to focus on the parental relationship at the expense of the parenting relationship, become enmeshed in this conflict and have difficulties maintaining appropriate boundaries with their children, resulting in children's enforced involvement in their parents' conflict.

The poignant title of Rakil's (2006: 198) chapter 'Are abusive fathers good enough fathers?' poses what the author describes as 'a complex question which requires a nuanced rather than simplistic approach'. While the weight of research evidence supports the assertion that violent fathers are not good enough fathers (Hester *et al.,* 2000; Mullender *et al.,* 2002), does this mean that their abusive behaviour negates their right to parent? Many authors argue that a simple linear or direct connection cannot be drawn in such a crude manner between abusive men and their fathering potential (Fox & Benson, 2004; Fox, Sayers & Bruce, 2001). Fox *et al.* 's (2001) earlier qualitative study with eight men attending a perpetrator groups highlight that the men expressed complex and diverse feelings concerning their fathering, including guilt, shame, regret and accountability. Similarly Perel and Peled's (2008) qualitative research with fourteen men who had completed five months of a perpetrator programme identified many ways in which the men, who viewed fathering as one of the most significant areas of their lives, constructed their image as a good father. This positive construction was achieved through their perceived role as providers, protectors and educators and was very much grounded in traditional fathering discourses. Both their actual and perceived paternal aspirations were however somewhat eclipsed by numerous personal limitations and difficulties, including their own experience of being parented, their child's exposure to the abuse they inflicted on their ex-partner and their ongoing co-parenting difficulties. Specifically, their childhoods were characterized by absent, distant and emotionally challenged fathers who were simultaneously aggressive, controlling and abusive (Perel & Peled, 2008). They further experienced their co-parenting and adult relationships as difficult and perceived their co-parenting role as a struggle that obstructed their fathering potential. The available literature and research on the fathering of abusive men raises concerns about their parenting capacities (Bancroft & Silverman, 2002; Harne & Radford, 2008), suggesting that parenting aspirations are simply a mechanism for continuing to control the woman and her children. However, the men who participated in Perel and Peled's (2008) research reflected on their longing for close relationships with their children, with this yearning existing side by side with restriction, distance and absence.

Research findings also highlight fathers' expression of somewhat conflicting descriptions of their fathering roles (Marsiglio *et al.,* 2000; Perel & Peled, 2008), demanding that we consider abusive men

as fathers through a dual lens of harm and vulnerability. While on the one hand, fathers are identified in the research as craving for a deep and meaningful relationship with their children (Harne, 2004; Perel & Peled, 2008), which would generally be reflective of more contemporary fathering practices (Lamb, 1997), on the other hand they are presenting as clearly influenced by the more traditional approaches to fathering (Perel & Peled, 2008). This contradiction was found to be particularly heightened for violent fathers (Perel & Peled, 2008).

The contradiction inherent in the 'split image' of the abusive man who also happens to be a father is further reflected on by Rakil (2006), who asserts that this is reinforced by a lack of co-ordination between the criminal and civil courts in cases of domestic abuse and child contact. For example, men can be convicted of domestic abuse related crimes in the criminal court, yet given contact with or residency of their children in the civil court. Radford and Hester (2006) similarly surmise that a woman may be concurrently judged in need of protection under civil law, held accountable for the welfare and protection of her children because of their exposure to domestic abuse under public (child care) law and expected to encourage and even facilitate post-separation contact for her child with her abusive ex-partner under private (family) law. Indeed Rakil (2006) cautions that for many professionals involved in the business of child protection, it is not assumed that abusive men are not 'good enough' parents, whereas in fact it has been more usual for the mother's protective capacities to be questioned (Buckley, 1998; Dominelli *et al.*, 2005; Scourfield, 2003).

Separating out their partnering behaviour from their parenting behaviour results in another split image where men may engage in treatment for their abusive behaviour towards their ex-partner but not acknowledge or address the impact that this behaviour has had on their children (Rakil, 2006). Echoing these sentiments, Perel & Peled (2008) call for a more integrated intervention model which explores fathering in the context of the man's abusive behaviour in an effort to blend the split issues of abusive men and fathers into a more integrated and holistic manner. Concerns with the capacity of abusive men to change and take responsibility for themselves and their behaviour (Buchbinder & Eisikovits, 2008; Mullender & Burton 2001; Scott & Wolfe 2000) also needs to be acknowledged, as does the limited insight abusive men have demonstrated into the impact of their abusive behaviour on their children (Harne, 2004).

Rakil (2006) asserts that a child protection assessment that considers risk and protective factors and ascertains the views of the children themselves is important and also calls for a concentrated focus in perpetrator programmes on parenting and fatherhood for abusive men. The new wave of interest in 'fathering' accompanied by a burgeoning fathers rights forum demands tighter partnership between perpetrator programmes, child protection and welfare services and other health and legal agencies in managing the risks for children. However there is a marked absence of any consideration of the

fathering of abusive men in perpetrator programmes and little evidence about the effectiveness of intervention programmes for abusive men who are fathers (Peled, 2000). Acknowledging the potential risk of men misusing an intervention that addresses their violence to strengthen their control over the family (Peled, 2000), Perel and Peled (2008) nonetheless propose that this intervention may also facilitate change. This change can only occur when they both acknowledge and take responsibility for their behaviour and are actively attempting to stop it. With the research evidence establishing that abusive men are rarely able to prioritise their children's needs over their own (Sturge & Glaser, 2000), Perel and Peled (2008) conclude that abusive men should be viewed simultaneously as dangerous and needy and that this requires denunciation of their abusive behaviour while concurrently responding to their vulnerability. Similarly, Rakil (2006) concludes that an abusive father is not a 'good enough' father; to be a good enough father requires that abusive men understand and take full responsibility for their behaviour.

Impact on children

From a child-centred perspective, it is important to highlight that while many children may wish to continue to see their fathers, some do not and others may be more ambivalent but it may be difficult for the child to say that (Mullender *et al.,* 2002). Indeed there is broad agreement in the literature that children who are separated from their domestically abusive fathers have complex and painful relationships with them that are a source of resentment, disappointment and confusion (Buckley, Holt *et al.,* 2007; Mullender *et al.,* 2002; Smith-Stover *et al.,* 2003). These children are confronted with a 'double-edged sword'- they both love and fear their abusive parent (Levin & Mills, 2003; Smith-Stover *et al.,* 2003) and may still have positive feelings for their fathers, despite the violence they have witnessed and possibly experienced directly (Hester *et al.,* 1994; Peled, 2000). While children may form attachments to their fathers regardless of the level of violence toward their mothers (Smith-Stover *et al.,* 2003), they are nonetheless affected by the relationship with their father and appear to suffer consequences from the separation. Hester *et al.* (1994) conclude therefore that the difficulties children experience concerning contact can be roughly located in two very different categories; dealing with the effects of not having much wanted contact or coping with unwanted and distressing contact (Mullender *et al.,* 2002).

Research on the effects of post-separation contact on child outcomes is largely quite pessimistic, where the experience of an ongoing abusive relationship correlates significantly with conduct disorder, anxiety and hyperactivity in children (Smith-Stover *et al.,* 2003), developmental delays, behavioural problems and a dramatic deterioration in psychological functioning noted through the course of visiting (McIntosh, 2002) and the development of inappropriate sexual behaviour, suicidal

ideation, bed-wetting and nightmares (Radford *et al.*, 1999). To this end, Buchanan *et al.* (2001) concluded from their research that children exposed to high levels of post-separation conflict are demonstrating concerning rates of behavioural and emotional pathology and are being identified as one of the most distressed groups of children in the population. The research investigates a number of variables interacting in the contact process which have varying influences on outcomes for children. These warrant further exploration.

Smith-Stover *et al.* (2003) concluded from their research that gender does not appear to significantly interact with father visitation and does not appear to predict internalising or externalising behaviour, concurrent with other findings that there are no behavioural differences between boys' and girls' responses to witnessing domestic violence. In a similar vein, the same authors surmised that the mother-child relationship functioning also does not appear to moderate the impact of contact on children's behaviour, rather outcomes are directly related to the quality of the father-child relationship and the inter-parental relationship (Smith-Stover *et al.,* 2003). Amato and Rezac's (1994) research with 15-18 year old boys highlighted the significance of children's direct exposure to the conflict, concluding that parental conflict is primarily harmful when it takes place in their presence. In agreement, Hetherington (1999) pointed out that where children are protected from exposure to their parents conflict, they appear unaffected by it, whereas this conflict will be most damaging when the children are used to express the parents' anger. Amato and Rezac (1994) found the levels of parental conflict to significantly influence child outcomes, where post-separation contact positively impacted on the boys behavioural problems when parental conflict was low, but increased these problems when parental conflict was high. This finding was later replicated in other similar studies (Hetherington, 1999; Sternberg *et al.,* 2006). The presence of physical violence is also found to correlate with poorer child outcomes than the absence of such violence (Jouriles *et al.,* 1998). In a similar vein, where children have been sexually abused in the pre-separation context of domestic abuse, Smith (1995) questions whether continued contact with this abusive parent is in fact in the child's best interest, as it inhibits the child's therapeutic healing by holding them in their abusive past. Given that sexual abuse represents not only a parental failure to meet children's needs, but also a distorted parental child relationship based on sexual gratification and exploitation, Smith (1995) asserts that terminating contact, either temporarily or permanently, gives the child breathing space to engage with therapeutic care.

Finally, the frequency of contact is not found to significantly impact either positively or negatively on child outcomes. Rather the quality of the relationships and not the frequency of the contact influences outcomes (Radford *et al.*, 1999; Hester *et al.,* 2000; Hetherington & Stanley-Hagan, 1999). In agreement Hunt and Roberts (2004) conclude from their research that 'it is not the arrangements in themselves which matter most to children, but how their relationships are managed'.

Some experts question if the risks of contact with a domestically abusive father outweigh any possible benefits for children (Guille, 2004; Jaffe *et al.*, 2005; Levin & Mills, 2003; Lundy & Grossman, 2005; Saunders & Barron, 2003). We know from the research literature on children living in alternative care that face-to-face visiting is only one form of contact, albeit the most popular (Cleaver, 2000). Links and relationships with absent parents can be positively maintained through other more indirect and arguably safer means such as letter writing and the sending of photographs. However other authors caution against an erroneous assumption that the presence of domestic abuse equates automatically with the abuse of the child, with Appel and Holden (1998) concluding from their research that 60% of the children who had lived with physical domestic abuse, had not themselves been victims of physical abuse. Holden *et al.* (1998) further assert that significant numbers of children enjoy warm and supportive parental relationships, even while their parents are abusive to each other. Citing other research, Lamb (2007) concludes that while 15-25% of children whose parents separate/divorce clearly do not benefit from continued contact with a non-resident parent, the remaining 75% do.

Chapter Summary

This chapter has presented a critical review of the relevant literature and research both on the impact of exposure to domestic abuse on children and young people and on post-separation contact for children in the context of that previously domestically abusive relationship.

This chapter argues that, not only can the experience of living with the abuse of their mother be considered a form of emotional abuse for children, but may also be considered as a risk factor for the physical and sexual abuse of children. Furthermore, compromised parenting capacity on the part of both mothers and fathers, and the presence of additional adversities, may increase the stressors in children's lives whilst simultaneously increasing the risk for negative outcomes for children. This chapter concludes, therefore, that children may be significantly affected by the experience of domestic abuse in their lives, reflected in high levels of cognitive, emotional, behavioural and social problems, the impact of which may manifest intergenerationally, including their own potential involvement in adult violence.

This chapter also reviewed the resilience literature and the many factors that can positively or negatively impact outcomes for children. While a range of protective factors have been identified that can moderate the extent of the impact of exposure to domestic abuse on the child and the subsequent outcomes for the child, there is considerable evidence in the literature reviewed that these protective factors or building blocks of reliance may be difficult to sustain when post-separation contact facilitates the continuation of the child's exposure to the abusive behaviour that separation sought to end.

Moving into the post-separation period, this chapter has drawn on a range of international research and literature, highlighting how post-separation child contact can expose children to, and involve them in, the ongoing abuse of their mother. Post-separation contact is also found to potentially involve the physical and sexual abuse of the child and continued exposure to inappropriate fathering practices and compromised mothering practices. While acknowledging that post-separation contact arrangements are generally in line with what mothers, fathers and children themselves want, this chapter concludes with two questions stemming from the implications of the reported negative and abusive experiences for children: Can abusive men be 'good enough' fathers and are the benefits, if any, of such contact nullified by the seemingly overwhelming inadequacies?

Cognisant of the key ingredients deemed necessary for the attainment of quality contact, as highlighted by the literature reviewed in chapter two, and of the inherent child protection and parenting concerns demonstrated in this chapter, it is imperative that some degree of caution is applied when decisions are being made about contact for children with domestically abusive men. This critical process of 'decision-making' regarding contact is the focus of the following literature review chapter.

CHAPTER FOUR

IN THE BEST INTEREST OF THE CHILD? DECISION MAKING IN CHILD CONTACT CASES

In response to research evidence that has highlighted concerns about the quality of post-separation contact for children with domestically abusive fathers, this third and final literature review chapter will explore the decision-making process regarding post-separation contact, and the accepted rationale underpinning those decisions. To that end this discussion will critically consider the prevailing assumptions and discourses about fathers, mothers and families emerging from the literature and research that, it is argued, have pervaded and underpinned that decision-making process (Collier, 2006; Harrison, 2006; Kaganas & Day Sclater, 2004). Inevitably, this will focus on an emerging over-reliance on an ideology that promotes co-operative parenting and the continued role of the father in the child's life, post-separation; a tendency to divorce men's violence from children's well-being (Harne, 2004) and an inability to integrate the issues of domestic violence and child abuse in the context of post-separation family life (Featherstone & Peckover, 2007). The position of children within this debate will be identified and the manner in which their discernible wishes are ascertained will be established (Buchanan *et al.,* 2001).

Cognisant of the fact that the majority of families make their own arrangements for contact without recourse to the legal system, this chapter will focus predominantly, though not exclusively, on the approximate one third of cases who do require judicial intervention and regulation. This focus can be justified on a number of counts. Firstly, separating or divorcing families who do require court intervention to facilitate or indeed impose a decision on contact, are recognised as the most difficult to legislate on, because of the level of entrenched hostilities, alleged abuse and fear (Dunn *et al.,* 2004). Secondly, outcomes for children of litigious parents are poorer than for those who manage to agree (Fortin *et al.,* 2006). As the previous chapter has shown, the presence of domestic abuse may compromise parenting capacity, with continued parental focus on inter-parental conflict leaving little time or energy for the children (Dunn *et al.,* 2004). Thirdly, despite the evidence presented in the previous chapter, it would appear, as Kaganas and Day Sclater (2004: 5) assert, that the notion that contact with a non-resident parent is generally in the best interests of the child has now passed into 'the realms of incontestable 'truth''. This 'truth' has become entrenched in the law, guiding the judicial process to an accepted standard in separation and divorce processes. Fourthly, while it seems not only obvious but also important that due care and informed consideration is given to the decisions that are made regarding post-separation contact in domestic abuse cases, many authors question if this

is achieved (Guille, 2004; Haddix, 1996; Lundy & Grossman, 2005; Saunders & Barron, 2003). Dunn *et al.* (2004) assert, that in the absence of appropriate assessment procedures, legal personnel have to rely on their own discretion and practice wisdom to guide them. Finally, while in theory the primary emphasis in decision-making regarding contact is, or should be, on the welfare of the child, empirical research and practice reality highlight that contact is granted even where the abuse of the child has been evidenced (Radford *et al.*, 1999; Brown, 2006). This, Dunn *et al.* (2004: 61) assert, represents a failure to 'address this special needs population'.

In light of the above, the conclusion of some critics of the judicial system is that judges seem to consider paternal estrangement more distressing for children than paternal abuse (Jaffe & Geffner, 1998); where the Courts appear reluctant to refuse applications for contact from fathers, basing decisions on the view that a violent father may nonetheless be a 'good' or 'good enough' parent to his children, even where contact undermines the maternal role (Radford *et al.*, 1999). The accepted rationale for contact will firstly be explored before attention is focused on the process by which decisions are made.

The rationale for contact

Liz Trinder's (2002) typology of the sources of influences on parental relationships in the context of post-separation contact, identifies three primary influences supporting the presumption that contact with the non-resident parent is invariably in the child's best interests. The first source of influence is located in the empirical bank of social science and psychological research, concerning the correlation between parent-child relationships and children's well-being. The influence of campaign groups who rely on a powerful enunciation of personal experience, and primarily represent disenfranchised fathers, is identified by Trinder (2002) as the second source. The final influence on the presumption of contact concerns the principle of continuing parental relationships as a human right, supported by international and European rights legislation. Trinder (2002: 5) further notes, that because these three influences are grounded in diverse sources of knowledge and drawn from 'potentially distinctive constituencies', dilemmas and problems may result when applying their unique influences to individual cases.

Knowledge from the social and psychological sciences

Non-legal sources of knowledge and expertise, largely drawn from the medical, sociological and psychological or 'psy' professions (Kaganas & Day Sclater, 2004), have, according to Rhoades (2002) 'invaded' the legal arena, establishing and strengthening the dominant child welfare discourse.

The essence of this discourse has changed and evolved over time, with earlier perspectives that linked the child's welfare with stable emotional attachments to the mother, now asserting that those same 'best interests' are served through the maintenance of links with both parents, post-separation (Dewar, 1998; Rhoades, 2002). The clear message emerging is that parent-child relationships are integral to outcomes for children (Andersson, 2005). A central tenet concerns the formation of attachment relationships, while closely related to this is the role that contact plays in supporting the development of a positive sense of identity (Humphreys & Harrison, 2003). Children's need for stable continuous attachments and a positive identity dominate the argument for continued contact with their non-resident parent (Kruk, 1994; Pollack & Mason, 2004).

The knowledge from the social and psychological sciences focuses on the crucial role that fathers are understood to play in the lives of their children, and the devastating impact that their absence would consequently have. Humphreys and Harrison (2003), amongst others, comment on the changing role of fathers in families with fathers assuming greater caring roles and where parenting is viewed as a shared activity. Videon (2005) highlights the inter-dependent nature of parenting and family life. Mothers, he asserts, primarily engage in expressive and care-taking roles, whereas fathers embrace instrumental roles – they engage in more play related activities with their children and provide for the family's economic needs (Lamb, 2007). Other interesting observations include the important influence of fathers on their son's emotional and behavioural well-being, confirming the father-child bond is just as important as the mother-child bond for adolescent psychological well-being (Videon, 2005). The absence of fathers from their children's lives is therefore hypothesised to incur negative repercussions; for children and for society as a whole. The next section explores this hypothesis.

Impact of parental separation on children

Concerns for children arising from the absence of their father as an influence in their lives (Boyd, 2006) is grounded in research evidencing the benefits for children who grow up in two-parent families (Amato, 2000; Hetherington & Kelly, 2002), as compared with the outcomes associated with lone parent family life. These outcomes include poverty, emotional and behavioural difficulties, poor levels of educational attainment and employment success, anti-social behaviour and teen-pregnancy (Lamb, 2007). Indeed, relative to two-parent families, Lamb (2007) identifies social and financial stress, lack of supervision and guidance, compromised stimulation and attention, and post-separation parental conflict, as responsible for promoting negative outcomes for children. However this association is not clear cut, with only a minority of children from single parent households presenting difficulties on the indices noted above (Laing, 2006). This 'pathology of separation', Laing (2006: 171) suggests, has resulted in images of 'deadbeat dads' and 'irresponsible mothers' who cannot

maintain a secure and stable family unit for their children. These images also lend further support for the pro-contact discourse, where converse images of continued paternal involvement results in a financially secure and emotionally stable future generation. Other adversities associated with parental separation that may impact negatively on children's development include psychopathology and substance use problems. However these adversities are also associated with exposure to domestic abuse and may, of course, precede rather than arise from divorce/separation, so that some children may actually benefit from the separation and the amelioration or indeed cessation of these difficulties (Rhoades, 2002).

On an emotional level, the separation of their parents may evoke many difficult and at times conflicting emotions for children including ambivalence, loss and bereavement, disappointment and anger (Smart *et al.,* 2001). Furthermore, while the parent-child relationship is critically important for the child's post-separation adjustment, parents may be unavailable to their children either physically, because the resident parent is now parenting alone and contact with their non-resident parent is found to be infrequent and then decline over time, or emotionally because of their own distress and anxiety (Buchanan *et al.,* 2001; Rodgers & Pyror, 1998).

Bainham *et al.* (2002) surmise that while the death of a parent can be accepted as a more 'complete' loss than that brought about by separation or divorce, research suggests that the latter experiences expose the child to more negative impacts with more adverse effects than does parental death. The loss or bereavement that family members experience through divorce or separation is more accurately termed 'ambiguous loss', which Boss (1999) argues is one of the most difficult losses people can face. This is because the departed person is not dead but is physically absent while remaining psychologically present, which Boss (1999) asserts can induce helplessness, depression, anxiety and relationship conflicts. The confusion surrounding the loss can immobilise individuals, result in melancholia or complicated grieving, prevent problem-solving and the achievement of the detachment that is required for closure to occur.

While the concept of ambiguous loss is primarily applied to situations where someone has disappeared but death has not been confirmed (for example abducted children or soldiers missing in battle), Boss (1999) also considers that divorce (and also separation) creates confusion about the absence or presence of a non-resident parent. Family photographs which are an accepted pictorial symbol of 'the family' illuminate this confusion: someone is gone but is still there; the adult intimate relationship is over yet the parental one remains. Family events celebrating important symbolic moments in the family's life that bring the 'family' together, can feed this confusion and ambiguity. Roles and relationships have changed and need to be redefined. Contact may be part of that adjustment to change and re-negotiation of the boundaries of the parent-child relationship.

From a psychological perspective the concept of ambivalence has focused primarily on the conflict between positive and negative feelings towards a person or set of ideas, and this resonates with the domestic violence literature on the impact of exposure to such violence on children. For example, Peled's (2000) research with young people highlights the conflicting emotions of love and hate that they expressed towards their fathers, and the distress that this extreme of emotions caused. From a sociological perspective, ambivalence can result from the uncertainty of not knowing who they can reliably include in what they consider to be their 'family', and views on this may not converge. For example, where parental conflict is high, the child may consider both parents as being in his or her family, but the parents may view each other simultaneously as being outside the family. Joint family events for the children's birthdays or at Christmas time may not occur because the parent/s cannot separate out their parental relationship from their spousal one. Concurring with Boss (1999), and as discussed in Chapter One, Featherstone and Peckover (2007) stress the importance of the relationship between the adult parents, and in particular, their capacity to work out their individual roles as central to the creation of a strong emotional environment for the child. Parental hostility is strongly associated with poor outcomes for children, while ambiguous family boundaries result in confusion and lost or disturbed relationships. Boss (1999) concluded that ambiguous loss results in a child feeling incompetent, and destroys their trust in adults. Because they cannot make sense of it, their grief remains unresolved.

The separation of their parents' results in what Buchanan *et al.* (2001:3) call both relational changes, as described above, and structural changes. By 'structural' changes, Buchanan *et al.* (2001) refer specifically to a loss in the child's social capital, or the resources he or she has at his or her disposal (McClean & Eekelaar, 1997). Drawing on Coleman's (1988) concept of social capital, Stewart (2003) suggests that this concept refers to the availability of adults in the family; the availability of their attention for the child and their interest in and care for the child. This brings us back to the notion of the quality of the relationship between the child and the available adults in their lives, as reflected in behaviours such as parental warmth and helping; the better the relationship quality, the bigger the bank of social capital. Social capital is also enhanced through the father's connections with key people in the child's life – knowledge of their friends, their friends' parents, their teachers, sports teams etc (Marsiglio *et al.,* 2000). This of course is also critical for the development of 'authoritative parenting' (Amato & Gilbreth, 1999). Fathers can also build social capital by connecting their children to their own social networks – their workplace and colleagues, sporting activities and friendships. The strength of those relationships in the child's life also strengthens the protective layer of social capital, which Rodgers and Pryors (1998) assert is a mediating factor against the impact of the stress and adversity induced by parental separation.

Focusing on the importance of post-separation paternal relationships, and in particular the development and maintenance of attachments, Lamb (2007) highlights the significance of opportunities for regular father-child interaction, with extended separations believed to culminate in the loss or lessening of important attachment relationships that may result in child depression and anxiety, particularly for very young pre-verbal children who do not have either the cognitive or communication skills to support their coping with this loss (Lamb, 2007). Attachment relationships require interactions encompassing both daytime and bedtime activities and rituals, as it is through participating in these everyday activities that trusting relationships are built, and in the absence of which, the relationship dies (Kelly & Lamb 2000; Lamb & Kelly, 2001). Observers stress the particular psychological importance of evening and overnight periods with non-residential parents (Lamb, Sternberg & Thompson, 1997), which strengthens attachments and child adjustment (Warshak, 2000), and are connected with enhanced adjustment for young children (Pruett *et al.*, 2005).

Chapter Two has highlighted that the quality rather than the frequency of the interaction is critical for child outcomes, with the nature of that relationship becoming more important as children mature and spend increased time outside the family unit and with friends (Lamb *et al.*, 1997). Amato and Gilbreth (1999) concluded that children who have a close positive relationship with both of their parents, regardless of whether they live in one or two parent families are better adjusted than children who do not enjoy those relationships. Buchanan, Maccoby and Dornbusch's (1996) research with adolescents similarly found that emotional closeness to their fathers was positively correlated with psychological and behavioural adjustment and was dependent on an authoritative style of parenting, which was also found to correlate with children's enhanced academic success and diminished externalising problems (Amato & Gilbreth, 1999).

These knowledge bases therefore provide *qualified* evidence as to the importance of continued post-separation parental relationships for children and child outcomes. Critically, this evidence has established that contact in itself is not enough; it is the quality of the relationship that is important. The role of the father in child development and its impact on child outcomes is frequently drawn on in support of the continuation of that relationship, where parents separate. The next section explores the role of campaign groups in promulgating the importance of that role.

The influence of campaign groups

The last two decades have witnessed an increasingly vocal presence of father's rights groups, both in the legal arena and as a dominant presence in the media across a number of jurisdictions (Collier,

2006; Trinder, 2007). This is described by Faludi (1991: 12) as a 'backlash' or 'counter-assault' on women's rights, in response to what is perceived as a dominant female authority that has become equated with disadvantaging men within and outside of the family unit (Collier & Sheldon, 2006), and held responsible for the 'crisis of masculinity' (Connell, 1987). While the Father's Rights Movement (FRM) is not a new development as concern regarding fathers' rights has been evident since the 19th century, what is different in more recent years however, is the public and political status that it has secured.

This status depends to a large degree on their employment of 'norm using as opposed to norm setting' tactics which reinforce already established prevailing social standards (Kaye & Tolmie, 1998: 163). These include appeals to concepts such as 'the family' and 'the welfare of the child', and employing the language of the family and the language of rights to merge children's interests with their own. The FRM has also become predominantly associated with a negative portrayal of women, alongside a depiction of themselves as respectable, responsible and safe. They further construct themselves as victims, using anecdotes and statistics and an evocative language of entitlement and rights to support their claims to injustice and victimisation (Collier, 2006; Kaye & Tolmie, 1998). These claims are usually recounted through personal stories of hurt and loss, using powerful images that are easily and immediately identified with (Boyd, 2006).

Collier and Sheldon (2006) surmise that rising co-habitation and divorce rates and declining marriage rates have weakened the father-child relationship and pronounced the vulnerability of their role within the family, whilst the increased presence of women in the workforce has simultaneously contributed to their economic independence from men (Allen & Hawkins, 1999; Collier, 2001; Lupton & Barclay, 1997). A further perceived weakening of the fathers' position within the family is reflected in highly gendered nature of resident and contact arrangements post-separation (Trinder, 2007), with upwards of 90% of children remaining living with their mother and engaged in contact visits with their father (Pryor & Rodgers, 2001). While this gendered arrangement reflects an agreement that the majority of families reach themselves, without legal involvement (Trinder (2007), the paradox of a weakened fathering role at a time when expectations of fathers are expanding, has provided a breeding ground for the growth of the FRM (Collier & Sheldon, 2006).

Family breakdown and the resultant weakening position of the father in the family are held responsible by the FRM for lawlessness, juvenile crime and societal instability whilst the family is simultaneously constructed as the fundamental unit for maintaining social order (Kaye & Tolmie, 1998). The FRM has therefore created the notion that fathers are important by highlighting the perceived negative impact of father absence and also by 'reconstructing fatherhood' to present a powerful image of nurturing fathers involved in childcare, an image that of course appeals to the ideal

of gender parenting roles (Kaye & Tolmie, 1998: 190). The absence of men from the site of the family is not only equated with the ills of single parent family life, poverty, child development problems, delinquency etc (Boyd, 2006), but is also supported by constructions of mothers as 'alimony drones' and as 'vindictive' and 'unruly' women (Kaye & Tolmie, 1998), who are 'ripping men off (Kaye & Tolmie, 1998: 185) benefiting financially at the expense of their victimised ex-partners and spending the children's money on herself. Similarly, fathers' rights advocates argue that 'implacably hostile mothers' exercise their gate-keeping roles to prevent or interfere with father's contact rights (Buchanan *et al.,* 1996; King & Heard, 1999), despite evidence to the contrary (Seery & Crowley, 2000). The dichotomy between the reconstructed 'good father' and the exposed 'bad mother' is also reflective of the 'story-telling' approach of the FRM, which support their simple yet persuasive narrative of heroes and villains 'at war' (Kaye & Tolmie, 1998: 193). Kaye and Tolmie (1998) suggest that the underlying message at the heart of these rhetorical devices concerns an attempt to conflate the interests of children with the interests of fathers whilst constructing women as irresponsible and useless in the absence of men. This justifies their call for automatic statutory presumption of joint parenting, regardless of the pre-separation parenting arrangement, a further presumption of equal contact time, and a call for more stringent methods of enforcement of contact orders (Boyd, 2006). The strength of this new ideology of fatherhood is such that Fineman (1995) identifies a parallel process of 'motherhood descending'.

The construction of inequality in parenting that results in negative outcomes for society as a whole, does not however sit comfortably with the actual gendered reality of parenting, both pre and post-separation (Collier, 2006; Smart & Neale, 1999a, Walker & McGraw, 2000). In agreement, Rhoades (2006) argues that parental equality, as advocated for by the FRM, is more a symbolic matter rather than an expectation that they will share half of the parenting tasks and responsibilities.

The construction of this new ideology of post-separation motherhood as reflected in the tales of mendacious mothers (Rhoades, 2002) is, as Smart and Neale (1999b) observe, not matched with the construction of an 'implacably irresponsible father'. It also has implications for women who wish to voice their concerns about the parenting capacity of their child's father (Rhoades, 2002). While it seems that the cause of the FRM has been strengthened by this pro-contact culture, this has been at the expense of taking domestic abuse seriously. At the heart of the FRM's argument is a potently held sense of right: their right to active involvement in their child's life. The critical issue of rights is explored the third and final factor influencing the presumption of contact.

The concept of contact as a 'human right'

The final influence on the presumption of contact concerns the principle of continuing parental relationships as a human right. This is enshrined within the United Nations Convention on the Rights of the Child (UNCRC) (1989), the European Convention on Human Rights Act (ECHR), 2003 and the Human Rights Act (HRA), 1998.

Article 7 of the UNCRC (1989) specifically outlines the State's obligation to uphold the child's right both to knowledge of his or her parents and to be cared for by his or her parents, stating: 'The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents'. Two features of this provision are particularly noteworthy: the fact that the child's right to a relationship with their parent begins at birth, and secondly the use of gender neutral terms when referring to parents (Bainham, 2002). The first point is important as it reflects the UNCRC's concern that children's rights extend beyond the initial right to know their parents, to include an ongoing right to be cared for by them, insofar as that is possible. Implicit in this, though not explicitly stated is the need to maintain regular and direct contact with them when separated from them, in order to maintain that relationship (Bainham, 2002).

The child's right to contact with parents and other members of the family is also enshrined in the ECHR (2003) under Article 8, as an aspect of the right to respect private and family life. While Article 8 does not specify 'contact between family members' as a right, precedent set by the decisions of the European Court reflects an implicit view of contact as an integral part of respect for family life. It is also important to note the crucial distinction between the UNCRC and the ECHR in that the ECHR also respects and upholds the parent's right to contact. The need for 'proportionality' under the operation of Article 8: balancing the rights of the individuals, is highlighted by Bainham (2002), who also cautions that the 'scales start even'.

The concept of rights is also fundamental to the HRA 1998, which introduces rights debates into familial disputes and requires the Court to consider and balance the relative rights of the individual family members concerned. Kaganas & Day Sclater (2004) conclude that, under this Act, parents' rights cannot be sidelined in favour or children's rights as a simple matter of course. Rhoades (2002: 71) argues that this reflects a new 'discourse of parenthood in family law' which has emerged in recent years, based on what Smart and Neale (1997: 336) suggest is 'an idealised vision of the symmetrical family where power and roles are equal'. Reflecting on developments in Australia, the UK, Canada and Hong Kong, Kurki-Suonio (2000: 183-184) concludes that a shared parenting model has emerged as 'the ideal custodial arrangement' for children, and that this reflects a 'contemporary

cultural consensus'. This represents a considerable shift from the philosophy of the early part of the 20th century where the child's best interests following the separation of their parents was dominated by an emphasis on maternal care, with the role of the father of secondary importance. Over the last century, however, while this philosophy has changed to reflect a gender neutral preference for 'continuity of care', the status quo has not been altered dramatically, with mothers continuing to be primary carers.

More recent times have witnessed the welfare of the child encapsulated in a discourse on rights that reflects deeply engrained norms about the importance of the family and the role of *both* parents in the child's life (Bainham, 2002). Caution is expressed by some authors, however, who argue that this emergent 'participant father' discourse is driven by the agendas of disaffected fathers, as explored in the previous section, men rather than with the welfare of the child as the guiding principle (Graycar, 2000; Rhoades, 2002).

So how are these competing rights to be balanced? Trinder (2002) advocates for a restriction on the number of rights to be balanced alongside the reconstruction of parental rights as 'parental responsibilities'. Bainham (2002: 74) similarly urges us to resist the temptation to dwell on the question of whose rights are more important, more protected or more substantive, suggesting that a helpful starting point might be what he terms the 'mutuality principle'. Viewing contact from this theoretical standpoint negates the need to make choices about whose right contact is: the concept of 'mutuality' implies that contact is both a right of the child and of the parent. Co-existing alongside those rights however, are mutual or reciprocal responsibilities, reflective perhaps of Buchanan *et al* 's (2001:1) question 'does a biological tie entitle a parent to an ongoing relationship with their child or does the role of parent have to be earned?' Bainham (2002) suggests that the child's right to contact requires responsibilities on the part of both parents – the resident parent to allow it and the contact parent to exercise it. Critics of the rights versus responsibility debate argue however that while the resident parent (usually the mother) can be forced to exercise their responsibility to allow contact, the contact parent (usually the father) cannot be forced to exercise their responsibility to engage in contact (Rhoades, 2002). Scottish law remains the exception to this general trend.

Furthermore, the right of contact should also carry with it a responsibility on the contact parent's part to behave appropriately, with Bainham (2002) advocating that contact rights be constrained or terminated if violent or abusive behaviour accompanies the actualisation of this right. Another problem highlighted in relation to the exercising of contact is the indifference or unwillingness of the contact parent to uphold their right of contact. Austrian law has responded to this issue by withdrawing the parent's right to be consulted on issues concerning the child where the right of contact has been exercised inappropriately.

However, while the Courts in many jurisdictions do recognise the existence of a parent's 'substantive right of access to his child'; it is claimed that this right will always be over-borne if the interests of the child so dictate' (Kaganas & Day Sclater, 2004). As such, the welfare of the child continues to be, in theory anyway, the paramount consideration when balancing the needs and rights of parents and children (ibid). Although the rights of individual family members are protected by these European and International statutes, Kaganas and Day Sclater (2004) note that a reluctance to interfere in the private business of the family and a drive towards 'conflict free and co-operative decision-making and parenting', exist alongside the emphasis on contact.

A powerful theme running through the literature and research reviewed concerns the extent to which the legal system has embraced a presumption in favour of contact, with many observers highlighting concerns about this presumption, particularly where domestic violence is a dynamic in familial relationships (Busch & Robertson, 2000; Harrison, 2008). Observers also remind us that contact conflicts provide fertile ground for abusive men to continue their abuse, and as such, appeals to paternal rights in this context should be viewed through a cautious lens (Eriksson & Hester, 2001).

Furthermore, Piper (2000: 261) reminds us that presumptions are 'ideas that are taken for granted', and as such they restrict the breadth of factors included when deciding what is in the best interests of each child in their own unique individual circumstance. An assumption, supported by research evidence which deems contact to be 'almost always' in the child's best interest, may prevent the inclusion of any information which contradicts this assumption. Piper (2000) concludes that presumptions have become powerful in private family law proceedings, where negotiations about a particular child become subsumed by continuous reference to an abstract child. The next section narrows the focus of inquiry to how this rationale or presumption of contact impacts on the decision-making process, specifically when domestic abuse is an issue.

Contact: the decision-making process

Reflecting on Hester's (2004) earlier work, Radford and Hester (2006) invite us to consider that the responses of a range of professionals to the issues of domestic abuse, child welfare and post-separation child contact, are so diverse that they belong on three different planets, each with its own individual and unique history, language and law. Planet A, Hester (2004) calls Planet Domestic Abuse, Planet B is otherwise known as Planet Child Protection whilst Planet C represents Planet Child Contact.

Figure 2: Three planet model

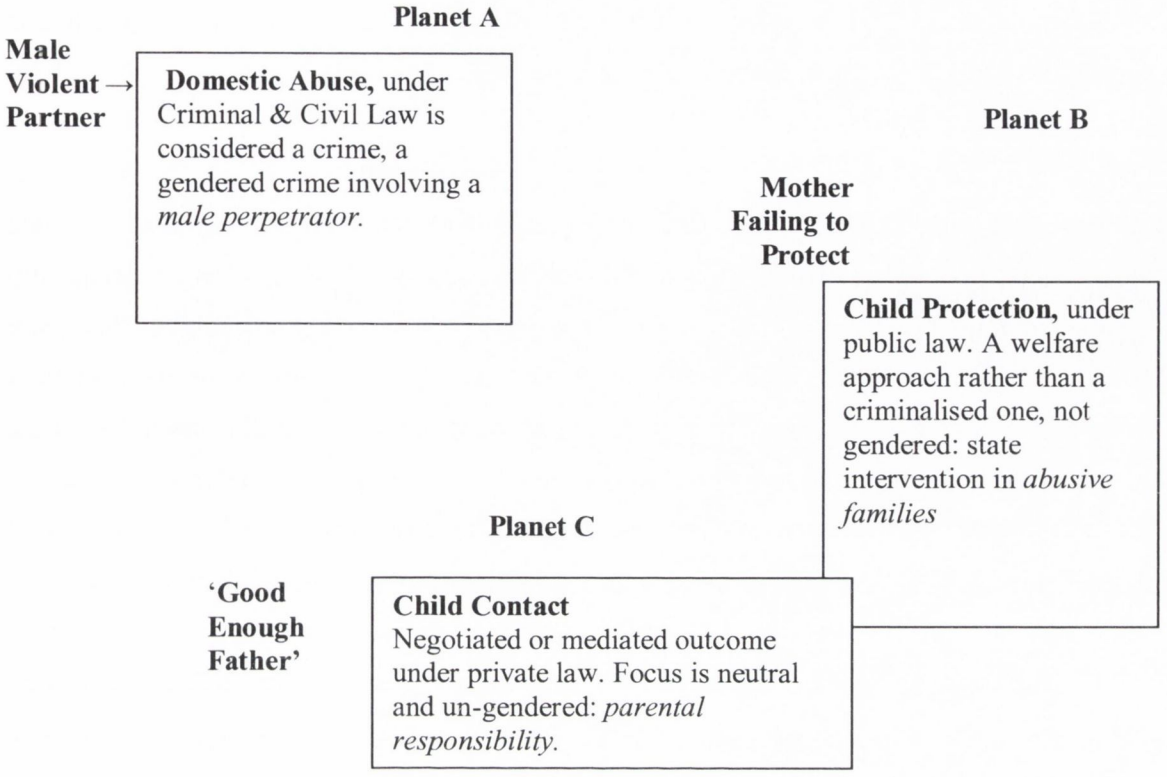

Figure 2 above is adapted from Hester (2004) and provides a pictorial reference point for Radford and Hester's (2006) analysis. They suggest that on Planet A, domestic abuse is understood by the continuum of professionals involved as abusive and criminal behaviour that may result in prosecution under criminal or civil law. The relevant legislation may already have been invoked, and as such, the male abuser is recognised as the perpetrator and his female victim is viewed as a woman in need of protection. If they have children, they may find themselves moving to Planet Child Protection (Planet B). Remaining under the gaze of the same professionals, the focus on this planet has moved, subtly but significantly, from one where the spotlight was on protecting adults to one where child protection is the primary concern. The abusive partner is still viewed as a perpetrator and as a threat, but as Radford and Hester (2006), amongst others, posit, the responsibility to protect the children from exposure to this abuse is placed firmly with the mother (Scourfield, 2003; Strega *et al.,* 2008). Separating from her partner- with her children- is seen as the obvious solution to the problem. If she cannot do this, then *she* is seen as 'failing to protect'. Simultaneously, her violent partner, the father of her children, disappears from view and from professional scrutiny. She is held accountable for his abusive behaviour and finds her parenting skills examined microscopically while her partner remains unassailable (Sullivan *et al.,* 2000). Strega *et al.* (2008) reflect on the gendered nature of child welfare work, surmising that the literature in this field is dominated by what Risley-Curtiss and Heffernan (2003: 398) term 'covert ways of blaming'. As Chapter Three highlighted, a process of 'gendering

blame' (Anderson & Umberson, 2001), involves holding mothers responsible for the care *and* the protection of their children even where they are not responsible for any harm inflicted on their children (Dominelli *et al.,* 2005). Alternatively a father who presents as involved and responsible is regarded with awe and allocated an elevated status (Daniel & Taylor, 1999).

Once the adult partners separate, the family might now find themselves on Planet C if the father applies for contact with his children. Radford and Hester (2006) highlight that even if there was a criminal conviction secured on Planet A, this may be viewed as an adult based issue and subsequently nothing to do with the children. Similarly, as there may not have been any prosecution of this father on Planet B in relation to the emotional abuse of his children from exposure to his abuse of their mother, there is now no reason to question his parenting capacity in the context of contact. The focus, Radford and Hester (2006) argue, has now shifted once again to the need for children to have two involved parents. However, from the mother's perspective, she has invoked the law and requested support on Planet A; she has co-operated with social services on Planet B by separating from her partner in order to protect her children; however she now finds herself on Planet C in the invidious position of being once again held responsible. Now she is expected to meet her children's needs by facilitating and encouraging contact between them and her ex-partner, the very person she was instructed to protect them from on Planet B.

Hester's (2004) three planet model highlights a number of issues worth unpacking in this journey towards understanding how contact decisions are made in the context of domestic abuse. Identified throughout the literature reviewed are a number of stereotypes and myths that have dominated the post-separation contact decision-making forum where domestic abuse is an integral factor, transforming what Barthes (1993, cited in Kaye & Tolmie, 1998: 194), called 'half-truths and speculation into full-truths with the status of the natural, eternal and universal'. Also emerging from this process are a number of constructions related to mothering, fathering and family life that have been borne out of these myths and are anchored by them, influencing and being influenced by the dominant child welfare discourse. The next section will take a closer look at how those myths and constructions influence the decision-making process.

Myths & constructions

The belief that domestic abuse ends with the termination of the parent's relationship and is not a significant feature of contact disputes, is a prevailing and powerful myth, despite being challenged and unquestionably dismissed by the established bank of research evidence presented in the previous chapter. For example, Bow and Boxter (2003) assert that domestic abuse is present in approximately 72-80% of high conflict contact cases.

Notwithstanding the established correlation between domestic abuse and child abuse, and between post-separation contact and continued abuse, contact is rarely denied (Bailey-Harris *et al.,* 1999). Instead, an almost universal judicial focus on looking towards the future rather than the past renders prior histories irrelevant, even where those histories involved violence, severing the relationship between domestic abuse and its impact on children (Harrison, 2006). Consequently, domestic abuse may not be viewed as a child welfare issue and the parenting capacity of abusive men may be gauged without any consideration of their abusive behaviour. This, of course, is premised on the assumption that positive outcomes for the child are dependent on contact with their father, minimising the potential effect of domestic abuse and promoting the value of contact at any cost (Bradshaw *et al.,* 1999; Harrison, 2006). In agreement, Rhoades (2002) surmises that research on the twin issues of 'father absence' and the impact of exposure to domestic abuse on children, have entered the legal domain and are 'played off against each other' in a game to find out which is more, or indeed less, in the child's best interest. Failure to keep the abusive man in sight and to include consideration of the domestic abuse in the contact decision, leads to what Humphrey's (1999) calls 'judicial alienation syndrome'.

A second prevailing myth contends that concerns expressed by mothers about their children's safety and well-being arising from contact with their father, are fabricated and spiteful. While this myth, which was propelled by Gardner's (1987) 'Parental Alienation Syndrome', has been discredited under the weight of research evidence (Brown, 2006; Wilson, 2002), remnants nonetheless appear to remain ingrained in practice. Gardner (1986) proffered the Parental Alienation Syndrome as a framework for understanding child sexual abuse allegations that he claimed were maliciously or fictiously made by one parent (usually the mother), who wanted to alienate the child from the other parent (usually the father). Highlighting the specific connection between child abuse and parental separation and divorce, Brown's (2006) research established firstly, that the majority of allegations are not fictitious, but also, perhaps more interestingly, that fictitious allegations are made by fathers at a higher rate than by mothers. Secondly, Brown (2006) found that almost all of the substantiated allegations related to domestic abuse. Further evidence discrediting the existence of PAS is provided by the children and young people who participated in Dunn's (2002) research. Their narratives, led Dunn (2002) to conclude, that the allegation of PAS was neither helpful nor appropriate.

Gardner's (1990) PAS relied on a construction of women as 'bad mothers', an image already alive in other arenas, such as child protection. For example Hooper and Humphreys' work (1998) concluded that, because of their primary responsibility for their children's care, mothers appeared to be blamed for their children's sexual abuse, despite not having inflicted it. This is certainly replicated in the domestic abuse sphere, as Radford and Hester's (2006) model highlights. The 'implacably hostile' tag

may also be attached to mothers who do not resist contact but who do not actively promote it (Reece, 2006). However Smart (1999) argues that, as the fathering relationship is conducted through the mother as opposed to independently of her, this relationship is dependent on her role as conduit. Although when operating as an intact family this 'work' was part of the everyday nature of family life, the post-separation parental relationship may not facilitate this arrangement. Consequently the father-child relationship may suffer, as Smart (1999: 94) highlights, 'not because the mother undermines it but simply because she is no longer prepared to shore it up'. Smart (1999) likens the mother's role in supporting contact to housework, stating that it is only apparent when it is not done. Then she is blamed and constructed as a 'bad mother'. Resistance to contact on behalf of the resident parent is subsequently deemed 'implacable hostility'; parents who do not agree and co-operate are viewed as acting inappropriately; and children resisting contact are considered to have been brainwashed' (Rhoades, 2002), because what other reason could there be for not wanting what is obviously in the child's best interests?

The question of why women resist contact is further explored by Reece (2006), who stresses the need to understand this resistance in the context of their experience of abuse, of fear for their safety and the safety of their children, as opposed to a simple explanation of resistance for resistance's sake. Other documented reasons why mothers resist or simply do not encourage contact with violent fathers, include concerns about his parenting capacity and general unreliability; his lack of interest in the child; his inflexibility to accommodate changes in the contact agreement as the children grow older; and of course where the children themselves are opposed to contact and upset by it (Rhoades, 2002).

Resistance by mothers to contact orders and arrangements are not therefore understood by those involved in the decision-making process to arise from justifiable fear, but rather to be 'at best, trivial and at worst, spurious' (Bailey-Harris *et al.,* 1999: 120). Bailey-Harris *et al.*'s (1999) research with Judges further noted that mothers who resisted contact were treated like badly behaved school children who needed to be made to behave like responsible adults.

However there are further problems with the process of decision-making in contact cases identified as contributing to problematic and unsafe contact decisions. These concern the manner in which myths and misconceptions can be reinforced by a flawed assessment process.

Problematic assessment process

Because of the complexity of human relationships in general and these cases in particular, the court finds itself increasingly reliant on the intervention and support of 'experts' to resolve the conflict and agree what is in the child's best interest (Bow & Boxter, 2003). These may be services attached to the

court (such as CAFCASS[22] in the UK), independent consultants or NGO's involved in carrying out Guardian Ad Litem[23] (GAL) reports or psychological assessments. There are, however, a number of stumbling blocks highlighted throughout the literature that impinges on the identification and inclusion of domestic abuse in the information gathering, assessment and decision-making process. Firstly, as Hardesty and Chung (2006) highlight, abused women may be reluctant to disclose their history of domestic abuse, perhaps for fear that they will not be believed or that this information will reflect negatively on them as mothers. Furthermore, their prior experience of involvement with the legal system may have resulted in their subsequent lack of trust in the ability of that system to protect them (Logan *et al.,* 2006). Secondly, the absence of empirically validated screening tools to identify domestic abuse among separating couples (Hardesty & Chung, 2006; Kernic *et al.,* 2005), allows the history of domestic abuse to disappear and unsafe contact arrangements to proceed. Without the employment of validated tools with appropriate psychometric properties, Hardesty and Chung (2006) assert that the personal beliefs of those involved in these assessments may inappropriately distort their judgements. For example, Bow and Boxter's (2003) research with 115 child welfare evaluators found that the evaluator's beliefs about domestic abuse significantly impact on the final contact decision, while Hester *et al.*'s (1994) research found legal personnel to believe that all allegations were exaggerated.

One of the long established controversies in domestic abuse cases concerns the employment of mediation as a dispute resolution tool. The primary objection to mediation concerns a number of principles upon which mediation is based. These include a commitment to peaceful resolution, which observers note is fatally undermined in domestic abuse cases. In cases of abuse and violence, the victim may be too fearful to assert their wishes and may as a result of their experiences, not be an equal party to the proceedings (Edwards *et al.,* 2008; Greatbatch & Dingwall, 1999). Greatbatch and Dingwall's (1999) research based on 121 recorded mediation sessions over a ten-year period in the UK found that mediators marginalised or simply ignored allegations of domestic abuse.

The third stumbling block concerns the level of proof required when child abuse is alleged in the context of a contact dispute. The lack of robust evidence combined with perpetrator denial and minimisation, and high thresholds for evidence to be convincing (Harrison, 2006) are all highlighted

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[22] Children & Family Court Advisory Support Service

[23] The role of the Guardian Ad Litem was first introduced in Irish legislation in provisions set out in the Child Care Act, 1991. The Guardian Ad Litem is effectively, an independent representative appointed by the court to represent the child's personal and legal interests. Section 26 of the Child Care Act, 1991 allows the court to appoint a Guardian Ad Litem in respect of a child involved in care proceedings (i.e. where an application for care or supervision is being sought) and in cases where a child is already in the care of the Health Board; that is in relation to proceedings set out in Part IV and VI of the Act

as problematic. However, even where violent histories are proven (including the physical and sexual abuse of children), 'reasonable' men contesting evidence provided by fearful and implausible women, can result in contact being granted at low vigilance contact centres (Harrison, 2006) and women pressurised into acquiescing to arrangements they feel are unsafe. With the courts rarely denying contact orders to men with abusive histories (Jaffe *et al.,* 2003; O'Sullivan, 2000), the safety valve considered adequate and employed by the legal system in many jurisdictions involves the use of 'contact centres' to monitor, supervise or support the arrangement. However, Humphreys and Harrison's (2003) research conducted on the effectiveness of contact centres, has highlighted problems relevant to this discussion and to the fourth stumbling block.

Humphreys and Harrison (2003) describe the different approaches and priorities of domestic violence services and child contact interventions as a 'clash of cultures'. This refers to the fact that contact centres were founded on the need to maintain fathers as a positive influence in children's lives whilst domestic abuse interventions view violent men as a risk, from which children should be protected. Absence of screening for domestic abuse, inappropriate or non-existent risk assessment procedures and a high threshold for validation of abuse, as explored in Chapter Two, are all highlighted as undermining the existence and importance of the domestic abuse history (Walby & Myhill, 2001).

Bailey-Harris *et al.* (1999: 122) concluded that the professionals involved in the 'contact conundrum' appeared to support each other in a 'somewhat circular and self-confirming manner'. By this they meant that, where contact is understood to be in the child's best interests, solicitors will advise their clients to conform to the order; the Judge orders contact because no-one really objects, because to object would be to demonstrate unreasonable parental behaviour. Those involved in conducting assessments or evaluations also know that objections to contact need to be quite serious to influence a no-contact decision. Indeed O'Sullivan's (2000) research found that even where mothers informed their legal representatives about their abusive past, they were advised not to inform the Judge because this history would not be considered relevant (Jaffe & Crooks, 2004; Kernic *et al.,* 2005). Reflecting on the decision-making process, Bailey-Harris *et al.* (1999: 122) concluded that the determination of contact has as much if not more to do with the 'cumulative effect of self-reinforcing professional received wisdom' than any empirical evidence to the contrary.

Many observers maintain that the emphasis on maintaining the father-child relationship on Planet C is driven by a presumption that contact is invariably in the child's best interests, providing a 'blind-spot' against the dangers that were perceived to be involved for women and children on Planet A and B (Kaganas & Day Sclater, 2004; Trinder *et al.,* 2002). Harrison (2006) concludes that where the law embodies a presumption in favour of contact, it trivialises the potential impact of domestic abuse on children and places them in 'double jeopardy'. While on the one hand the presumption of contact

hinders the identification of domestic abuse, the concepts of 'parental alienation' and 'implacable hostility' can be drawn on to silence the testimony of children, This may lead to a selective approach to children who are listened to and believed if they want contact, but over-ruled if they do not. This judicial blindness, Saunders (2004) argues, could be deemed a 'judicial failure to protect'. Finally, Laing (2006) observes that claims to proceed in the child's best interests cannot be valid where the child's view is not sought, not heard or not considered. The final section of this chapter explores the manner in which the voice of the child is present in child contact disputes.

Ascertaining the discernable wishes of the child

'Ascertaining the discernable wishes and feelings of the child' is not a phrase which could be described as tripping 'easily off the tongue' (Piper, 1999:77), but has certainly come to occupy a position of considerable prominence in academic and policy discourse on children, childhood and family life in recent decades. This contemporary trend of listening to what children have to say is evident across a number of domains (for example family law, children in care) (Mantle *et al.,* 2006) and across a number of jurisdictions (Kjorholt, 2002; Smart, 2002). A key driver in this regard has been the UNCRC (1989), which under Article 12:74[24] explicitly calls for children to be granted the right of participation in legal proceedings that affect them.

The philosophical rhetoric underpinning the UNCRC reflects a construction of childhood that appreciates children as competent social actors (Emond, 2008). Arising from theoretical developments in the study of childhood, the lens of sociological interest has shifted from viewing children as 'mere objects of enquiry', to dynamic and key participants (Powell & Smith, 2009). In more recent years, the issue of engaging with children and involving them in private law proceedings in order to afford them a 'voice' in their parents' divorce, has developed considerable impetus (Buchanan *et al.,* 2001). This reflects an empirically grounded awareness that this involvement is not only a right, but also that such participation can improve children's skills and self-esteem, inform decision-making and as such promote children's safety and welfare (Alderson, 2000; Hill *et al.,* 2004; Powell & Smith, 2009; Sinclair, 2004).

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[24] Article 12:74 states: 'parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law'.

However, despite our legal obligations under the UNCRC and an evolving consensus that recognizes children as social and competent actors, this rhetoric has struggled to achieve translation into meaningful practice reality (Butler *et al.,* 2002; Masson, 2003); remaining controversial for a number of reasons (Neale, 2002). Not least among these is the tension between two of the three 'P's' at the very heart of the UNCRC, those of the right to participation and that of protection (Kjorholt, 2002). This tension is also encapsulated in the rights versus welfare debate centred on a particular concern that rights to participation risk over-burdening children with responsibility and thus potentially jeopardises their right to protection while simultaneously denying them their 'childhood (Morrow, 1999).

This section will consider these issues in greater depth, locating this debate within the domain of family law. The discussion will begin by seeking to explore and appreciate how children are viewed and understood in modern day society. It will also deliberate over the welfare versus rights debate and consider the relative merits of children's participation in cases of family breakdown and domestic abuse. The various methods of ascertaining children's wishes in family law proceedings will be presented, concluding with a reflection on what research with children has identified 'what works' for them.

Constructing childhood

Over a quarter of a century ago, Dyer (1993: 1) argued that 'how we are seen determines in part how we are treated, how we treat others is based on how we see them; such seeing comes from representation'. The invisibility of childhood in the research literature, until more recently, is perhaps as a result of a representation of it as unimportant (relative to adulthood) and, as such, merely a 'quarantine' period for adulthood (Christiansen & Prout, 2005). Smith *et al.* (2003) have surmised that while interpretations of the meaning of childhood have fluctuated greatly over time, with children's roles distinguishable across different historical periods and cultural domains (Morrow, 1999); a western developmental perspective has nonetheless dominated our perceptions of childhood. This understanding of children has been achieved by looking through a traditional developmental lens to see how children are formed by social life, according to age-related competencies, how they reach their full and mature potential as adults; reflective of a sense of 'becoming' rather than 'being' (Hogan, 2005; James & Prout, 1990; Mayall, 2002).

However critics of this approach posit that this age-related competency focus ignores the subjective meaning of children's lives, rendering the child essentially epiphenomenal and incomplete; and much less 'expert' when it comes to their own lives (Christiansen & Prout, 2005; James, Jenks & Prout, 1998: 2007). As such, universal laws regulating development operate on the assumption that the child

can be understood in isolation from the context in which they live. This perspective also presupposes a certain predictability about children's development along an inevitable developmental path (Hogan, 2005). James and Prout (1990, 1997) argue instead for a need to move beyond models of childhood grounded in psychology towards a social constructionist understanding of childhood. This 'new sociology' of childhood focuses on children as current social actors as opposed to potential adult players in social life; as interactively influencing their social life and not simply empty vessels to be influenced by it; and being an active part of society rather than silent and watchful bystanders to it (Christiansen & Prout, 2005).

Appreciation of the importance of context is of course hardly a new phenomenon, with the earlier work of Brofenbrenner (1979) highlighting the critical importance of understanding children in the context of their social worlds, both in terms of the different influences different social contexts have on children, and the critical role that children play as active agents in shaping their own lives (Hogan, 2005). These constructions of childhood also play an obviously important role when considering children's involvement in decision-making after separation or divorce, and indeed the manner in which their voice is captured and represented. The twin perspectives of children as 'experts' in their own lives and of the value accorded to their subjective experiences at the core of the UNCRC, has substituted the notion of 'the vulnerable and dependent child' with that of the 'competent child' who is given the right to participate (Kjorholt, 2002: 64). This perspicacious sensitivity to children's rights includes the right to hold and express an opinion; to have that opinion taken seriously and respected; the right to be consulted in all matters that affect them and to participate in decisions that impact on their individual lives. Taylor (1998) however asserts that while the new paradigm of childhood has significantly impacted upon the expansion of social research *with,* as opposed to *on,* children, this stands in stark contrast to the responses in family law proceedings to these same concepts. In fact, how this theorised perception of competency and rights is translated into the reality of children's lived experiences of their parents' separation and divorce is another matter entirely.

Constructing the child in family law

A number of assumptions about what is generally believed to be good or bad for children have emerged as influential in private family law proceedings, and are identified by many experts as setting the scene for child welfare or assessment reports in this context (Piper, 2000; Roche, 1999). The most influential of these assumptions, as discussed earlier in this chapter, concerns the idea that children need two parents to co-operate with each other and maintain their parental relationships and responsibilities. A second powerful assumption concerns the belief that participation in decision making in family law is harmful for children. Exploring this latter hypothesis further, there is also evidence that children's competence to participate is questioned, with restrictions imposed on that

participation on the grounds of age and maturity (Kjorholt, 2002). Underpinning these conjectures is a belief in, and commitment to, family life and a concern that according children 'equal' rights would challenge the authority of that institution . So what are the implications of this for children's participation?

As reflected on earlier, many authors consider assumptions problematic as they limit the practice of deciding what is best for each individual child in their unique circumstances, by applying knowledge (albeit informed by research) about an abstract or universal child's needs and interests to each and every individual child, without attending to the needs and wishes of the child in question (Bailey-Harris *et al.,* 1998; Piper, 2000). Echoing this concern, James *et al.*'s research (2004) examined a random sample of 481 contact court files in three different UK county courts, and concluded that interviewing each child appeared unimportant and unnecessary because the professional already 'knew' what was best for the child based on assumptions of universal knowledge. Strict adherence to a 'single voice of childhood' (Roche, 1999: 33) may prevent a child ever being heard, particularly if the child's views diverge from universally held assumptions. James *et al.* (2004) concluded that children can be ordered to engage in contact because it is perceived to be in their best interests and is seen as their right to have a relationship with their father. This particular construction of the legal concept of the child's right to contact, James *et al.* (2004) suggest, negates their equivalent right not to have contact. According to Stanley (2006: 148) conceptions of gender and gender relations can aggravate this situation, leading to a situation where children are listened to if they want contact, but overridden if they do not, on the grounds that they have been unduly influenced by their mothers. Assumptions that the woman's own agenda can preclude her representing her child's needs have resulted in the formation of a 'barrier to attending to children's voices and misinterpretation 'of the relationship between women and children' (Stanley, 2006: 148). Eriksson and Nasman (2008) further contend that a child's competence may be judged on the views they express: as such if their views concur with the adult views or the dominant assumptions, they are deemed competent and if they do not, they are deemed immature and deviant.

Piper (1999) observes that, while there is a clear rhetorical and indeed legally binding commitment to the concept of children's rights, the conventional acumen in the field of family law has been to protect rather than empower children, encasing their views and rights firmly within a protectionist agenda (Mantle *et al.,* 2007). This is particularly evident where parental relationships are constrained and conflicted (Mantle *et al.,* 2007). In agreement, James *et al.* (2004) surmise that children's rights are considered in terms of their 'best interests' rather than within a framework of 'agency'. Indeed it would appear that the writing and thinking on children's rights in the context of separation/divorce, custody and access falls either side of a dichotomous debate concerning welfare and rights. Known interchangeably as the welfare discourse, or the caretaking or protectionist agenda, the lack of

decision making or participatory rights afforded to children is justified on competency and welfare grounds (Roche, 1999). This conservative view believes reverently in children's right to remain as children, protected from involvement in adult affairs, with such involvement making 'unreasonable demands on their maturity' (Pryor & Rodgers, 2001:112). Neale (2002) condemns this orientation for critically limiting children's participation; for positioning them as subordinate to adults, vulnerable and in need of protection, and for rendering their right to speak at the discretion of the adults' judgement.

At the other end of the continuum is the children's rights or liberalist position which identifies children's capacity to participate in decisions that concern them, arguing that children should have the same rights of participation and decision-making as adults (Lowe & Murch, 2001). Far from compromising children's welfare, this liberal position maintains that affording children rights also affords them protection (Pryor & Rodgers, 2001; Roche, 1999). The children's rights agenda emphasise that participation is about listening and respect – the right to a conversation, as opposed to self-determination (Roche, 1999). They also consider this integral to child welfare.

From the parallel position of research with children and young people, Powell and Smith (2009: 139) also agree that the welfare versus rights debate has been reduced rather unhelpfully to a 'conflict of rights'. They argue instead for a re-balancing of this debate, a balance that Alderson and Morrow (2004: 12) posit is needed in order to: 'enable children to be heard without exploiting them, protect children without silencing and excluding them and pursue rigorous inquiry without distressing them.' While the right of the child to be heard is enshrined in the UNCRC, Emond (2008) argues that it is rarely that simple in practice, with the complexity of the issue illuminated when we consider the position of children in state care. Reflecting on Cantwell and Scott's (1995) research, Emond (2008: 185) argues that conferring on children the right of involvement in decisions about contact with their parents can potentially 'supersede the child's rights to the care and protection that is necessary for his or her well-being'.

Eriksson and Nasman's (2008) reflections on children's participation in a Swedish context found that, while Swedish law allows children to be considered 'parties to the case', their research with court welfare officers and subsequent analyses of the outcomes of family law cases demonstrated that children's competence to participate is often questioned, a finding that is echoed elsewhere (James & James, 1999). Indeed, the wording of the UNCRC with its qualification of children's participation on age and maturity grounds renders the process reliant on adult discretion to judge children's competence (Butler & Williamson, 1994; Neale, 2002:456). May and Smart (2004), who examined 281 court file cases initiated by a residence or contact application in three different UK county courts, found a very broad range of involvement from not being interviewed at all, to a situation where

children decided the outcome of the case themselves, with the age of the child a clear influencing factor in their level of involvement. The use of age as an barometer of competence or an indicator of welfare was challenged by Sturgess *et al.* (2001) who engaged with children as young as four through the medium of an exercise called the 'Four Field Map', which involved the placing by children of their relatives and family members as relatively close or distant to themselves. This research demonstrated that far from it being ethically questionable to interview children or that children this young are not competent enough to participate, even young children can be engaged with about their perspectives on family life, providing that age-appropriate measures are employed.

Eriksson and Nassman (2008) also consider age to be inappropriate if somewhat convenient indicator of maturity levels, where children above and below a certain age are judged as more or less competent or incompetent without being given an opportunity to prove their competency and maturity to participate. Concurring with this assertion, Thomas and O'Kane (2000: 829) argue that competency arises from 'interaction rather than as a fixed property of an individual'; a theory which then places the responsibility on the professional to ascertain children's views and wishes in a manner that enhances their competence, as opposed to excluding them from the process on the basis of a *perception* of incompetence. Implicit in this is the need for the adult setting to be adjusted to accommodate the child and not the other way around. This view of competence also recognises the unique individuality of children and the fact that the same methods of ascertainment or assessment cannot be applied glibly to all children. Eekelaar (1994, cited in Morrow, 1999: 166) refers to a process of 'dynamic self-determinism', whereby children's abilities to make informed and mature decisions are enabled and enhanced in controlled conditions.

In agreement, Taylor *et al.* (1999) argue that, while beliefs about children's competency seem slow to shift, those who do actually make meaningful efforts to talk to children discover the levels of maturity and insight their views reflect. Drawing on socio-cultural perspectives, later research by Smith and her colleagues' (2003) found that the greater the child's exposure to and involvement in decision-making, the richer their experiences and the more skilful and competent children became. Far from compromising children's welfare, participation with the support and guidance of trusting adults challenges and progressively enhances their skill base and competence. They conclude that age should not be set as a barrier to participation in its broadest sense. Encouraging their participation does not mean their views are determinate and is certainly not intended to result in a straight-forward conferring of decision-making right to them (Morrow, 1999).

Running alongside the age/competency and welfare rights debates is a profound ambiguity and contention regarding the participatory rights of children where family life and changes to family structure and stability are concerned (Pryor & Rodgers, 2001). By way of explanation, these authors

contend that participation potentially confers rights on children that challenge firmly established familial power balances or imbalances and traditional beliefs about children and childhood. However, diverging from this moral panic and apprehension, the research evidence suggests that children and young people are not at all as mutinous and subversive as is feared. For example, Morrow's (1999) research with children and young people aged 8-15, ascertaining their perspectives on their rights and their participation in decision-making (amongst other subjects), concluded that children were, in fact, well aware of the boundaries of their abilities and also recognised their need for adult guidance. When asking to be included in decision-making forums, they were looking for respect, not control. These findings echo those of other similar studies (Thomas & O'Kane, 1998), where children sought recognition rather than equality (Smart, 2004).

From this position, participation may be defined or understood as 'taking part in', or being present, or alternatively 'knowing that one's actions are taken note of and may be acted upon' (Boyden & Ennew, 1997:33). As such, levels of participation are not necessarily determined by explicit involvement in the decision-making process and children's participatory rights do not necessarily mean that adults have to relinquish their power. That said however, James and James (1999) caution that many parents' belief that their parental rights to make decisions about their child's future supersedes their child's right to participate in that decision-making process, renders that child's right to be heard much more difficult to ensure. This, James and James (1999) assert, may go some way to explaining the lethargic legal engagement with children's rights as this would involve a significant shift in adult – child relationships.

Another perspective considers the perception of the family in family law matters as a private institution, free from state interference. From this perspective, child participation is seen as problematic because it brings the private family into the public domain and challenges parental authority (Neale, 2002; Tisdall *et al.*, 2004; Wade & Smart, 2002). Reluctance to challenge this authority was also highlighted by Murch *et al.*'s (1998) research with legal personnel involved in family law. While those personnel stated their commitment to the importance of ascertaining the wishes and feelings of the child, there was considerably less agreement that it was their professional responsibility to ensure this happened, relying mainly on the parents to do so. Consequently children may never actually be seen by any court official because the optimum outcome of contact/residency disputes involves parental agreement without a court appearance (Piper, 1999; Sawyer, 2000).

Rationale for the participation of children in the decision-making process

There is a wealth of literature documenting a clear rationale for children's participation in the decision-making process, not least being their lived experience of family life and their awareness of

their family's strengths and problems. Participation by children both legitimises their experiences and also allows for the representation of multiple perspectives on the same event, as not all children in the same family will experience their family in the same way (Smart, 2002). This may not only alleviate their stress but may also enable them to accept the decisions that are made (Smith *et al.,* 2003). Many experts highlight the potentially enhanced vulnerability of children where distress and trauma of separation may render their parents emotionally unavailable to them and unsure what to tell them, with children simultaneously avoiding any discussion or seeking support from them for fear of causing further upset (Buchanan *et al.,* 2001; Butler *et al.,* 2002; Pyror & Rodgers, 2001). In fact the research reviewed highlights significant numbers of children remaining uninformed about their parent's separation/divorce or about the plans for their future (Butler *et al.,* 2002; Maudeni, 2002; Smith *et al.,* 2003). While the uncertainty and distress of family breakdown was compounded for these children by lack of involvement in the process, rates of satisfaction with current arrangements were conversely higher for those who had been consulted (Butler *et al.,* 2002; Smith *et al.*, 2003). Furthermore, research has found that, when children's views are valued and their independence is maintained, their capacity to cope with adversity is enhanced (Bagshaw, 2007), their self-esteem is bolstered (Powell & Smith, 2009); leading to better informed decisions that enhance children's protection and the quality of their lives (Stanley, 2006).

These research findings have led to calls being made on welfare grounds in the UK and elsewhere, for separate legal representation of children in family law matters, by those arguing that the exclusion of children from the decision-making process is potentially harmful, particularly in the divorce/separation context where diminished parental capacity may deprive children of the support they need (Neale, 2002). Another argument, interestingly also on welfare grounds, centres on a contention that separate representation for children places undue responsibility on them at a time when they need support; places them potentially in an oppositional situation to their parents; compromises their loyalties and challenges the integrity of the family (Neale, 2002). This latter argument is framed in terms of what is considered good or bad for children, as opposed to what children themselves might want (Neale, 2002). It would seem, as Piper (1999) identifies, that the discourses concerning the voice of the child in relation to arrangements being made for them by adults, are at the very least, perplexing. While on the one had there appears to be a commitment to a 'conceptual framework of children's rights' (Piper, 1999: 93), these rights appear smothered within a welfare agenda when the spotlight is on family law proceedings. Moving from rhetoric to reality, there are, however, a number of ways in which children's views can be ascertained and represented in custody and access cases, including being party to the proceedings; being separately represented; participating via a court ordered 'welfare' report; where they are interviewed by the judge; or where children give direct evidence (Barnett & Wilson, 2004).

Ascertaining and representing the voice of the child

Piper (1999) observes that, while the judge can see the child in his or her rooms in private, it is not something that occurs with any degree of regularity, nor is it encouraged. In the majority of jurisdictions, children's direct participation in the court process is actively discouraged (Barnett & Wilson, 2004). Indeed Tisdall *et al.*'s (2004) research found only 17% of judges they interviewed were open to speaking directly with a child, should the child request this. Aside from the usual welfare concerns regarding the placing of undue burden on the child to choose between their parents, this research also noted that judges expressed concern about keeping the child's views confidential from their parents.

A more common and acceptable practice in many jurisdictions is for a welfare report to be ordered. These can be written by either qualified professionals (usually psychologists or social workers) from external agencies, independent assessors or court-based officers, involving a number of interviews with the children and their parents (usually separately and together) in order to determine a recommendation for the court as to what is perceived to be in the child's best interests. This may be the only chance a child has of presenting their views and opinions before the Court (Barnett & Wilson, 2004). However James and James (1999) caution that the professional completing this assessment is not charged with ascertaining and representing the views of the child, but rather investigating the family circumstances and reporting that to the court. Indeed, echoed through the research is a criticism of court welfare officers concerning their advocacy role in relation to children's views (Trinder, 2007). For example, research by Hester *et al.* (1997) found that less than half of the welfare officers they interviewed consulted with children directly when drawing up their reports and subsequently there was differential weighting given to the child's views. Mantle *et al.* (2007) draw our attention to a further concern, one which questions how much the final welfare report accurately reflects the child's actual wishes and feelings; or the welfare officer's interpretation of those wishes and feelings. Buchanan *et al.* 's (2001) research noted parents' dissatisfaction with the process, whereby their child was only seen on one occasion for the purpose of informing a welfare report that failed to focus on their child's needs.

In Australia, another way that children can indirectly participate in Family Court proceedings is by means of the child's representative (Barnett & Wilson, 2004); a lawyer specially trained in children's legal issues and appointed by the Court to ascertain the child's wishes and assist in establishing what is in the best interests of the child. These may sometimes mean two different things. As well as interviewing the child and other family members, the child's representative has a wider brief to

interview teachers, doctors and community members (Barnett & Wilson, 2004). Furthermore Piper (1999) highlights that, while there is a clear legal duty on the court to ascertain the views and wishes of the child, how that duty is carried out is less clear – for example, there is no legal duty on the solicitor to ascertain those views. The dominant construction of the risk of harm to the child of divorce, combined with questions over their maturity and competence to participate, has rendered legal personnel reluctant to decide on their competence and maturity (Kaganas, 1999). Reflecting on the research findings, James and James (1999: 193) conclude the law does not appear to operate '*in practice* as an effective mechanism for allowing the voices of children involved in divorce to be heard'.

An important finding of research that addresses the issue of who engages with children, is that it is the *manner* in which they are engaged with that matters, not *who* engages with them (Judge, Welfare Officer, Solicitor etc). Lowe and Murch's (2001) research with 41 adopted children found that the children experienced professional engagement intrusive and judgemental rather than supportive, empowering and sensitive. Children and young people who participated in Fortin *et al.*'s (2006) research stressed their need for privacy to facilitate a full and true disclosure of their views to welfare officers, also highlighting the importance of the setting to facilitate this process with many feeling intimidated by the formal court setting. Similar sentiments were reported by Tisdall *et al.* (2004), whose qualitative research with 26 children and young people aged 8-18 years of age, again identified the location of the interview, the time they were given and the relationship they built with the professional as important. In a comparable vein, Hill (2006) argues that careful attention needs to be given to the interview format with some children preferring to communicate via the written word or through art, rather than more formal and traditional discursive techniques.

Cleaver (2000) highlights the need for highly skilled assessors who are effective communicators as she cautions that, where children have been exposed to parental abuse (as is often the case with domestic violence), a mistrust of adults combined perhaps with misplaced loyalties for their parents may prevent true and full disclosures of their wishes and feelings. Echoing this sentiment, Schofield (1998) argues that engaging with children who have been abused and listening to them is not just a simple matter of obtaining their views. Rather Schofield (1998: 430) advocates for the need to appreciate the child's 'internal world', in particular the familial experiences that may have rendered them confused and troubled. Reminiscent of Emond's (2008) assertions earlier in this section, Schofield (1998) states that, although the court may in some cases rule against the child's expressed wishes, but in what it deems to be her best interests, it is nevertheless imperative for the child to feel that they have been listened to (Schofield, 1998). Quoting Webb and Maloney (2003: 32), Bagshaw (2007) differentiates between child-focused interventions which 'follow processes and reach

conclusions that are in each child's interests', and child-inclusive practice that finds 'the child's voice in the presence of the child', as opposed to in its absence'.

When children are actually asked in an appropriate and child centred manner what they want or what helps them process and understand what is going on, it is not surprising to find that they are lucid in their responses. They want information and consultation; they want to know what is happening and why, through open and honest communication (Trinder *et al.,* 2002). This is particularly important with research highlighting differential recall of events by parents and children. For example Butler *et al.*'s (2002) research with 104 children 7-15 years of age, and their 99 parents, within 15 months after the divorce had been obtained, found that while one third of children reported that they had not been told by anyone about their parent's separation, the overwhelming majority of parents stated that they had, either separately or jointly, unambiguously informed their children of the separation. Children also want to have an active role in helping their parents cope in the aftermath of separation/divorce and need that role to be informed. When asked about parent-child relationships, children see themselves as proactive in the creation and maintenance of their relationships with their parents, not as passive and dependent recipients. They also see inter-dependency in that relationship rather than a sole dependency on their part, and perceive themselves as givers as well as receivers of emotional and practical support (James, 1999; Morrow, 1999).

The research highlights that children and young people believe strongly in their right to be heard but do not want the power to decide post-separation/divorce arrangements (Barnett & Wilson, 2004; Hunt & Roberts, 2004; Morrow, 1999), particularly when that involves making choices between their parents (Tisdall *et al.,* 2004). When asked, children also indicate great diversity regarding their wish to participate in family matters. In the case of younger children, research carried out in the UK by Smart and Neale (1999a) clearly demonstrated their capacity to hold views and articulately express them, but also a wish not to participate and preferring no responsibility for decision-making. Finally children and young people ask for mutual respect and civility, especially where parents conflict (Neale, 2002).

Chapter Summary

This third and final literature review chapter has presented a critical review of the decision-making process regarding post-separation contact, beginning with an identification and appraisal of the accepted rationale underpinning those decisions before moving on to ascertain the manner in which the voice of the child is represented in child contact disputes.

This chapter firstly considered the prevailing assumptions and discourses about fathers, mothers and families that underpin the contact decision-making process, exposing the continued and often

unmonitored post-contact presence of abusive men in children's lives influenced by an over-reliance on an ideology promoting co-operative parenting, the continued role of the father in the child's life post-separation, a tendency to divorce men's violence from children's well-being and an inability to integrate the issues of domestic violence and child abuse in the context of post-separation family life. The first section of this chapter raises the key question of how the child's best interests can be served if the child's views are not sought, heard or considered.

The second half of this chapter addresses this question, concluding that, while rights (be they children's or adults) are legal obligations imposed on society by domestic and international law, these rights require cultural changes in the value and belief system of that society to become a reality. As such, while the requirement to ascertain and represent the voice of the child in matters that concern them is legally binding, this chapter argues that dominant constructions of children as vulnerable and in need of protection from the decision-making process, result in this obligation being treated as an optional extra, particularly when it comes to the delicate matter of family law. Although the UNCRC is a significant piece of legislation driving the issue of children's participation, its potential is nonetheless stymied because of the restrictions imposed on age and maturity grounds. Such restrictions render children's potential for participation at the discretion of adult regulation, with this regulation influenced by traditional and developmental conceptions of childhood and by assumptions and constructions of children, childhood and the family.

Key messages from the literature

A number of key messages have emerged from the review of the literature presented over the last three chapters. The first literature review chapter reviewed the empirical knowledge pertaining to the question of 'quality' contact, concluding that *'the mere presence of fathers is not enough'* (Amato & Gilbreth, 1999) and cautioning against an automatic presumption that contact promotes better outcomes on an individual, familial and societal level. This chapter argued that the child's well-being is critically dependent both on the quality of the relationship between the contact parent and child and on the nature of the interaction between them. The contact parent's ability to engage in 'authoritative parenting' practices, including the capacity to provide supervision, encouragement, love and warmth, were highlighted as critical influences on outcomes for children. This chapter also highlighted the restricted ability of domestically abusive fathers to engage in this parenting interaction alongside their concurrent yearning to be 'better' fathers.

The second literature review chapter critically considered the empirical evidence on the impact of exposure to domestic abuse on children, concluding by establishing a direct correlation between child exposure, poor adjustment and negative outcomes for children. Echoing the caution advised in

child have been established and where fathers are violent or abusive, Chapter Three also highlighted that exposure to high levels of inter-parental conflict can be detrimental to child welfare, concluding that this may cancel out any benefits accruing from the contact relationship.

This third and final literature review chapter concluded that, despite the evidence of exposure to domestic abuse and its association with negative outcomes for children, prevailing assumptions about the value of contact are so robustly entrenched within a dominant child welfare discourse and underpinned by particular constructions of motherhood, fatherhood and family life, that any argument against them is filtered out of consideration. A potent combination of the denial of the pertinent history of domestic abuse and the silencing of the voice of the child through exclusion from the decision-making process, were identified as resulting in unsafe decisions being made.

The exclusion of children's voices from the contact decision-making forum was identified as occurring in the context of a particular construction of them as vulnerable and in need of protection from participation in this process. The review of the literature on this debate argues in favour of children's competency to understand family life and family breakdown, concluding that the question is not so much about whether or not a child should participate but more about the manner in which their views are ascertained, listened to, respected and included in the debate about the future of their family life.

Overall the review of the literature has concluded that the presence of particular ideological discourses and constructions of the family and the child's for contact with their estranged father, have given rise to the sidelining of mother's experiences and the silencing of children's voices. Furthermore, despite a dense and comprehensive literature on both domestic abuse and on post-separation child contact, the literature reviewed exposed concerning gaps, most notably the absence of an in-depth understanding of child contact in the context of domestic abuse, with a specific focus on the child's unique and subjective experiences. Further gaps include a paucity of attention to the fathering of abusive men, their unique and subjective experiences of fathering in this context and the supports and interventions needed to promote quality contact. The key messages from the literature reviewed and the gaps identified in the empirical knowledge base combined to influence and inform the methodological choices and theoretical positions taken in this study.

The next chapter presents those choices and positions and the journey from research design through to data analysis.

CHAPTER FIVE
METHODOLOGY

This thesis is concerned with understanding the phenomenon of post-separation contact between children and their fathers living in Ireland, where there has been a pre-separation history of domestic abuse perpetrated by their father against their mother. Key to this study is understanding how contact is experienced by children, mothers and fathers, the extent and nature of this contact, how decisions about contact are made, and whether or not children have a voice in this decision-making process. This in-depth understanding of the post-separation contact phenomenon is achieved by engaging with children and young people, mothers, fathers and a range of professionals, utilising a mixed method approach to conducting research, embedded within a case study design. The 'mix' of methods includes survey questionnaires, individual and focus group interviews and non-participant observation, underpinned and predominantly influenced by social constructionist and critical theories. This chapter outlines and describes the process through which the aims and objectives of this study were realised, focusing specifically on choice of theoretical approach and research design, the resultant research methods employed, sampling decisions, access and ethical issues, and the data gathering process. Adopting a reflective and reflexive focus on the author's experience of deciding, designing and conducting this research, this chapter also explores the challenges and dilemmas inherent in 'real world research' with vulnerable populations.

Choosing the research strategy

Yin (1994: 19) describes research design as 'the logical sequence that connects the empirical data to a study's initial research questions, and ultimately, to its conclusions'. Before moving on to outline the research design, the aim of this research and the questions it seeks to provide answers to are firstly re-stated.

This thesis is concerned with both ascertaining the extent and understanding the nature of post-separation paternal contact for a defined sample of children and young people living in Ireland, who were previously exposed to the domestic abuse of their mother by their father. With a principal aim of directly seeking, capturing and representing the child's own unique views and subjective experiences of contact, this thesis is also interested in understanding the broader processes and dynamics that ultimately influence the subjective experiences of those children. This thesis will therefore draw on both social constructionist and interpretivist perspectives in order to answer the following questions:

1. What is the extent and nature of post-separation contact for children and young people who have been exposed to domestic violence perpetrated by their father against their mother?
2. How do children experience that contact?
3. What factors do children and the key stakeholders in contact identify as influencing the quality of that experience?
4. What are the key messages for Irish policy and practice to support and promote quality contact for children and young people in this context?

It is immediately obvious that the inclusion of *both* qualitative and quantitative questions could potentially present something of a paradigmatic and pragmatic conundrum for the research design process, as research in the social sciences has traditionally aligned itself with one or other diametrically opposed theoretical positions. While the first question demands a *quantitative* approach to yield the numeric data required; an approach traditionally understood to be located within the positivist paradigm, the second and third questions necessitate a qualitative approach, habitually occupying a position within the constructivist or interpretivist paradigm. Historically, these paradigms, engaged in long-term 'paradigm wars', have operated on a 'never the twain shall meet' basis, underpinned by the fact that their ontological, epistemological, methodological and axiological positions are considered distinctive and incompatible (Sandelowski, 2000).

A third paradigm within the 'paradigm wars', offers a logical and practical solution to the need to mix or combine quantitative and qualitative research techniques and methods within a single study (Burke, Johnson & Onwengbuzie, 2004). The aim of this third paradigm, 'mixed methodology', is not intended to replace quantitative or qualitative approaches but rather to maximise the strengths and reduce the weaknesses of each. Cognisant of Bergman's (2008: 14) warning that researchers engaging in mixed method research design have to 'maintain a strangely schizophrenic position toward the division of labour between qualitative and quantitative methods', there is a strong rationale for locating the research within this 'mixed methodology' paradigm in order to address the research questions it seeks to address.

Rationale for mixed methods

The dearth of both quantitative and qualitative empirical Irish data concerning children's experience of post-separation contact with their fathers, in the context of a prior history of domestic abuse, rendered this phenomenon relatively untouched and demanding of in-depth inquiry. Answering questions about 'what', 'when' and 'how often' contact was happening – questions that are typically associated with a positivist perspective – was key to this research. Capturing this quantitative data was

essential, not only as a means of providing an objective measurement of the extent of post-separation contact between children and their fathers, but more importantly as a foundation and context within which qualitative data could be understood. Indeed, along with this thirst for objective and scientific knowledge of contact activity, and at the heart of this thesis was a desire to understand the meaning given to those experiences. This was underpinned by a belief that capturing the subjective views on contact from the perspective of people who were experiencing that contact was the best way to learn about that experience. Influenced by a social constructionist perspective therefore, which involves "elucidating the process by which people come to describe, explain, or otherwise account for the world in which they live" (Gergen, 1985, pp. 3-4, cited in Muehlenhard & Kimes, 1999, 234), the importance of understanding the meaning of experience in context and in its complete intricacy was viewed as critical to a meaningful exploration and explication of the contact experience (Payne, 2005; Robson 2002).

Furthermore, the concern of this research is not merely with personal meanings, but also to contextualise those meanings within the wider social and political context of family life, domestic abuse and children's needs, necessitating an understanding of perspectives from multiple players within the contact arena. Complying with the need to resist the 'mix and match syndrome' (Leininger, 1994:103, cited in Sandelowski, 2000), this 'critical stance' is underpinned by critical theory, a primary distinguishing feature of which is its focus on oppression and its commitment to use research procedures to empower oppressed groups. Domestic abuse, family breakdown and father-child relationships are, to varying degrees, problematic phenomenon that society as a whole grapples with. So what of the role of research in this regard? According to O'Leary (2005), research can provide the key to informed decision-making and can furnish policy makers and practitioners with the information necessary to meet the challenges presented by these problems. Accepting this view, it was considered that information from this study could, not only result in a better understanding of the contact phenomenon, but also, on a practical level, provoke genuine change and real 'problem-solving'. O'Leary (2005) asserts that this change can occur on a number of levels: on the researcher and his or her professional development; on professional practice; on programme development and, finally, at a policy level. A mixed method design that gathered data on multiple aspects of the phenomenon of contact was deemed to be critical to maximise the potential to activate change at each of these levels.

Although a mixed method strategy may constitute a strategy in its own right, it may also be contained within another research strategy, as with case study design, into which a number of different methods are embedded (Brannen, 2004). Case study methodology is considered to be a particularly appropriate strategy when researching real-world problems, as it has the capacity to 'build holistic understanding through prolonged engagement and the development of rapport and trust within a clearly defined and highly relevant context (O'Leary, 2005: 80).

Case study research aspires for a rich and in-depth empirical investigation of a 'particular contemporary phenomenon within its real life context using multiple sources of evidence' (Robson, 1998:52). It allows for the possibility of investigating a social process in a comprehensive fashion and can grapple with the intricacies and dynamics of social interactions and social behaviour (Widmer, Hirschi, Serdult & Vogeli, 2008). For the purpose of this study, the 'case' is the phenomenon of contact between a child and his/her father, post-separation, in the context of domestic violence. In allowing for in-depth exploration of this phenomenon, case study research designs have the capacity to contain breadth and depth by combining methodological triangulation (more than one method employed), with data triangulation (where data is drawn from more than one source) (Robson, 2002). In this research, methodological triangulation is achieved through the employment of both qualitative and quantitative research methods, while data triangulation is achieved through the collection of data from different stakeholders[25].

In making decisions regarding research design, the researcher favoured Shaw's (1998: 206-207, cited *in* Cheetham & Kazi, 1998) call for a pragmatic approach to research, grounding this research design in Howe's (1988) belief that researchers should 'forge ahead with what works. Truth, he states is a normative concept, like good. Truth is what works' (cited *in* Sale, Lohfeld & Brazil, 2002: 47). For the purposes of this research, choosing a combination of a mixed methodological approach within a case study design was believed to be 'what would work' to ensure that the disparate research questions that formed the basis of this research could be answered in way that, not only quantified something of the contact experience but concurrently gave voice to the subjective experiences of those involved in that contact.

Designing mixed method research

In accordance with a mixed method research design, two primary decisions need to be made: firstly whether to give the quantitative and qualitative components equal status or to allocate one with the dominant status, and secondly whether the qualitative and quantitative phases would occur concurrently or sequentially (Widmer *et al.* 2008). In response to the first question, Morse (1991) suggests that the primary theoretical drive or world view guiding a study will determine its weighting, as will the relative strength of the data collection method considered to be best suited to respond to the study's overarching purpose. With the primary aim of this study to capture subjective meaning, weighting was disproportionately allocated to the qualitative phase. In response to the second question of timing, the quantitative and qualitative demands of this research required the adoption of what

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[25] For a diagrammatic overview of the methodological design and process, please refer to (Appendix 1)

Creswell & Plano Clark (2007: 71) term a two-phase explanatory design, the overall intention of which is that 'qualitative data helps explain or build on earlier quantitative results'. Phase One was designed to provide a concrete account of contact activity and identify the critical issues in order to serve as a 'springboard' for a deeper exploration of those issues and the meaning attached to those experiences in Phase Two. Operating in a sequential manner, the second, qualitative phase was designed to follow from, or connect to, the findings of the initial quantitative phase. This design allowed for the identification and purposeful selection of participants from the first phase, for the in-depth, qualitative phase that followed (Creswell & Plano Clark, 2007: 74).

Furthermore, in order to be considered a mixed method design, the findings must be mixed or integrated at some point where either one stage informs the other or both sets of data are, at a minimum, integrated during the interpretation of the findings (Widmer, *et al.*, 2008). Applying these principles of mixed method research to this study, Phase One collected and analysed primarily quantitative data (with some optional qualitative commentary questions embedded in the questionnaire design) using a survey, providing a general understanding of the research problem. The mixing or integration of the data sets in this research involved use of Phase One Survey data to inform Phase Two of the study, during which interviews and observations yielded rich qualitative data that further explained and elaborated on the Phase One results by exploring participants' views in more depth (Creswell, 2003; Rossman & Wilson, 1985; Tashakkori & Teddlie, 1998). While the second qualitative phase builds on the findings from the first quantitative phase, the two phases are further connected through the merging of the two data sets in the combined analysis and presentation of findings.

As a condition of the funding of this research, and as a perquisite to research activity in the institution under whose auspices this research was carried out, full ethical approval was sought and granted by two separate bodies: the 'Ethics Board' of the Children's Research Centre, Trinity College Dublin, and the Ethics Review Committee of the School of Social Work and Social Policy, Trinity College Dublin.

Conducting the Research

In accordance with the two-phase sequential explanatory mixed method approach adopted and in response to the requirements of case study research, this study was conducted over two distinct phases, with multiple methods of data collection selected for the purpose of answering the research questions.

Phase One: Survey

> Survey research entails the collection of data on a number of units and usually at a single juncture in time, with a view to collecting systematically a body of quantifiable data in respect of a number of variables which are then examined to discern patterns of association. (Bryman, 1989:104)

In keeping with Bryman's definition above, survey methodology was employed for the purpose of Phase One of this research, where two detailed questionnaires were carefully designed to capture the data on a 'number of units'. For the purpose of this research, these units of analysis concerned firstly children who were engaged in contact with their father and secondly children who were not engaged in such contact. To this end, Questionnaire 1 (Appendix 2) was completed by mothers of children who were engaged or had been engaged in post-separation contact with their fathers over the year prior to completing the questionnaire. Questionnaire 2 (Appendix 3) was completed by mothers whose children were not or had not been engaged in such contact over the same period. Both questionnaires were completed at the same juncture in time, during the month of July, 2007. They systematically collected data in respect of a 'number of variables'. These variables were broadly concerned with recording the extent or prevalence of post-separation contact for children who have experienced domestic violence with their fathers. Specifically, these variables captured socio-demographic familial details; category of contact arrangement (court ordered/informally arranged contact); frequency of contact; type of contact (visits, telephone calls etc); the child's involvement in the decision-making process; presence of domestic violence orders; mothers' satisfaction with contact arrangements; the extent and nature of professional supports; and child and women protection and welfare concerns. A number of these variables provided optional opportunities for qualitative comments in addition to the required quantitative responses. Given that the variables above are designed to measure *what* occurred rather than *why*, this survey can be described as 'descriptive', in that it is intended to determine certain features of this particular population and phenomenon (Gray, 2004). As with all methods of data collection, there are advantages and disadvantages to the use of surveys. Critical appraisal of this method in the context of this research will be addressed throughout the discussion on the execution of this approach.

- Sampling strategy employed

Separated mothers with children who had experienced domestic violence constituted the population considered eligible for inclusion in the sampling frame. This sampling frame incorporated both mothers whose children were in contact with their father, and mothers whose children were not in contact. In the absence of ready access to this population, non-probability cluster sampling was

employed in the distribution of the questionnaire. This is generally used when there is no sampling frame available. Cluster sampling selects certain areas or clusters that are relevant to the research problem (Robson, 2002). To reduce the possibility of sampling bias, it is necessary to maximise the numbers of clusters involved. In this research, the refuges and support services, which represent these clusters, were accessed through the National Network of Women's Refuges and Support Services (NNWRSS). The NNWRSS, an organisation which co-ordinates and links together the activities of its 38 network members, was approached and agreed to act as a conduit for the distribution of the questionnaires. As such, this research strategy identified and engaged with key informants and gatekeepers who the researcher believed had specialised knowledge in the field and direct access to the potential research participants and proved instrumental as the researcher was negotiating entry into the field (O'Leary, 2005).

Given the sensitive nature of the phenomenon under investigation and the potential vulnerabilities of the proposed sample, this phase of the research was designed with Gray's (2004) recommendations for improving the response rates in mind. This involved the targeted involvement of gate-keepers, the completion of the surveys 'on-site'; the purposeful development of 'easy-to-complete' questionnaires and the assurance of anonymity. The design, administration, collection and analysis of this data took place between May and December 2007, involving a total of 219 participating mothers. Their participation was supported and facilitated by a further twenty-eight NNWRSS professionals.

- Designing and administering the instrument

Based on their professional expertise with this vulnerable population, a process of consultation with NNWRSS firstly resulted in some minor amendments to the content of both questionnaires before these questionnaires were piloted with one of its network member organisations. Secondly, a one-day seminar was held to which all network member organisations were invited. This seminar was facilitated by the researcher, during which the research was presented and workshops were employed to train cluster representatives in the administration of the questionnaires. The questionnaires underwent further minor revisions following this training process, in order to ensure, insofar as was possible, that the questionnaire would yield a legitimate measure of the questions the research was attempting to answer; that respondents would understand the questions and as a result accurate responses would be forthcoming (Robson, 2002). To this end, personnel were identified in each participating network site to administer the questionnaires with participating mothers, to act as the point of contact with the researcher, to collate additional statistical data on the organisation participation (Appendix 4) and to return the completed questionnaires. One can only assume that the trusting relationship these local professionals had already established with the participating mothers yielded not only a higher rate of participation on such a sensitive and emotive subject, but possibly

also a richer and more honest account than an unknown researcher could have achieved. This advantage was offset by the absence of researcher control over the actual completion of the questionnaires, resulting in incomplete, inaccurate and inappropriate questionnaires being returned and requiring time-consuming follow-up.

Responding to recommendations in the research literature (Gray 2004; Robson, 2002), each questionnaire was allocated a code number to ensure complete anonymity, general instructions were included concerning the purpose of the questionnaire and how the data would be used, the participant's informed consent was indicated with the signature of the local cluster representative, and each section of the questionnaire provided further instructions and clarification regarding the completion of that question or section.

The exact size of this sampling frame was not possible to determine with any degree of scientific precision, either prior to or following the administration and completion of the questionnaires. This previously un-researched population was unknown in quantitative terms and was also not constant over time, even over a short period of time. This is because of the vulnerable, transient and at times chaotic relationships these mothers maintain with these organisations. Participating network organisations could not definitively state the sample available prior to distribution, so twenty of each questionnaire were sent out to the twenty participating organisations during the last week in June 2007, with the key personnel in each site charged with engaging with potential participants regarding their child's/children's contact over the previous twelve months.

A total of 232 questionnaires were returned, twenty-two of which were incomplete or completed inadequately or inappropriately. Two questionnaires were considered inappropriate, one where the father had residency of the children and mother had contact and one where the children were in care. A further eleven questionnaires were excluded for a variety of reasons including illegibility or where inadequate amounts of information were provided and further information was not forthcoming. The remaining nine initially incomplete questionnaires were included following contact with the cluster representatives to provide the necessary demographic information and to clarify contradictory or confusing information. Securing the return of the questionnaires was not a problem free endeavour, particularly given the busy and chaotic nature of the cluster environments concerned. While the questionnaire completion took place during the specified time period (July 2007), the return of questionnaires extended beyond the agreed date (end August 2007), with questionnaires still being returned in early December 2007.

Cluster representatives were asked to collate statistics on the total number of families attending their service during the research period; the number of families in the sampling frame and the number of

families who participated in the research. As such and in addition to the returned questionnaires, it was possible to establish that the completed sample of 219 questionnaires represented approximately 55% of the total number of separated families with a prior history of domestic violence that the agencies were working with at the time the research was conducted. A minimum sample of thirty respondents is considered acceptable for researching real-world problems with vulnerable populations (O'Leary, 2005: 89). In this sample, 147 families who were engaged in contact and 72 families who were not engaged in contact completed questionnaires during the month of July 2007 regarding their children's contact experiences over the previous year. These 219 families had between them 449 children.

As stated earlier, the two-phase sequential model applied in this research design explicitly involves the analysis of the findings of the first phase to influence the design of the second phase. The analysis of Phase One will firstly be discussed before the design, execution and analysis of Phase Two is presented.

Phase One Data Analysis

The quantitative data from the survey questionnaire were analysed using the SPSS program for data analysis. This involved the creation of two databases, one for the questionnaires completed by mothers whose children were involved in contact, and the second for those completed where no contact was happening. Numeric values were assigned to each response, the data was cleaned and a codebook to list the variables and their definitions was established (Creswell & Plano Clark, 2007). Moving from descriptive to inferential analysis, the databases were then explored so that broad themes or key findings could be identified in the context of the overall research questions (Creswell & Plano Clark, 2007: 131).

The qualitative data recorded on the questionnaires were analysed using NVivo (a qualitative research analysis package which ensures that all data are visible for analysis, thus pre-empting selective interpretation). As the coding process is at the heart of qualitative analysis, the text was divided into units or themes and sub-divided again into smaller related themes or concepts, the evidence was grouped and the data labelled as they related to broader perspectives and dimensions (Creswell & Plano Clark, 2007: 131).

With regard to child protection and welfare concerns, the data were coded into 'neglect', 'physical abuse', 'sexual abuse' and 'emotional abuse', in line with the guidance laid down by *Children First: National Guidelines for the Protection & Welfare of Children* (Department of Health, 1999). The definitions of these separate abuses, in terms of both signs and symptomotology and also in terms of

broader contextual factors, guided the categorisation of the findings prior to analysis. It is important to note that while isolated behaviours such as 'questioning' of the child or 'deferential treatment' of one child versus another sibling, may not automatically reach the legal and procedural child protection threshold warranted for inclusion in the 'emotional abuse' category, consideration was given to the context within which these isolated behaviours were highlighted. This context consistently included exposure to the continued abuse of their mother and a description of young lives tainted by fear, uncertainty and disappointment. In line with *Children First* (Department of Health, 1999), a child's exposure to domestic abuse is considered a form of emotional abuse. Similarly, with regard to the women protection and welfare concerns, the guidelines laid down by *COSC* (The National Office for the prevention of domestic, sexual and gender based violence) were strictly adhered to in the identification and categorisation of physical abuse, sexual abuse, emotional and verbal abuse, and threatening behaviours against the participating women.

'Member checking' (May, 2001) was also carried out, thus augmenting the credibility of the research by addressing issues of validity and reliability. To this end the findings of Phase One were formally presented to a NNWRSS seminar which included both those network organisations who had participated in the research by administering the questionnaires and those who had not participated. The analysis of Phase One concluded with the identification of the key themes requiring in-depth investigation and follow-up in Phase Two.

Phase Two: Qualitative Interviews

Phase Two of the research process saw the lens of interest shift significantly from its 'outward' focus on the population to an 'inward' search for understanding of 'what it feels like for those in the midst'(O'Leary, 2005: 157). Influenced by social constructionist and phenomenological approaches, Phase Two sought in-depth engagement with the phenomenon of contact as it was directly experienced by the people concerned, with the stated aim of generating thick description in order to facilitate that understanding. The population identified to produce this thick description included children, fathers, mothers, and a range of professionals. Focus group interviews were chosen as the primary method for interviewing for the children, the mothers and the professionals. This choice was informed by the researchers experience of utilising this method in other similar research (Buckley, Holt *et al.,* 2007) and by international research guidance in this regard (Aubrey & Dahl 2005 & 2006; Hurley, 1998), that suggests that interviewing children requires specialised and creative skills that can be used to their fullest potential in a group context. Given that focus groups imitate the type of small group milieu that children experience in the classroom, this research method is understood to generate a secure peer setting within which children can talk about their experiences (Hennessy & Heary, 2005; Mauthner, 1997).

Krueger and Casey (2009:6) describe a focus group as 'a carefully planned discussion designed to obtain perceptions on a defined area of interest in a permissive, non-threatening environment'. Focus groups are basically group interviews that rely on the interaction in the group regarding their responses to the topics provided by the researcher (Morgan, 1997). Cognisant of the fact that focus groups cannot offer a substitute for the kinds of research already done well by either individual interviews or participant observation, focus groups were nonetheless chosen as the main method of data collection in Phase Two. This decision was taken in the confidence that this method would provide access to forms of data that would not be obtained easily with either of the other two methods, arising partially from its ability to study a large amount of interaction on a topic in a limited period of time, but also to facilitate an interactive discussion of the research topic (Morgan, 1997). With particular reference to children and their under-representation on the research agenda, the researcher believed that the focus group method would facilitate an exploration, 'not only what participants think about an issue but also how they think about it and why they think the way they do" (Morgan, 1997:20). Mindful of the solitary and secretive nature of domestic violence, another broad source of strength lies in the comparisons that participants make among each other's experiences and opinions, providing the researcher with 'a rare opportunity to collect direct evidence on how the participants themselves understand their similarities and differences. This actual observation of consensus and diversity is something that can happen quite powerfully through group interaction.' (Morgan, 1997:20-21). From their experience of conducting focus group research with children and young people, Hill *et al.* (1996) assert that the focus group environ can encourage the expression of opinion from these young group members who they found willing to discuss serious personal issues at length in the group forum. Similarly, Poso *et al.*'s (2008) research with young people experiencing domestic violence found the group process facilitating the expression of experiences and themes that can remain silenced in other research milieu.

Notwithstanding the opportunities that focus group engagement would provide, the same interactive dynamic that brings the group to life can unintentionally force group members to concur with others or make statements that are not a true expression of their feelings. From an ethical perspective the researcher needs to be attentive and indeed give careful consideration to issues of confidentiality and the possibility that individuals in the group may become upset (Hill *et al.,* 1996). Maintaining control of the conversation and the dynamics may also present a challenge. Finally, focus groups can generate an enormous volume of data, with potentially resultant unwieldy and more complex data (Rubin & Babbie, 2005).

While focus groups were chosen as the primary method of interviewing for the children, mothers and front line professionals, this was not always practical (unavailability of participants to attend at the

appointed time), or appropriate (where participants did not feel comfortable to engage with the focus group format). In those cases, individual interviews were offered and conducted. On the other hand, individual interviews were the chosen method of data collection with fathers and with certain professionals. While focus groups were considered appropriate for interviewing the mothers, largely because of their similar experiences and shared perspectives on those experiences, it was not considered that that same 'synergy' could be created with a focus group of abusive men (Padgett, 2008). This was largely due to their different position along a continuum of self awareness, in particular their varying abilities to accept responsibility for their actions. As such individual interviews were employed to generate the data from the fathers. The key senior personnel were interviewed individually because of their individualistic professional 'expert' positions and because the interview sought to ascertain *their* own individual perspectives. As such they added a 'top-down' perspective that would otherwise have been missed. Given their expert position, it was considered unlikely that anything other than an individual interview would capture the reality of their perspectives and experiences (Padgett, 2008).

- Sampling strategy employed

> The driving force in participant selection is the purpose of the study
> (1994: 87), [where] the participants are chosen because they have certain characteristics in common that relate to the topic of the focus group.
>
> (Krueger, 1994:6)

Phase Two involved the sampling of four categories of respondent: mothers; children; fathers and professionals. In all cases non-probability purposive sampling was employed, where the sample was sourced through professional gate-keepers and on the basis of the researcher's knowledge of the field, her judgment, and on the purpose of the study. One of the cluster organisations involved in Phase One agreed to act as the primary sampling source for the mothers and the children. This cluster also provided the researcher with the names and contact details of the key professionals in their geographical area. Negotiations with this gate-keeping cluster organisation involved extensive communication and planning meetings to discuss sampling, data collection methods and ethical concerns. A key organisation working with male perpetrators of domestic violence agreed from the outset to act as the sampling source for the fathers. The sampling process for each of these four categories of respondents is now discussed separately.

Sampling Children & Young People

A number of inclusion and exclusion criteria were applied to the involvement of children and young people in the research. With particular consideration for their emotional well-being, the sampling criteria only included those children and young people who had been away from their violent home environment for at least one year prior to participation in the research interview. This was an important consideration regarding such a sensitive issue, thereby putting them in a safe position to discuss their experiences. Mindful of Christensen and Prout's (2002) counsel to carefully consider children's development and maturity, an age-based criterion for the inclusion and exclusion of children and young people was adopted. Thoughtful consideration was given to this age boundary, with the final decision strongly influenced by the research literature. Concurring with Greene and Hill's (2005) assertion that age should not be simplistically equated with ability, an upper and lower age criteria of between eight and twenty-five years was nonetheless applied, with children younger than eight years of age excluded and young adults (18-25) included so that their retrospective views could be captured. The lower age limit of eight years of age was amended to seven years of age following a request by two siblings of other participating children, that they be allowed participate. While children as young as three or four have been included and involved in research on a range of sensitive issues (Greene & Hogan, 2005; Jones & Tannock, 2000), the lower age of seven was considered appropriate for this research, as it is generally from this age on that children begin to develop an understanding of events and behaviours in terms of how they have experienced them and are accepted as 'accurate and reliable historians of their own condition' (Ireland & Holloway, 1996). With consideration for children's ages and developmental abilities, a stratified sampling technique was employed, so that each focus group would be representative of age (7-10; 11-14; 15-17; 18+) and gender, insofar as it was possible. From a focus group perspective this stratification was also applied given the need for both homogeneity *and* variation among participants to allow for contrasting opinions. Further stratification resulted in a 'mix' of those who were currently and those who were not, in contact with their father at the point of interview.

The preliminary steps taken in accessing potential participants for the children and young people's sample involved both written and verbal communication. An information sheet for mothers (Appendix 5) and a separate one for the children and young people (Appendix 6 & 7) were given to the mother of any child/young person who was eligible to participate. The professionals working in the organisation also verbally explained the purpose of the research and other issues related to the research process to the mothers, encouraging them to participate and to encourage their child to participate. While initial access to the children and young people was facilitated with the consent of their parents (Appendix 8), responsibility still lay with the researcher to secure the informed consent of the children and young people themselves (Appendix 9 & 10). In addition, the position of professionals and parents as gatekeepers to children does highlight significant ethical questions regarding the consent of children

to participate in research (Hood, Kelley & Mayall, 1996; Ireland & Holloway, 1996), an issue that will be addressed in the discussion on ethics later in the chapter.

It was originally intended that participating children and young people for Phase Two of the research would be purposively selected from one NNWRSS organisation to represent a typical sample of the key players identified. However, the sample available to the researcher (eleven children and young people) was deemed insufficient, so other network member organisations were approached. A second network site provided access to a further five children, resulting in a total of sixteen children and young people engaging in the research by participating in either focus groups, individual interviews or sibling group interviews. Six of the children had been involved in a group work programme in the organisation, so they were comfortable participating in this format. Three of these children were in an 8-10 year old group (8, 9 & 10 years of age) and three in an 11-14 year old age group (two eleven year olds and one thirteen year old. Two sisters (12 & 16) participated together in a sibling group with the remaining participants interviewed individually. Six sibling groups were represented in the qualitative interviews (two sisters from one family (16 & 12); two sisters and a brother from another family (13, 9 & 7); a brother and sister (9 & 7); a sister and two brothers (17, 15 & 8); two sisters (11 & 9), and a brother & sister (13 & 11). Six children/young people aged between seven and sixteen years of age were invited to participate in a second interview. All responded positively to this invitation with the focus of the second interview on social networks and supports. The gender breakdown resulted in five male and eleven female children/young people.

Sampling of mothers

Criteria for inclusion of mothers in the sample simply demanded that the gate-keepers only approach mothers who had been separated for at least one year from their abusive partner and who were engaged in a supportive capacity with the organisation. To this end the researcher relied on the knowledge and relationships that the organisation had with the potential participants. The criteria further requested that the sample reflect the experiences of both mothers whose children *were* in contact and those whose children *were not* in contact with their father. Again, the original aim was to access mothers solely through one network site. The need to access children from other sites, however, also resulted in the mothers of those additional children volunteering their own involvement in an interview. Gatekeepers in the first network site approached all of the mothers they were working with who met the research criteria, with a view to their participation in a focus group. Four mothers agreed to participate in this forum with an additional three mothers requesting individual interviews. A further two mothers (one, the mother of two participating children in another network site, and the other the mother of a child attending a contact centre) agreed to participate in individual interviews. This sample of nine mothers included two mothers whose children were not in contact with the father,

six mothers whose children were in contact, and one mother who had some children in contact and some who were not.

Sampling of professionals

Purposive sampling was again employed in the recruitment of front line professionals and key senior personnel in relevant agencies. It was intended from the outset that front line professionals would be invited to participate in one of three focus groups. Criteria for the targeted inclusion of focus group participants included that they be known (to the local network organisation) for their work and experience on the issue of child contact and domestic violence. Maximal variation sampling (Creswell & Plano Clarke, 2007) was also employed in the composition of the groups, where individuals were chosen who held different perspectives on the central phenomenon and who had divergent experiences. The composition of these groups is presented in Appendix 11.

A further thirteen frontline professionals and senior personnel participated in either individual interviews or joint interviews. These are also presented in Appendix 10.

Sampling of fathers

The criterion applied for the inclusion of fathers in the sample concerned their current or past, engagement with a supportive or therapeutic service. This criterion was applied for two reasons; firstly so that their own needs for support could be met should the interview process prove upsetting for them, and related to that, that participation in the research would not increase the risk of further abuse for their ex-partner. Purposive sampling also aspired to result in a mix of fathers who were in contact and those who were not, at the time of interview.

From the outset of the research process, it was agreed with one service working with male domestic violence perpetrators, that they would provide the required sample of ten fathers for participation in the research. This service did not subsequently engage meaningfully with the research and no participating fathers were accessed through this service. Despite the researcher engaging with each service directly working with fathers as perpetrators (MOVE, Probation) or indirectly working with fathers as perpetrators of domestic violence (HSE, Counselling services, Anger Management Programs, Family Support), the sample size of ten fathers was not realised.

O'Leary's (2005:87) assertion that sampling is 'a process that is always strategic, sometimes mathematical, and general quite tricky', poignantly describes the experience of this researcher. Anticipating that this group of respondents would be enthusiastic research participants, given their historical exclusion from this research agenda (Collier, 2001), the research literature provided some explanatory solace as to why that had not been the outcome for this research. Campbell's (2008)

Australian research exploring children's ideas about participation in decisions in the aftermath of their parents' separation also met with resistance on behalf of gate-keeping organisations to either pass on the request for participation in the research or to encourage this participation. The position of non-engagement with my research taken by the primary national organisation working with perpetrators of domestic violence was justifiable from their perspective, given their concerns for women's safety. They surmised that there were potential safety concerns for current or ex female partners of the proposed participant fathers, arising from the interview process. Because they did not have the resources to address these safety issues, they concluded that they could not justifiably engage with the research process. This stance had consequences for the fathers' opportunities to participate in the research, where efforts to protect both the men and their female partners then became activities that marginalised the men from the research process.

According to the literature, lack of engagement with research by service providers may be as a result of the pressures of their own caseloads, seeing the research as an added burden, or because of antagonistic or suspicious relationships between researchers and practitioners (Gilbertson & Barber, 2002). These issues could also have been contributing factors to the difficulty engaging men in this research.

Following Campbell's (2008) experience, the original recruitment approaches were abandoned and a simpler, more direct approach that relied on accessing personal networks embraced. These networks included contacts from the researcher's previous 'life' as a practising social worker and those arising from academic and research practice. These personal contacts yielded immediate results, based on previous knowledge of the researcher's involvement in practice and research. Six fathers participated and these were accessed through the Probation & Welfare Service (two fathers), the HSE Social Work Service (one father), a Family Support Project (two fathers) and a Men's Development Network (one father). Six months had originally been spent negotiating with gatekeepers before the latter approach was taken. At that point, time had become the enemy and a decision had to be taken, albeit reluctantly, to end fieldwork to facilitate the writing up process. While the final tally of six participating fathers never reached the double figures aspired to, the six men who did participate provided a unique and diverse insight into their worlds as separated fathers. It was also somewhat reassuring to know that none of the six interviews resulted in safety concerns for the men's partners/ex-partners, or anyone else for that matter. All six men were interviewed individually.

- Conducting the interviews

Qualitative focus group or individual interviews were conducted with members of seventeen families and with thirty-one professionals. These included nine mothers, six fathers and 16 children, young

people or young adults (six of whom participated in a second interview). This process is now discussed in relation to each of the four respondent groupings.

Children's Interviews

Two focus groups were conducted with six children in the two youngest age-clustered groupings (7-10 & 11-14) and two sisters (12 & 16) participated in a sibling interview, on two separate occasions. The remaining eight children or young people participated in individual interviews, with two of those eight also participating in second (individual) interviews. Two participants in the 11-14 year old focus group also participated in a second interview.

Integral to success of conducting research with children is the necessity for the children to feel that their involvement is essential, that they are the experts and what they have to say is important (Aubrey & Dahl, 2005; May, 2001; Mayall, 1996). Maintaining their interest throughout the research interview begins with, and is dependent on, establishing rapport. May (2001) suggests that this involves the use of descriptive questions to stimulate conversation. To this end, before each focus group commenced, a small snack was shared between the children and the researcher, with light conversation about neutral issues such as school, homework, the length of time it had taken everyone to get to the venue and so forth. Considerable time was then spent explaining the purpose of the research, the researcher's role, and why they had been asked to participate. The younger children were particularly interested in the role of 'researcher', which the researcher explained was a little bit like an investigator because she wanted to discover something and a little bit like a journalist because she had to report about it. The issue of consent was explored in detail, described as a 'deal' we were making together; their part of the deal was to only answer questions or talk about things that they were happy with, and the researcher's part of the deal concerned issues of confidentiality. Children were given control of the tape recorder and choose their own pseudonyms.

Inspired by Aubrey and Dahl's (2005) finding, that activity-based techniques can support and improve interviews with children, the two focus groups and all of the individual interviews with the younger children, employed age-appropriate vignettes to stimulate discussion (Appendix 12). A schedule of prompts or thematic questions was also prepared (Appendix 13 & 14). The six focus group children had already participated in a therapeutic group together, so were familiar with each other's 'stories', and having experienced this previous group positively, were comfortable with the interview format. All of their mothers were positively engaged with the service, and, as such, the request from the service for them to participate in the research was positively received.

Hill *et al.* (1996) highlight particular differences between the different age groups, where younger children tend to largely direct their comments at the researcher, while older children more often

interact with each other. This was reflected in this research, with the youngest group demanding of the researcher's attention rather than interacting with each other. They also embraced the group discussion and vignette enthusiastically, requiring minimal encouragement but maximum facilitation as they all had a lot to say and were not always good at turn taking! In contrast, the older focus group needed considerable encouragement for the discussion to begin, but once that happened, the dialogue was rich and lively. On reflection, the turning point came when they engaged with the researcher in a role play of a conversation that they would like to have with either or both of their parents. All three young group participants enthusiastically embraced this idea and from there the discussion advanced. One of the more reticent participants, who had reported negative experiences of contact with his father, became quite animated in the 'role play'. Two of the young people in this group participated in a second interview.

The two sisters (12 & 16) who requested a joint interview frequently lapsed into conversation with each other, retrospectively recalling events or debating issues and requiring minimal direction or involvement from the researcher. They also participated in a second interview. Some children, who were interviewed individually, while seeming to engage comfortably with the interview process, only offered monosyllabic answers and, as a result, their interviews were short. In a number of interviews, children or young people became emotional, but in one interview, this emotion became distressful. Despite offers to end the interview, this participant reasserted her consent and her wish to continue on a number of occasions. She also returned for a second interview.

The third (15-17) and fourth (18+) focus groups did not take place. Two of the three participants identified for participation in the 15-17 year old age group were brother and sister and requested not to be interviewed together. The third potential group member (15 year old male) did not arrive at the appointed time for the group or for a subsequent individual interview appointment. Only one person over eighteen consented to participate and was interviewed individually.

Six children/young people were invited to participate in a second interview, focusing on the impact of separation on their natural family networks. This involved four individual interviews and one joint sibling interview. These interviews employed both eco-maps and social network maps to pictorially record this information and provide an illustration of the nature and form of the young person's social network[26].

The focus groups took place over a forty-five minute period. The joint interview and all of the individual interviews ranged in length from forty minutes to one hour thirty minutes. Issues of

[26] The eco maps and social network maps are not included in the findings of this research.

anonymity and confidentiality were clarified and all of the groups and individual interviews were tape-recorded, with consent from the participants. Whole and partial transcriptions were then taken, from which themes emerged.

Mothers' Interviews

The focus group interview with mothers also began by establishing that the participants were fully informed of the purpose of the research, clarifying issues of consent and confidentiality and signing consent forms. The interview then began by inviting the mothers to choose any number of a selection of about twenty prompt cards which had been randomly placed on the floor, each one containing one emotive word – happy, sad, trapped, free etc. The mothers were asked to reflect on their child's contact with their father and to choose prompt cards that best reflected their feelings about that contact. This activity served two purposes – it initiated the focus group discussion and also provided enough material for the focus group discussion. An additional interview schedule of themes or prompts was also referred to, to ensure that all areas of interest were addressed (Appendix 15). This group had somewhat of a therapeutic atmosphere, with the women clearly supportive of each other, providing advice and encouragement. From a 'moderating' perspective, keeping the discussion 'focused' on the contact issue was challenging at times, with their common histories of domestic violence and current relational difficulties, competing for limited 'air time'. The group discussion took place over a period of one hour and forty-five minutes.

The individual interviews were guided by a semi-structured interview format (Appendix 15), with the same interview schedule of themes and prompts employed. The individual interviews employed a sequential or chronological interview format (May, 2001), which involves interviewing people about events in accordance with how they have occurred over time. This yielded rich and interesting findings. The individual interviews ranged in length from one hour to one and a half hours.

All of the groups and individual interviews were tape-recorded, with consent (Appendix 16) from the participating mothers. Whole and partial transcriptions were then taken, from which themes emerged.

Professionals' Interviews

In deciding how many groups to run, Morgan (1997) suggests 3-5 groups, or the point at which additional data collection no longer generates new understanding. For the purpose of this research, three focus groups were considered adequate. Cognisant of the need to strike a balance between the group being either too small for interactive discussion or so large that full group participation is impossible (May, 2001), group composition reflected the recommendation from the research literature that a typical group interview involves between eight and twelve participants (May, 2001; Morgan, 1997). Thirty professionals were invited to attend one of three scheduled focus groups. Seventeen of

the thirty invitees attended and participated, with each group lasting between one and a half to two hours.

Given the strong pre-existing agenda for the research, a structured approach with a standardised interview was employed to ensure that each of the three groups discussed the issues in a relatively comparable fashion. Krueger and Casey (2009) suggest a limit of four or five distinct topics or questions with pre-planned probes under each major topic. The themes were drawn from the literature and informed by the findings from Phase One and the emerging findings from the children's and mothers interviews (Appendix 17). All three groups were tape-recorded with the consent of the participants (Appendix 18) and fully transcribed.

A further nine professionals were interviewed individually, with fully informed consent using the same interview schedule, albeit with some minor alterations according to their profession and experience. All except two interviews were tape recorded. In one instance consent was not forthcoming and in the other, the tape recorder failed to work. In both cases detailed notes were taken.

Fathers' interviews

Six fathers were interviewed individually in five separate locations. All were carried out in a similar format, with the purpose of the research explained at the outset and fully informed consent obtained (Appendix 19). Following indications from the professionals involved with these fathers that they would not necessarily perceive themselves as perpetrators of domestic abuse, the information sheets and consent forms for the fathers were amended to include the words 'alleged or otherwise' after the words 'domestic abuse' in the title of the research (Appendix 20). To engage with the fathers, the interview itself was preceded by approximately ten minutes of informal conversation where the father was encouraged to talk about his child/children, what age they were, class in school and so forth. The interview schedule was carefully designed to focus solely on the father-child relationship and experience of contact (Appendix 21). As with the mothers' individual interviews, the interview schedules were structured in a sequential or chronological format, starting with how the arrangements for contact were first made and allowing the respondent flexibility to proceed with his 'story' in his own words. Similar to the mothers' interviews, maintaining the focus on the purpose of the research was exigent at times. For some of the men, their relationship with their ex-partner was their dominant concern, and in some cases it was an exhaustive challenge to keep re-focusing the discussion. Extremes of emotion were also displayed, from tearful and emotive periods to angry outbursts. One of the interviews took place in a prison setting, presenting unique challenges to the research process. The use of tape-recorders in the prison was, without exception, forbidden, and a prison guard was placed outside the interview room. Furthermore, the interview was terminated prematurely, albeit it after one

hour, as the room was needed by someone else. The remaining five interviews were taped-recorded with consent and fully transcribed.

While Phase Two primarily involved conducting qualitative interviews, non-participant observation was also conducted as a secondary source of data collection.

Phase Two Non-participant observation

> Observation [is] a systematic method of data collection that relies on a researcher's ability to gather data through their senses within real-world contexts. (O'Leary, 2005: 119)

Non-participant observation is a tool for studying people in 'real-life' situations where the researcher enters the field but does not become nor aim to become an active or central part of the system or society they are observing. For the purpose of this research, the Family Law Court was the observational site of interest, with non-participant observation conducted in both rural and urban court settings. In addition, site visits were made to the two contact centres currently in operation in the Republic of Ireland during which field note observations were recorded.

Observation is a highly valued research tool, with few better ways in social research of gathering an understanding of social interventions or processes, and where the observer is physically present but attempts to be unobtrusive (O'Leary, 2005). Observation has a distinct advantage over other methodologies, in that it is a direct method of obtaining data that does not ask people for their opinions or feelings, but their behaviour, their language, their interactions are recorded in detail. A clear attraction is the opportunity the researcher is given to gather fresh live data and as such record what individuals *actually* do as opposed to what they say they do (O'Leary, 2005:122).

Criticisms of observational data collection methods relevant to this research, include the extent to which being observed impacts upon the behaviour of those under observation. In the context of the family law court, however, the individuals concerned appeared consumed by the process of family law, presenting as uninterested and even dismissive of the researcher's presence. Good practice in observational research involves informing people in the research setting of what you are doing, and obtaining their consent (Gray, 2004: 250-251). Permission to enter the field in this research involved a number of steps. Firstly, permission was sought and gained from the Minister for Justice. Permission was then sought via the President of the District Court to approach a Judge practising full-time in family law in both a rural and urban setting. This was secured and the respective judges (one male and

one female) met formally with the researcher before permission to sit in on their court was accommodated. Gaining the consent of the 'consumers' of the family law procedures sat somewhat uneasily with the researcher in both settings. While the reason for the researcher's presence was transparently presented to the families concerned and they were given the option of requesting that she leave while their respective cases were being heard, it was difficult to see how this would be perceived by them as a 'real' option, particularly when aspects of their lives were being decided at that hearing and a power differential between them and the legal personnel involved was glaringly obvious. Perhaps unsurprisingly, no one objected to the researcher's presence in the family court in either location.

Observations were conducted using a mixture of predetermined and non-determined criteria, with the primary focus on observations of what was happening: what was seen, heard and sensed (O'Leary, 2005: 124). This captured descriptive and formal accounts of the physical space, the actors involved, their individual and collective acts. Contemporaneous hand written notes were taken, with analysis of that data occurring during and after its collection.

Observation is considered to be the most personally demanding and difficult form of social research to undertake because it requires the researcher to 'spend time in surroundings with which they may not be familiar; to secure and maintain relationships with whom they may have little personal affinity; and to take copious notes on what would normally appear to be everyday mundane happenings' (O'Leary, 2005: 153). That said, observation added a rich layer of data to the findings in this research, confirming preconceived notions and challenging others. It raised important questions that were woven into the research design and strategy, providing insights and challenges that would otherwise have gone unnoticed. The length of time spent gathering observational data was limited however, so the data was primarily used for contextual and informative purposes.

Analysing the data

The fully transcribed interview transcripts were read and re-read in order to gain a general understanding of the database and begin to identify emerging themes and trends. Hard copies of the transcripts were hand-coded in the first instance to heighten familiarity with the data, with notes and memos written in the margins. With themes and trends beginning to emerge, the data were then entered into NVivo, where a process of coding and re-coding began. The volume of data and resultant numerous directions interpretation could have taken demanded constant reflection on the research questions to keep this interpretive process focused. Thirteen parent nodes, or themes, were

established, with over a further one hundred sub-codes and themes developing and emerging as the analysis continued.

Combining the data sets for interpretation

This mixed method methodological approach, which employed multiple data collection methods from multiple sources, yielded a vast and complex amount of data which required careful balancing and 'holding' to ensure dominant themes or constructions did not blur or obscure less powerful findings. In accordance with mixed method sequential approaches (Creswell & Plano Clarke, 2007), Phase One and Phase Two data sets were linked, beginning with the analysis of each data set using the techniques normally used in the analysis of that data. Careful consideration was given to combining the data sets employing a process called qualitizing (where quantitative data is transformed into qualitative data) (Sandelowski, 2000). However, it was not considered that this would be of any identifiable benefit to the research. Subsequently each data set was kept analytically separate from the other. The results from each of the respective data sets were instead combined at the interpretative stage of the research process.

Issues of validity, reliability and generalisability.

Issues of reliability and validity are at the heart of survey research, which is predicated on a meticulous approach that aims to eradicate prejudice and produce results that are replicable by following the same methods (May, 2001). May (2001) suggests that this can be achieved in a number of ways. Firstly, standardization refers to how a questionnaire is designed, administered and analysed, as Oppenheim (1992:67) explains:

> The crucial assumption here is that of 'equivalence of stimulus'; that is, we have to rely on the interviewer's skill to approach as nearly as possible the notion that every respondent has been asked the same questions, with the same meaning, in the same words, same intonation, same sequence, same setting etc.

The workshops employed as part of the introduction of the participating organisations to the survey questionnaires focused on achieving 'equivalence of stimulus'. To this end the focus of the workshop was on ensuring participating organisations understood the questions and their role in facilitating the participating mothers engage in the process.

Secondly, replicability refers to the likelihood of other researchers reproducing the survey and producing the same results with different groups at different times, which boosts confidence in the original findings. This is also referred to as reliability in the research literature, where the same results are achieved from the same measurement on different occasions. Validity, the flip side of reliability, is achieved when the research instrument determines what it was proposed to determine (May, 2001).

While much of the fundamental reasoning about reliability and validity is replicated across qualitative and quantitative research, qualitative researchers and quantitative researchers may address these issues in rather different ways. These differences mostly centre on the reliability and validity of measures and scales employed by quantitative research, versus the in-depth personal accounts sought by qualitative research in order to understand subjective meaning (Winchester, 1999). Kronick's (1989, cited in Rubin & Babbie, 2005: 202) criteria for evaluating the validity of qualitative research can be usefully applied to this research. Firstly, Kronick states that validity is achieved with 'internal consistency', where the interpretation of one section of the data is broadly consistent with other parts, and, as such, that the developing argument should be 'internally consistent'. In this research, continual reflection on, and analysis of, the data involved visiting and revisiting the data to secure this 'internal consistency'. Internal consistency was secured with findings from each data set broadly consistent with each other. Secondly, Kronick (1989) asserts that all of the evidence should be taken into account when arriving at an interpretation of the data, and thirdly, that this interpretation should be compelling in light of the evidence, something that this researcher endeavoured to do in analysing and interpreting this large data set. Finally, the interpretation needs to be meaningful, make sense and contribute to our knowledge of the phenomenon, something Winchester (1999) asserts relies, not on the power of representativeness or generalisation, but rather on the ability of the research instrument to contribute to meaning, explanation and understanding.

Consensus has not been reached on the nature and role of reliability in qualitative research, but there are a number of accepted ways in which the issue of reliability can be addressed, some of which were employed in this study. Triangulation is one such approach, referring to the use of multiple methods in order to compensate for the limitations of any one method, thereby counteracting biases and fortifying the validity of the findings (Greene *et al.*, 1989).

In the context of a mixed method study, the degree to which the quantitative data support the qualitative interpretations, more or less equates with the degree to which the findings can be considered reliable. As the results of the multiple methods converge, then the validity of inquiry findings is enhanced (Rubin & Babbie, 2005). The two-phase explanatory design model adopted in this research contributed further to the achievement of reliability, because, according to Creswell and

Plano Clarke (2007: 146), 'more meaningful information results when the qualitative second phase builds on significant predictors rather than on simple group comparisons'.

Other such indicators of reliability sought in qualitative research in general and in this research more specifically, take the form of member checking, or the verification of the accuracy of the researcher's observations and conclusions. Consultation with the research participants took place during both Phase One, as described earlier, and Phase Two. During this latter phase, clarification was sought during the process of the interviews and participants were given opportunities to clarify and elaborate on the points they were making. The six children and young people who returned for a second interview were also given opportunities to reflect on the accuracy with which their experiences and opinions were recorded and interpreted, with the second interview commencing with a summary of the first.

Finally, May (2001) also invites us to reflect on the research in terms of 'representativeness', or the extent to which the sample is representative of the population. Two issues warrant reflection here. Firstly, while accessing the sample of mothers in Phase One, and mothers and children in Phase Two, through the NNWRSS provided the research with access to a vulnerable and 'hard to reach' population, this was nonetheless achieved at the loss of representativeness in that the author cannot and does not assume that the network this population serves is representative of the population of women and children experiencing domestic abuse. Indeed the higher rate of court ordered cases in this sample relative to international figures attests to this. Similarly, the criteria applied to the inclusion of fathers in this research (on the grounds that they had current or past engagement with therapeutic services) also limits the findings in terms of their representativeness of the population of domestically abusive fathers. While acknowledging the limitations of this study regarding the issue of representativeness and affirming that this research does not make any false claims to generalise beyond the sample it researched, 'member checking', however, with front line professionals, confirmed the findings were representative of this phenomenon, from their perspective. Furthermore, the insights gained on the phenomenon of child contact in the context of domestic violence are valuable in shedding much needed light on a previously under-exposed and under-researched topic. While the small sample involved in Phase Two means that the findings are specific to those participants, they nonetheless have 'transferable' power, in that the key findings or 'lessons learned' are likely to be applicable in similar settings or populations (O'Leary, 2005).

Ethical Issues

> Ethical positions: rules and procedures or personal virtues?
>
> (Kvale & Brinkmann, 2009: 66)

Kvale and Brinkmann (2009: 74) assert that the researcher's integrity is crucial to the quality of the research, where morally sound research activity is bigger than 'abstract ethical knowledge and cognitive choices; it involves the moral integrity of the researcher'. In agreement, O'Leary (2005) emphasises that, at every stage in the research process, responsibility and integrity are the researcher's primary goals and can be achieved in two ways. Firstly, there is a responsibility on the researcher to ensure they have captured the 'truth' and not produced biased conclusions; that they have not only listened to the 'dominant voice' or the loudest voice or to those who are 'speaking your language', as by doing this they ignore those who often go unheard in other facets of society (O'Leary, 2005: 64). 'Indigenous peoples, minorities, children, women, gays and lesbians are often not heard, yet their voices are essential to any full understanding' (O'Leary, 2005:65). This has particular resonance with this study, where children are the subjects of research, as it is no longer justifiable to dismiss children's participation on the basis that they are too young to understand and to have a say in decisions concerning themselves (Christensen & Prout, 2002). Conceptualising children as less competent in this way can also profoundly impact upon the way in which we study children (Morrow & Richards, 1996). Alternatively, Christiansen and Prout (2002) call for an approach they term 'ethical symmetry', where researchers do not apply a different set of ethical standards when working with children. 'Rather it means that the practices employed in the research have to be in line with children's experiences, interests, values and everyday routines' (Christensen & Prout, 2002).

Secondly, researchers have a responsibility towards the 'researched', whose dignity and well-being is absolutely integral to the integrity of the research. The researcher's responsibility is to conduct ethical research that protects the research participants and respects their rights. Ethically sound research is said to reflect three fundamental core features: ensuring voluntary informed consent; doing no harm; and the guaranteeing of confidentiality and anonymity.

Informed Consent

The principle of autonomy involves a basic respect for people, reflected in their right to decide on their involvement in the research process. This can only happen if the respondents have a full understanding of their requested involvement. It also implies they are competent, autonomous, are involved voluntarily, have been made aware of their right to discontinue at any point, and have not

been deceived, coerced or induced into participation (Alston & Bowles, 2003; O'Leary, 2006; Robson, 2002).

Ensuring informed consent in this research was supported by the gate-keepers' role. In Phase One, this involved the inclusion of a 'required field' before the interview began. This was located inside the front page of the questionnaire and consisted of a list of statements with accompanying 'tick boxes' which referred to issues of informed consent and confidentiality (Appendix 2 & 3). The local organisation representative who was administering the questionnaire was required to go through this page with the mother, ticking each box as each section was discussed and agreed on. This page concluded with the signature of either the administrator and/or the mother signalling consent was both informed and voluntary.

Phase Two involved 'face-to-face' discussions between the researcher and all of the participants. Many of the participating mothers and fathers stated their involvement was motivated by a desire to 'give something back' to the organisation and also to contribute to research and knowledge. In Phase Two, separate information sheets were sent out to mothers (Appendix 5, fathers (Appendix 20) and children (Appendix 6 & 7), informing them of the purpose of the research, what their participation would involve and what the information would be used for. Contact details for the researcher were also provided. The two local organisations for the women and children and the five organisations, through which the fathers were accessed, approached those identified for participation in the research. Times were arranged initially for the mother's interviews, so that the researcher could go through the proposed plan for their children's interviews with them. Consent to invite the children to participate was secured at this point and arrangements made for the children's interviews. Mothers, fathers and professionals all gave freely of their own consent and no monetary incentives were provided, although small gift tokens were given when the interview was completed to thank the participants for their involvement.

While debate about children's ability to understand and therefore consent usually focuses on the age of the child, many concerned with this issue also highlight the distinction between consent and assent (Morrow & Richards, 1996). Acquiescence and assent refer 'to a parallel process in which the parent or guardian agrees to allow a minor ward to participate in a research project and the child assents or agrees to be a subject in the research' (Tymchuk, 1992:128, cited in Morrow & Richards, 1996: 94).

For this research, while parental consent was requested for all children and young people under eighteen, the importance to ensuring fully informed consent from the children and young people themselves was reflected in the securing of their own individual consent (Appendix 9 & 10). Mahon *et al.* (1996) emphasise that, when children are involved in the research process, it is of particular

importance that they understand what is being asked of them, and that the researcher in turn understands what the children are saying (Mahon *et al.,* 1996). To this end, children and young people were given numerous opportunities, not only to give, but also to withdraw their consent, in order to guarantee that consent was 'fully informed' (Mahon *et al.,* 1996). This was clearly exercised by a number of young people who 'voted with their feet' by failing to attend for a number of appointments, by electing not to answer certain questions, and, indeed, by returning for a second interview. During the interview process, the researcher also continually reflected back to the children and young people her understanding of their responses to ensure interpretation was accurate.

The researcher was cognisant to ensure that consent was not understood as a 'once and for all' process and that children could withdraw this at any time. Giving them control of the tape-recorder meant that they were free to control their consent over what information they were comfortable with me taking away. While no child or young person requested the recorder was switched off, this did occur in an interview with one mother who became upset and with another mother who did not wish to have her mental health concerns recorded. In both cases their requests were acceded to.

Ensuring no harm comes to respondents

As a very basic minimum, the protection of research participants from risk of harm, both during and as a consequence of the research, is another critical concern of ethical guidelines (Morrow & Richards, 1996). Some authors argue further that participation should also be of benefit to those participants (Alston & Bowles, 2003). In the context of social research, the 'harm' is inclusive of physical, emotional and psychological hurt or impairment. The potentially veiled and subtle nature of emotional and psychological harm may make identification and prediction difficult. It is particularly incumbent on researchers to be highly attuned to the potential for distress when conducting research with vulnerable populations, such as the parent and child respondents in this research, as the focus on unpleasant memories may have unplanned but unavoidable consequences (O'Leary, 2005; Rubbin & Babbie, 2005). While acknowledging that any therapeutic effects of participating in research cannot be used as justification for conducting the research (Alston & Bowles, 2003; Mahon *et al.,* 1996), research awareness should nonetheless be attuned to the therapeutic potential for the discussion of painful and difficult issues. Before moving on to discuss the protection of research participants in the context of this research, it is important first to explore the particular sensitivities that research with children and young people appears to provoke.

Firstly there is the question of whether and to what extent children should be regarded as similar to or dissimilar to adults as participants in the research process, a question Morrow and Richards (1996)

assert, is really about a perception of children as alternatively vulnerable or incompetent. While this conceptualisation sees all children as vulnerable and in need of protection, the identification of children as vulnerable in some way, either as 'problem children' or children with problems (Qvortrup, 1987, cited in Morrow & Richards, 1996: 97) encapsulates a particularly dominant conceptualisation of children as 'weak, passive and open to abuse' (Campbell, 2008; Morrow & Richards, 1996). As is the case with this research, where the focus is on children who have already been potentially damaged by their experiences (Edleson, 1999; Holt *et al.,* 2008), inevitable ethical questions arise which demand a response that outlines how these children will be protected by, and within, the research process. Therein lays a challenge for social research: to balance the protection of children from harm in a way that doesn't stifle their involvement, yet discover ways to safely and ethically elicit their opinions and experiences in a way that empowers children while contributing to knowledge.

A related issue concerns the 'appropriateness' of some topics for research with children (Campbell, 2008), with the degree of sensitivity in a research topic related to the level of potential emotional upset for the child. Preventing children's participation in research on emotive topics that directly affect them, because of adults' concerns about possible damage to them, not only negates their autonomy and their ability to decide for themselves, but also conceptualises them as incompetent (Campbell, 2008; Mahon *et al.,* 1996). Attention to these issues in this research included careful consideration of inclusion and exclusion criteria, awareness of body language signalling discomfort, and immediate responses to emerging distress, with opportunities to avoid certain topics or questions, and to suspend or terminate the interview. Although some research with vulnerable children and young people advocates against the presence of project staff during the interview (Curtis *et al.,* 2004), this support was offered to all children and young people. Support was also offered in the aftermath of the interview via the gate-keeping organisation concerned.

Two issues of potential harm to participants arose in the context of this research. Described by Rubin and Babbie (2005: 73) as 'forcing participants to face aspects of themselves that they do not normally consider', the first concern arose at the beginning of the interview with the one father who was incarcerated at the time of interview. As stated earlier, the information sheets (Appendix 19) and consent forms (Appendix 18) for the fathers used the word 'alleged or otherwise' in the context of domestic violence in order to avoid alienating or aggravating men who perhaps would not or could not acknowledge their abusive behaviour. Minimisation and denial of abusive behaviour on the part of abusive men has been clearly documented in the research literature and indeed is accepted as a factor increasing risk for women and children and in preventing men's rehabilitation (Bancroft & Silverman, 2002; Jaffe *et al.,* 2005). Thoughtful consideration had to be given therefore to the need for inclusivity in this research agenda of previously marginalised fathers, whilst being mindful of the risk of colluding with their denial and minimisation (Harne, 2004). Returning to the incarcerated respondent,

his first words on the topic of the research were 'I never realised until I got your letter [information sheet] that that's what I am – a perpetrator of domestic violence – it sounds really bad doesn't it, a perpetrator of domestic violence – but it is what I am isn't it?'.

While his distress at the time is palpably evident in this quote, he declined several offers to suspend and/or reschedule the interview, instead urgently wanting to explore his previous behaviour in the context of his new found distasteful 'insight' into that behaviour. Sitting somewhat uncomfortably in that grey area between research and therapy (Mahon *et al.,* 1996) the limited ethical options were weighed up and found somewhat wanting, involving a choice between terminating the interview in an effort to avoid further distress, but without the conviction that this distress would be abated by the termination, or 'staying with' the issue and supporting him steer a path through it. The latter option was considered the most appropriate course of action, which subsequently resulted in the participants' full and rich engagement and his distress minimised.

The second significant ethical issue to arise during the course of this research concerned the participation of a nine year old girl in an individual interview. This child was, at the time of the interview, engaged in contact with her father, but her unhappiness and distress with this arrangement became evident as the interview unfolded. She described this distress as manifesting itself in self-harming behaviour and associated mental health issues. There were a number of ethical issues inherent in her participation in the research. Firstly, and as explored earlier, the recounting of her experiences was clearly distressing for her, raising concerns about the potential for the research process to cause her harm (Hill, 2005; O'Leary, 2005; Rubbin & Babbie, 2005). Safeguards built into the research design prompted the attempted termination of the interview which appeared to increase her distress, as she stated '*no one ever listens to me*'. She described how her prior attendance at psychological sessions had been terminated by her father, as he would not consent to them. This raised further concerns that, despite extensive discussion on the purpose and nature of the research, this child had expectations that her participation in the research might somehow result in the resolution of her problems as she saw them – unwanted contact with her father and inaccessible therapeutic help because of him (Mahon *et al.,* 1996).

While there was an obvious ethical responsibility to clearly spell out the limitations of the research and the researcher's role (Mahon *et al.,* 1996), there were also concerns for her welfare arising from the information regarding her mental health (Hill, 2005). These concerns were raised with her in the first instance, and, with her permission, with her mother and the local organisation in the second instance, before a decision was made in consultation with my supervisor to convey these concerns to the local HSE authority. This process involved attention to issues of confidentiality and anonymity which will now be discussed.

Ensuring confidentiality and if appropriate, anonymity

The protection of the research participants' identities essentially involves two techniques – confidentiality and anonymity. The former involves protecting the identity of those providing the data where all identifying information remains with the researcher (O'Leary, 2005), while the latter is said to be achieved when the researcher cannot identify a response with a respondent (Rubin & Babbie, 2005). There are accepted exceptions to confidentiality agreements, usually concerning the identification of risk of harm to either the participants themselves or to someone else (Hill, 2005). While this might appear a relatively straightforward process, difficulties can arise deciding whether subjective accounts warrant a safety or welfare concern, and indeed threatens to disempower the research participant unless they are directly involved in deciding what information needs to be passed on and in what way (Hill, 2005). The pre-empting of these issues by addressing them comprehensively in ethical approval applications and in clear discussion with each research participant is important. Equally important is the need for secure storage of the data; restricted access to and eventual destruction of that data (O'Leary, 2005).

Difficulties can arise in research with children, where parents or professionals ask about the content of the child's interview, a problem requiring what Hill (2005) terms 'network confidentiality', a pressure researchers are ethically bound, all other things being equal, to resist. Hill (2005) surmises that parents, like teachers, can sometimes interpret confidentiality as including themselves within the sphere of privacy, perhaps reflecting a conceptualisation of childhood as 'vulnerable' (Christianson & Prout, 2002). This too arose on a number of occasions, where mothers anxiously inquired into the content of their child's interview, usually from a concerned premise of 'is he/she all right?' This demanded a thoughtful response, one that would not undermine or ignore their concerns yet maintain the confidentiality assured to the child.

Limitations and challenges of the research

One of the earliest challenges in this research arose in the research design process and the decision to embark on a mixed method approach to conducting this research. Cognisant of James, Jenks and Prout's (1998) assertion that the ways researchers see children can profoundly impact on the construction they choose to subscribe to, a starting point for this research was a wish to commit fully to a social constructionist position. This was based on the researcher's wish to represent the world view and lived experiences of children and young people who were involved in contact with their fathers within the context of pre-separation domestic violence. While this would have achieved the research aim of giving voice to the subjective experiences of children and young people of their

contact experiences, it would not and could not have attended to the broader social phenomenon of post-separation contact. Committing fully to a social constructionist perspective would have restricted the parameters of the research to elucidating the subjective experiences of children and young people but would not have contributed to the body of knowledge about the *nature* of post-contact arrangements and children's positioning within that. Given the absence of any real understanding of this phenomenon and the dynamic processes that influence it, the challenge was to find a way to approach the research that respected the researcher's social constructionist position, but also facilitated the exploration of the dynamics that ultimately influence the subjective experiences of those children. For this reason, a pragmatic methodological decision was made to employ multiple methods in order to gather data that would capture these dynamics without compromising the commitment to also capturing the perceptions and views of the children and young people who, from the outset, were allocated a central place within the research. Adopting an overarching constructionist framework for this study on children's experience of post-separation contact did not preclude the gathering of quantitative data, particularly given the absence of a grounded understanding of contact activity in the context of domestic abuse. Furthermore it was not considered that this social constructionist perspective compromised the validity of the concrete quantitative findings. Rather, a concrete and empirical knowledge base on contact activity was deemed important to establish in order to capture the landscape on contact and to use these empirical findings as the contextual backdrop against and within which the qualitative inquiry was rooted. Given the absence of any inquiry in this jurisdiction, and the predominance of a social constructionist/qualitative inquiry more globally, the importance of grounding this research was heightened. It is hoped that the thesis reflects this researcher's commitment to giving primacy to the voice of children and young people within a broader analysis of the complex dynamics that impact on their experiences of contact.

Related to this, a second challenge arose in the management of the data and the findings, with layers of disparate findings on the phenomenon of contact threatening to drown out the voice of the child and their own subjective experiences. Continuous and careful reflection was needed to ensure that while the phenomenon of contact in all its complexity was illuminated, the position of children and young people within the debate on contact and within the research process itself, remained central.

Reflective of the very nature of social research, many factors can compromise the researcher in conducting the research to their own ideal standards (O'Leary, 2005). While beyond the scope of this research, the inclusion of a comparison group of separating or divorcing couples negotiating child contact where there *was not* a prior history of domestic abuse, would have provided an interesting and invaluable insight into the issues and difficulties specific to domestic abuse.

One of the initial limitations of this research project that was encountered in Phase One, and, as touched on earlier, concerned the researcher's limited control over the completion of the questionnaires. In Phase Two, the need to access the sample through gate-keepers, on reflection, both constricted and enriched the research. Limitations arose again over the researcher's lack of direct access in choosing the sample, but this was clearly balanced off against the engagement of a vulnerable and marginalised population vis-a-vis the gate-keepers. The problems accessing fathers and the resultant low numbers of participating fathers is a clear and regrettable limitation of this research. Although the participation of six fathers cannot be generalized to the population of separated fathers with a history of domestic violence, their individual stories and experiences were diverse and provided a great depth of understanding. The time available to conduct the fieldwork was compromised on two fronts: firstly where individual interviews had to be conducted in excess of the number planned for; and secondly where a considerable amount of time was invested in the original strategy for accessing father, yielding no results, and leaving limited time to undertake an alternative strategy. Finally it could be surmised that the limited amount time spent observing the family court could only yield limited insights. However, the strength of the mixed methods and case study strategies employed meant that no one method of data collection or source of data was depended on in a 'stand alone' capacity; moreover the triangulated feature of this design incorporated or 'carried' any identified weaknesses without compromising the interpretive process.

Chapter Summary

This chapter has presented an account of the methodological experience of this research project. Beginning, as all research does, with a central question demanding to be answered; the research design, methods, and sampling frame/s chosen as appropriate in answering that question have been described and defended. The data gathering process, analysis and write up, and the issues of ethical consideration, objectivity and validity have been explored.

The fieldwork for this project was carried out over an eighteen month period involving two hundred and nineteen mothers and twenty-eight professionals in Phase One; and sixteen children and young people, nine mothers, six fathers, twenty-eight professionals in Phase Two. Adopting a two-phase sequential mixed method approach embedded in a case study design, multiple methods were employed in a predominantly qualitative approach. This process yielded a vast quantity of both quantitative and qualitative data which were analysed with the support of computer software packages. The analysis of that data is now presented in the four chapters that follow.

CHAPTER SIX

WHAT HAPPENS ON CONTACT?

This chapter is the first of four chapters dedicated to presenting and discussing the findings of this current study on children's experience of post-separation contact with their domestically abusive fathers. As outlined in the previous chapter, a two-phase sequential mixed -method methodological approach was employed for the purpose of gathering the data that would appropriately and adequately answer the questions posed by this research. This generated a large amount of quantitative data and some qualitative data from the first phase of the research, while the second phase involved the collection of qualitative data. These four chapters draw on the data sets from both Phase One and Phase Two, combining them in the interpretative process. For the purpose of clarity, Phase One participants are identified only by the code on their questionnaire[27], whilst the participants from Phase Two are identified by the pseudonyms that were allocated to them.

This first chapter begins by providing a demographic profile of the key research participants (children, mothers and fathers), and a descriptive account of their contact activity before going on to explore how contact was experienced from the viewpoint of those same participants. The research participants' experiences of post-separation parenting are discussed in Chapter Seven, while in Chapter Eight the findings of this research regarding the process of decision-making in contact cases are presented. Chapter Nine concludes the presentation of findings with a focus on quality contact. The findings presented in this chapter and in Chapter Seven reflect the experiences of the children, mothers and fathers, while the final two chapters also include the views and experiences of the participating professionals.

Section 1A: Overview of research participants: Phase One Survey Sample

Two hundred and nineteen families were involved in Phase One of this research and participated in a survey involving the completion of either one of two questionnaires. One questionnaire was completed by 147 mothers in respect of their 317 children who *were* engaged in post-separation contact[28] with their fathers, whilst the second questionnaire was completed by 72 mothers whose 132 children *were not* engaged in such contact[29] (Table 7).

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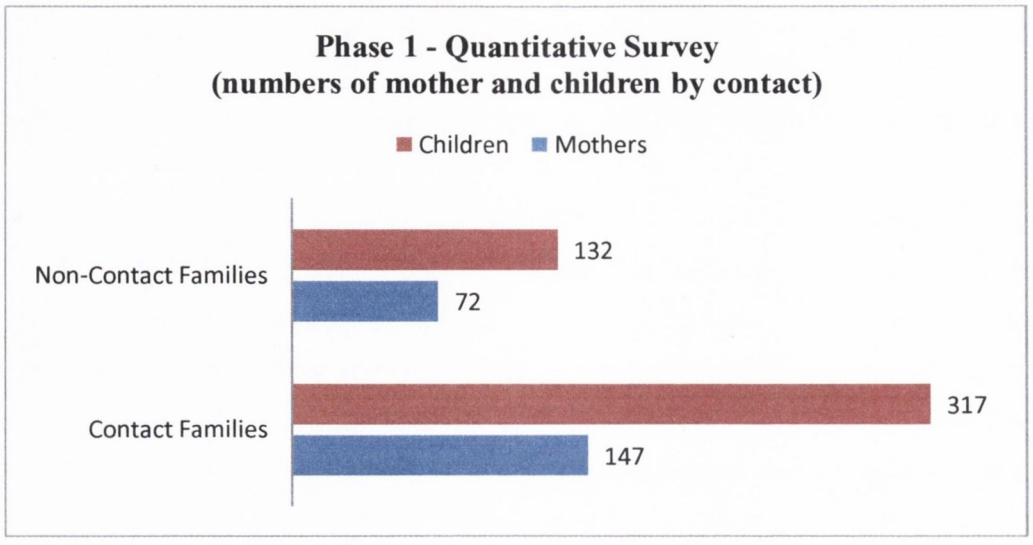
[27] Families in contact are coded in odd numbers while those not in contact are coded in even numbers.
[28] The group completing this questionnaire are hereby referred to as the 'contact families'.
[29] The group completing this questionnaire are hereby referred to as the 'no contact families'.

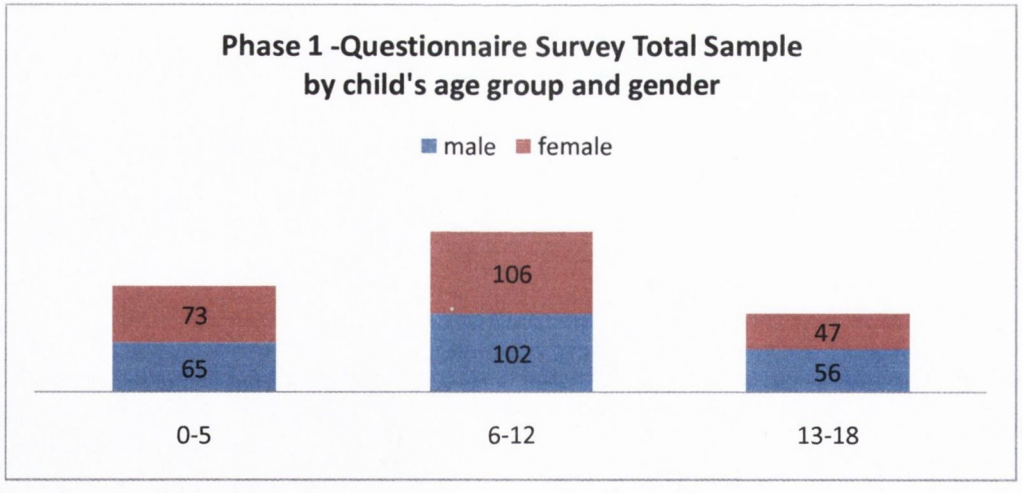
Table 7: Phase One participants ['Contact' & 'No Contact' Families]: Survey Sample



N = 449 Children & 219 Mothers

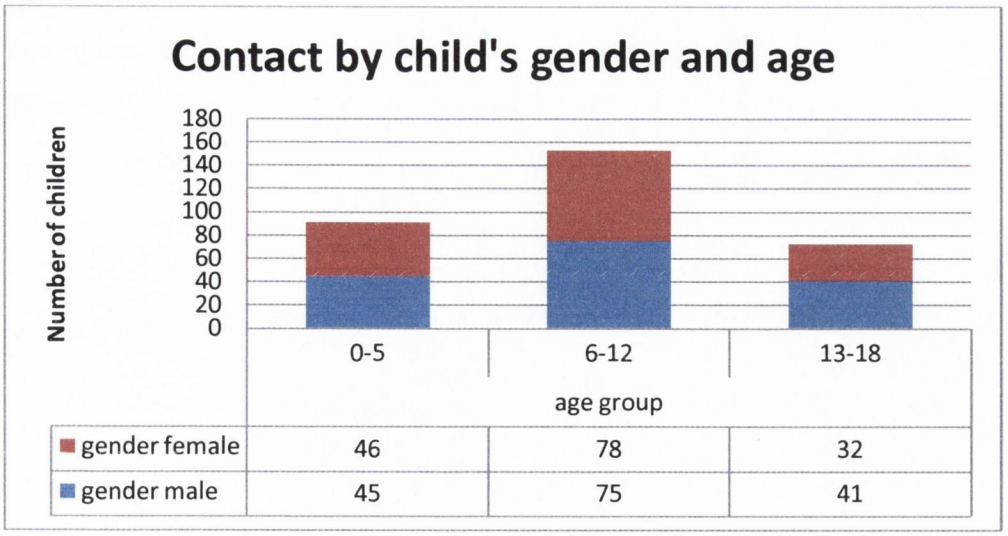
Phase One gathered data on 449 children who were aged between six weeks and 18 years of age, with slightly more girls (226) than boys (223) participating (Table 2). Both 'contact' and 'no contact' groups recorded the highest percentage of children in the 6-12 year old age group (Table 8 & 9).

Table 8: Phase One Age & Gender of Children ['Contact' & 'No Contact' Families]: Survey Sample



N = 449 Children (223 boys and 226 girls)

Table 9: Age and Gender of Phase One 'Contact' children: Survey Sample



	0-5	6-12	13-18
gender female	46	78	32
gender male	45	75	41

N = 317 Children (161 boys and 156 girls)

Type & Extent of Contact Activity

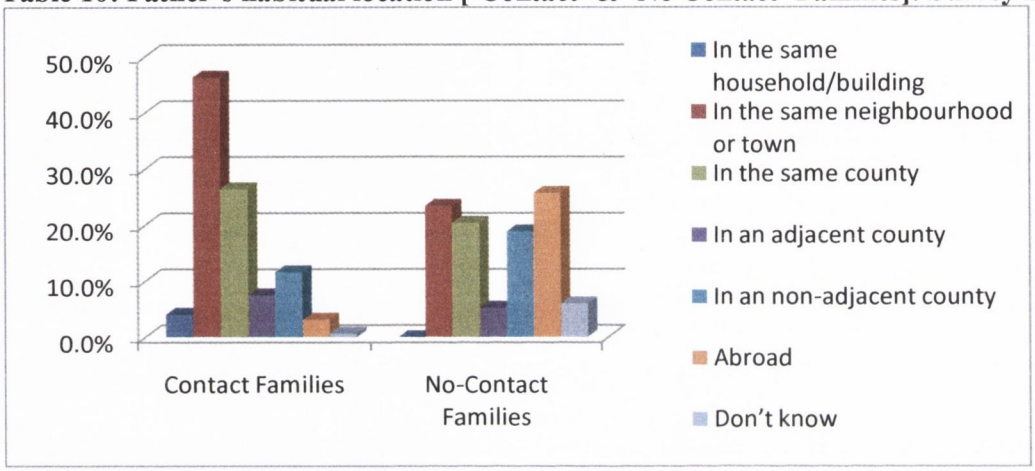
Reflecting the literature reviewed, children in this study who were in contact with their father were reported by their mothers to be engaged in a wide range of contact activities, albeit to greater or lesser degrees, including over-night and non-overnight visits, telephone calls, texting, e-mail, and the sending and receiving of photographs and letters during the year prior to participation in the research. Weekly non-overnight contact was, on average, the most popular form of contact participants reported their children being engaged in, with 20% (63) of all 'contact' children engaged in this activity. Overnight contact was most actively engaged in by 6-12 year old with 23% of children having overnight visits once a week to 22% once a fortnight. 44% of children had not engaged in overnight contact over the previous year. While the survey did not ask for reasons why over-night contact was not occurring, research indicates that this may be as a result of a court direction and may also be influenced by the father's habitual location, where either the geographical distance or the physical space he occupies precludes over-night visits (Simpson *et al.,* 1996). There was also a particularly low use of other more indirect forms of contact by all participants, such as letter writing, telephoning and the sending of e-mail or texts. Texting was used by just over half (54.9%) of the 13-18 age cohort. In general, written forms of contact were employed considerably less often as a means of communication by all age-groups, with e-mail only used by 5 (1.5%) of the 317 children.

Pryor and Rodgers (2001) assert that the extent and type of contact activity may be influenced by differences in how contact is defined and measured, with these differences further influenced by the research informant – i.e. whether the mother, father or child are recalling this contact. However there

is also broad agreement within the literature reviewed regarding the factors deemed influential in determining the levels and quality of contact. Drawing on Cooksey and Craig's (1998) research, the factors most relevant to the survey findings include the father's habitual location; the age and gender of the child; and whether either one or both parents were in new relationships and had subsequent children arising from those new relationships.

Father's habitual location

Table 10: Father's habitual location ['Contact' & 'No Contact' Families]: Survey Sample.



N = 317 'contact' children & 132 'no contact' children

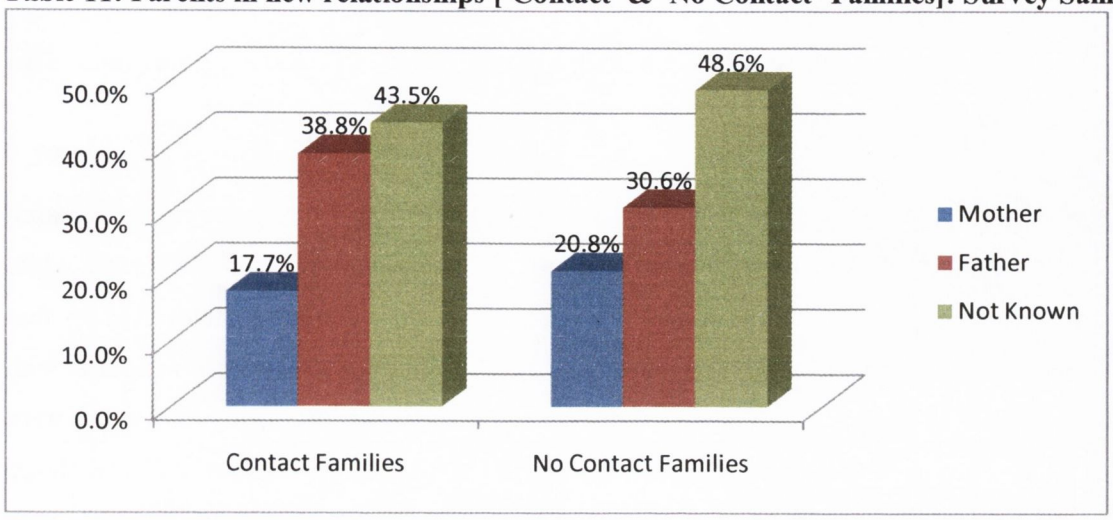
Echoing Cooksey & Craig (1998) and Smyth *et al.'s* (2001) assertion that geographical distance may significantly impact on contact, the findings highlight that for 46% of the children engaged in contact, their father had remained living in the same neighbourhood or town, while the fathers of a further 26.5% of the children were residing in the same county as the mother and child/children (Table 10). The importance of location is borne out when compared to the habitual location of the children not engaged in contact, where the fathers of only 23.5% of those children had remained living in the same neighbourhood, while the fathers of a further 25.8% of children did not live in this country. King and Heard's (1999) conclusion that geographical distance may not only restrict direct contact, but also negatively influence the engagement in other more indirect forms of contact, is also reflected in this present study with only 3.2% (10) of children in contact with fathers who live outside this country (Table 10).

New relationships and new children

Information regarding new relationships and the presence of new children was not always known, particularly where contact had ceased. However where this information was given, there were

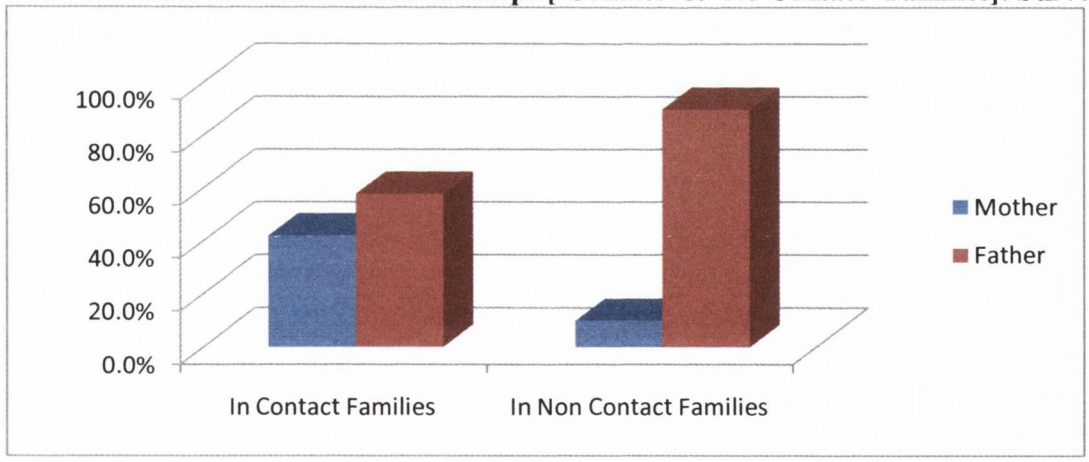
consistently higher rates of fathers in subsequent relationships and with subsequent children, relative to mothers (Table 11 & 12).

Table 11: Parents in new relationships ['Contact' & 'No Contact' Families]: Survey Sample



N = 41 Mothers (26 'contact' & 15 'no contact' mothers) and 79 fathers (57 'contact' & 22 'no contact' fathers). Information was not forthcoming for the remaining 121 & 90 'contact' mothers and fathers respectively or the remaining 57 and 50 'no contact' mothers and fathers respectively.

Table 12: Children from new relationships ['Contact' & 'No Contact' Families]: Survey Sample



N = 9 Mothers (8 'contact' & 1 'no contact') and 20 Fathers (11 'contact' & 9 'no contact')

The higher rate of fathers in new relationships (Table 11 above) and those with new children (Table 12 above) who were *not* in contact with their previous children (13.2%), compared with their counter-parts who remained in contact (7.7%) (Table 11 & 12) is consistent with existing research which finds that when men are living in families with children, their contact relationships with previous children from earlier relationships declines (Guzzo, 2009). While, as Stephens (1996) suggests, fathers who 'move on' to new families may be getting their emotional needs met by those subsequent families, the

decline in contact with the biological family may be simply, as Guzzo (2009) argues, arise from the practical logistics of involvement across two or more households.

Age and gender of children

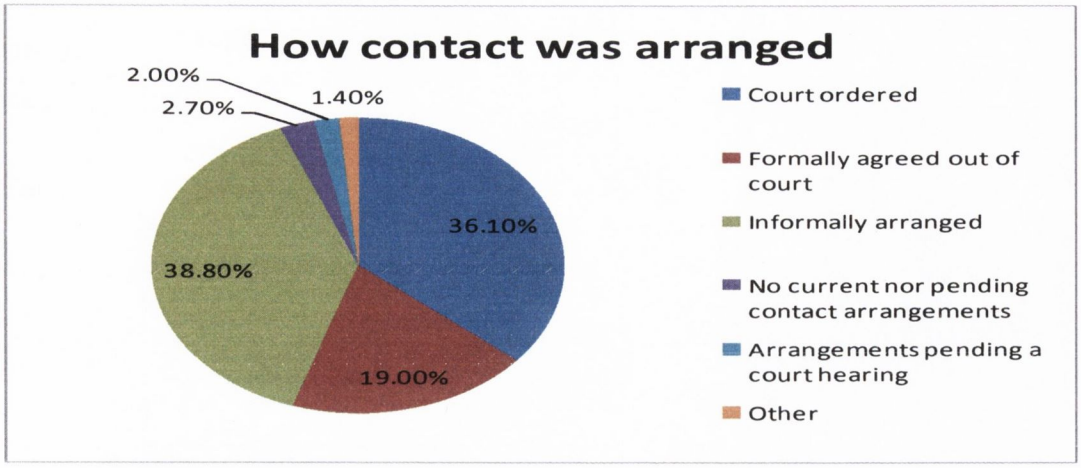
There were no discernible patterns or difference in reports of contact activity along gender lines. This is broadly in line with the literature reviewed.

Findings on the age of the child in relation to contact are again found to vary with some research finding that older children tend to be more involved with their fathers (King & Heard, 1999), while other research finding no such correlation (Dunn, 2002). Indeed Stephens' (1996) finding that younger school-age children appeared to enjoy more regular and structured contact compared with children or teenagers was reflected to some degree in this research; children aged 6-12 years were most actively involved in contact across almost every contact activity. It may also be, as King, Harris and Heard (2004) conclude, that the natural decline of parent-child interaction that corresponds with an increase in age as children pass through adolescence bears significantly on father-child contact.

Legal and regulatory factors

The presence of legal orders regulating contact is a significant indicator of a number of important factors relevant to the extent and nature of post-separation contact. Firstly, as the literature review demonstrated, between 10-30% of separating families who are characterized by high levels of parental acrimony and conflict, cannot agree contact on their own and require the intervention of the family law system (Dunn *et al.,* 2004; Jaffe *et al.,* 2003). However, the findings of this present research identify a higher rate of court-ordered contact. As table 13 below highlights, arrangements were court ordered for 36% of contact families, with a further 19% (28 families) formally agreed out of court and 39% (57 families) informally agreed between the parties involved. The figure of 36% of families engaged in court-ordered contact indicates a significant number of families where a previous history of domestic violence has been established, requiring legal intervention and regulation.

Table 13: How Contact was arranged 'For Contact' Families: Survey Sample

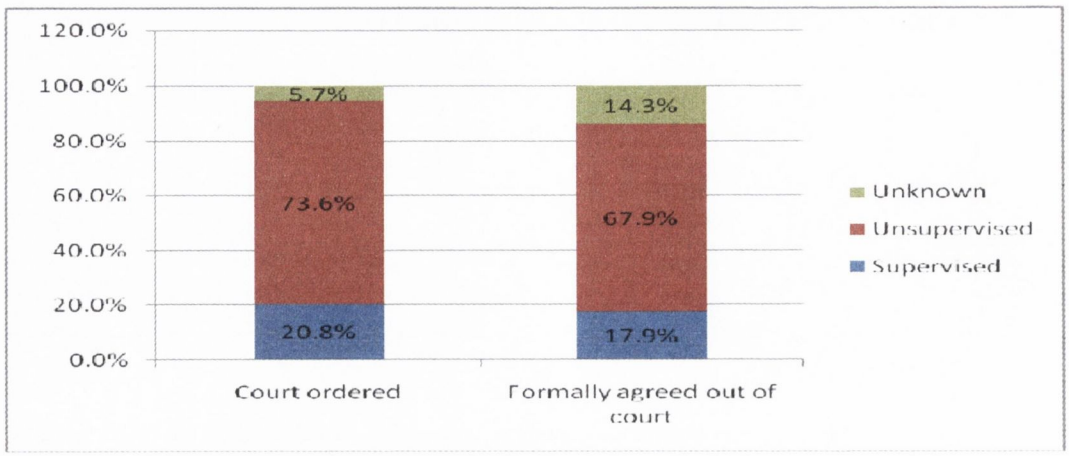


N = 147 Families & 317 children

Supervised contact is a facility on which courts around the world are increasingly relying, in an effort to resolve some of the issues presented by these entrenched cases (Radford & Hester, 2006), although the availability of supervised contact is generally limited, with mixed understandings of what exactly this entails. As Table 14 (below) highlights, supervised contact was in place for only 11 of the fifty families whose contact was court ordered[30] and five of the twenty-four families where contact had been formally agreed[31] which may reflect the limited supervisory facilities available in the jurisdiction where this research was conducted. Despite the fact that there is broad agreement within the literature that supervision by family members is rarely appropriate where there has been a history of domestic abuse (Hester & Radford 1996; Jaffe *et al.,* 2003), for the few respondents who gave an indication about who supervised contact, mothers and professionals were two of the most common answers given. The issue and relevance of legally regulated and supervised contact will be returned to again

[30] This information was only provided in respect of fifty of the fifty-three families
[31] Again this information was only provided in respect of twenty-four of the twenty-eight families

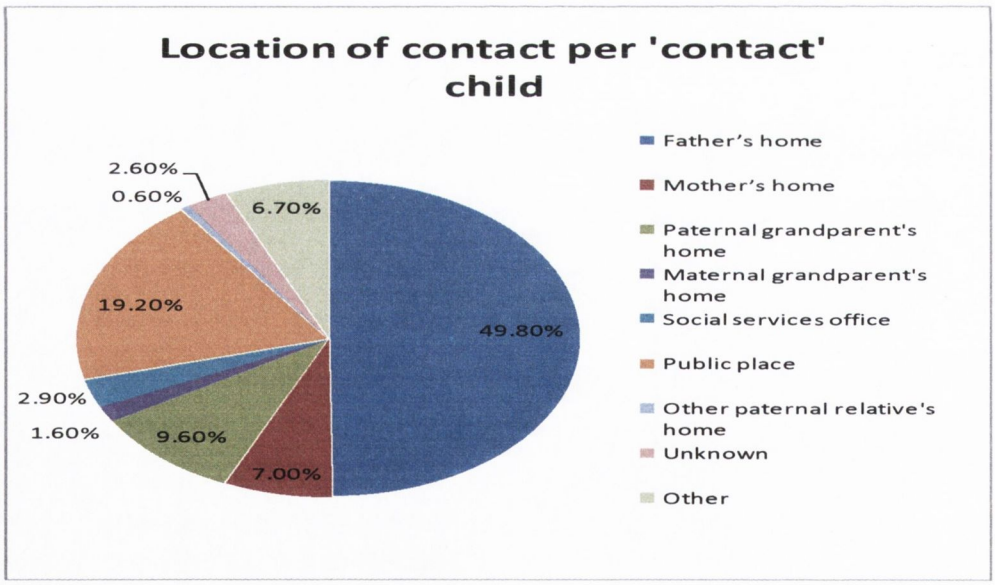
Table 14: Supervision of contact for court ordered & formally arranged 'contact' families: Survey Sample



N = 50 Court Ordered cases (3 did not answer this question) and N = 24 of the formally agrees cases (4 did not answer this question)

Location of contact

Table 15: Location of contact for 'contact' children: Survey Sample

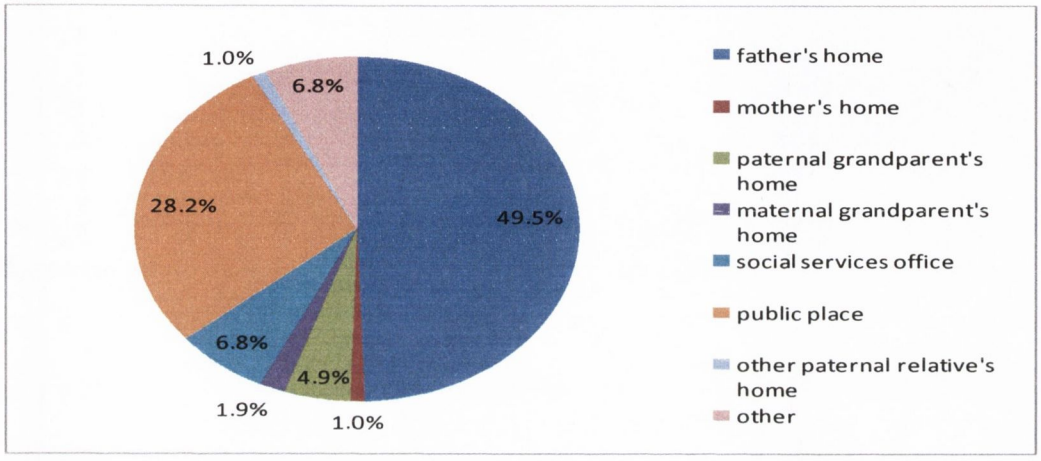


N = 313 children (information was not provided for 4 children).

As Table 15 (above) illustrates, the father's home was the most popular venue for contact reported by the research participants. This involved 49.84% of families. Tables 16-18 present the location of contact for each of the contact arrangements – court ordered, formally arranged and informally

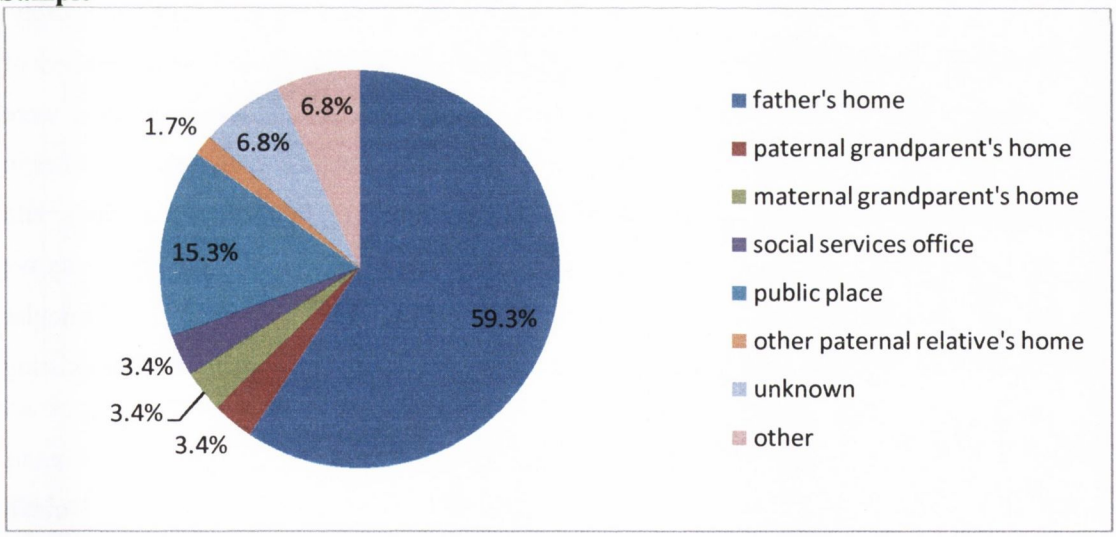
agreed. Table 16 highlights that court ordered contact rarely took place in the mother's home (1.0% of families) and that a higher percentage of contact took place in the mother's home for the informally arranged cases (9.6%) (Table18). Perhaps unsurprisingly, contact was court-ordered for seven of the nine children who met their father in a social services office.

Table 16: Location of contact for the court ordered cases: Survey Sample



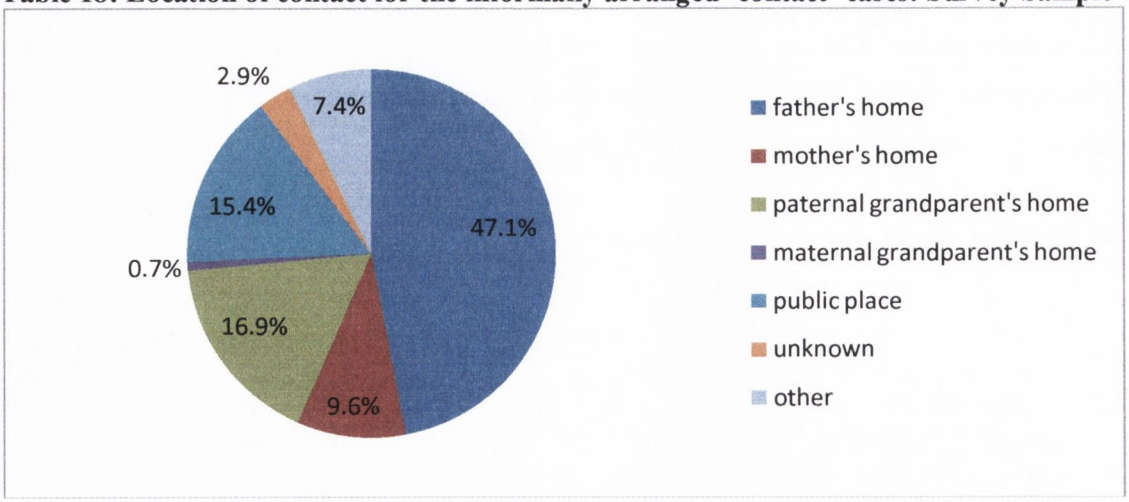
N = 103 (Information was not provided in respect of 2 children in the court-ordered group).

Table 17: Location of contact for the formally agreed out of court 'contact cases': Survey Sample



N = 59

Table 18: Location of contact for the informally arranged 'contact' cases: Survey Sample



N = 138 (Information was not provided in respect of two children in the informally arranged group)

Section 1B: Overview of research participants: Phase Two Interview Sample

A number of families participating in Phase One also participated in individual and group interviews in Phase Two of the research. These included all of the sixteen children and young people and eight of the nine participating mothers who were sampled from two of the twenty participating organisations, as outlined in the previous chapter. The ninth mother and the six fathers were recruited separately, through four other organisations. Collectively, these thirty-one research participants were members of seventeen families. While in some cases both the mother and some or all of her children were interviewed, in other cases only the children, only some of the children or only the mother or father in the family were interviewed. The findings from the interviews represent only the views and experiences of the participating fathers, mothers and children/young people and are not representative of all members of these families or indeed of all mothers, fathers and children in this particular context. That said however, the degree to which the findings of this research concur with the existing literature justifies a claim to broad applicability.

The seventeen Phase Two families had between them fifty-six children, with fifty-three born to both the mother and the father. Of these thirty-two were female and twenty-one were male ranging in age from six weeks to thirty-three years. This female-dominated gender divide was also reflected in the sample of children interviewed with eleven girls and five boys participating. The age-range of this group is somewhat narrower, primarily defined by the inclusion and exclusion criteria applied, with the youngest participating child aged seven and the eldest participating young adult aged twenty-four years. Table 19 presents these seventeen families and identifies those family members who participated in the research.

Table 19: Overview of Phase Two Families: Interview Sample

Family	Mother	Father	Child 1	Child 2	Child 3	Child 4	Child 5
1	Claire	Father	Rachel (11)	Cathy (9)	F (6)		
2	Peggy	Father	F (27)	F	F	M (17)	Niamh (11)
3[32]	Anne	Father	F (16)*	M (14)*	F (12)*	F (3)*	
4	Marian	Father	M (21)	M (18)	Ciaran (13)	Fiona (11)	
5	Mary	Father	M (19)	F (18)	Eva (16)	Leah (12)	
6	Tanya	Father	M (15)	M (6)			
7	Aileen	Father	Colette (24)	M (22)	M (20)*	F (18)	
8	Hannah	Father	Ciara (9)	Todd (7)			
9	Helen	Father	F (17)*	F (16)	F (13)		
10	Mother	Father	M (20)	F (18)	Annie (17)	Tim (15)	Robert (8)
11	Mother	Father	Kate (13)	Sara (9)	Sean (7)	F (5)	
12	Mother	Brian	M (7)	M *(6wks)			
13	Mother	Matt	F (6)	M (2)			
14	Mother	Lee	F (6)	M (5)			
15	Mother	Tom	F (33)	F (31)	F (28)	F (26)	M (18)
16	Mother	Steve	M (25)	F (21)	F (20)	M (15)	M (2)*
17	Mother	Luke	M (17)	M (15)	F (12)	M (9)	M (2)

Participating family members are named while non-participating family members are identified according to either their parental role (mother or father), or the gender of the child (male or female). Children who were engaged in contact at the time of the interview are highlighted in blue while those not engaged are highlighted in pink. The father's children from previous or subsequent relationships are highlighted in red, whilst the mother's children from previous or subsequent relationships are highlighted in orange. Finally, children who were living with their father at the time of interview are marked with an asterix.

[32] At the time of interview, these children were living with their father. Over the previous year they had predominantly lived with their mother.

Similar to Phase One, only 40% of Phase Two children had engaged in overnight contact with their fathers over the year prior to interview. In fact, the six participating fathers described a particularly narrow range of contact activity, perhaps indicative of the fact that contact for three of the six fathers was supervised. None of the fathers interviewed engaged in overnight contact, but there was also a particularly low use of other more indirect forms of contact by all participants, such as letter writing, telephoning and the sending of e-mail or texts. Texting was only engaged in by three children, despite the fact that eleven children owned a mobile telephone, whilst none of the children engaged in e-mail contact. Weekly non-overnight contact was again the most popular form of contact. There were no discernible patterns or difference in reports of contact activity along gender lines, although children aged 7-12 years were the most actively involved in contact across almost every contact activity.

Contact was supervised for five of the seventeen families, involving a total of eight children. Only one of these families involved supervision in a 'contact centre'. The contact visits of a further four children were supervised by a social worker employed by the Health Service Executive at a HSE venue. Contact for two families was supervised by family members, while supervised contact for the final family occurred in a prison setting. The father's home was the most popular location for contact for the remaining twelve families.

The majority of Phase Two fathers had remained living in the same neighbourhood, town/city or adjoining county, with only one father residing in a non-adjoining county and one father in prison, but in the same county.

Twelve fathers were reported to be in subsequent relationships, had two subsequent children and were involved with three step children, compared with nine mothers who collectively had one subsequent child.

Conclusion: Section 1

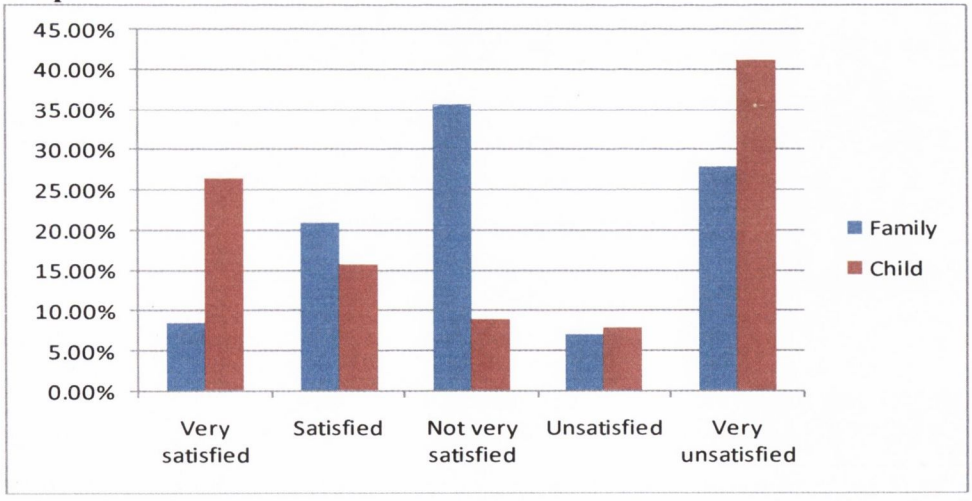
To conclude this first section, the frequency and type of contact engaged in was broadly similar across Phase One and Phase Two, with direct forms of contact (particularly weekly non-overnight contact) the most popularly engaged, in whilst more indirect forms of contact such as texting and e-mail were not utilised to any significant degree. This information may reflect to some degree indication of a father's commitment to his paternal relationships and the structures and systems in place to support this. It also perhaps reflects something about the cultural context of contact and the predominant discourse supporting post-separation family life and the role of the father therein. It does not however

tell us anything about what fathers actually do with their children or about the quality of their relationships. Nor does it give us any insight into the type of parenting practiced; whether parenting is authoritative or recreational (Stewart, 1999), the latter of which is considered, according to Amato and Gilbreth (1999), to be of little real value in children's lives. The next section, which begins the process of integrating the findings from Phase One and Phase Two by drawing on the qualitative responses gathered from both phases, explores these experiences in more detail.

Section 2: The Contact Experience

Concurring with Trinder's (2007) reflections from a court-based study with 250 parents, and as corroborated by Mullender *et al.* 's (2002) research with children, the majority of participating mothers in both phases of this research stated that they were in favour of contact for their children with their ex-partner. Even where that contact compromised their own safety, maternal commitment to father-child contact was based on the belief that children need their fathers and fathers have a right to see their children, concurring with the findings of Hester *et al.* (1994). This belief also reflects the dominant socio-cultural context of this research (Coulter, 2007). Despite this, and arising directly from the experience of contact, 70.6% of Phase One mothers and eight of the nine Phase two mothers expressed varying levels of dissatisfaction with this arrangement (Table 20). Table 21 presents the levels of satisfaction per child, as expressed by their mothers.

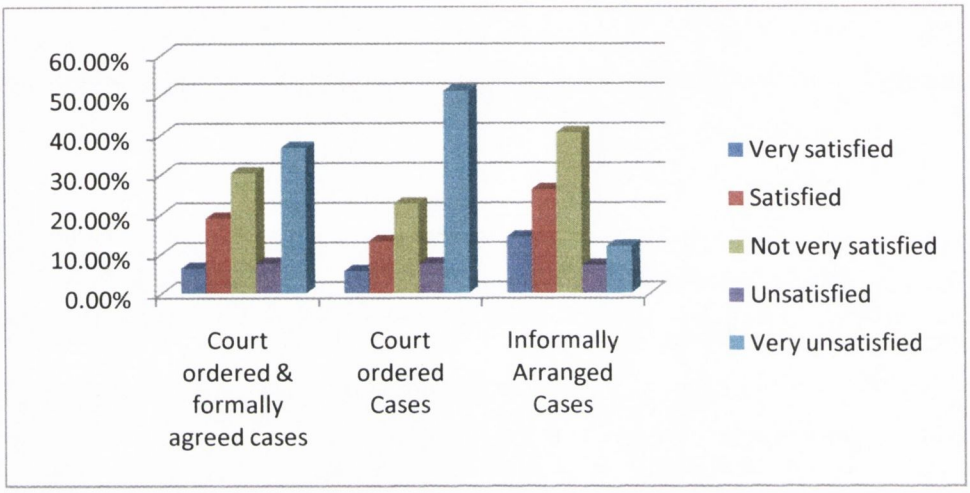
Table 20: Level of satisfaction with contact for 'contact' [per family& per child]: Survey Sample



N = 129 (18 (12.2%) did not answer this question)
N = 102 children (information was not provided in respect of 30 children)

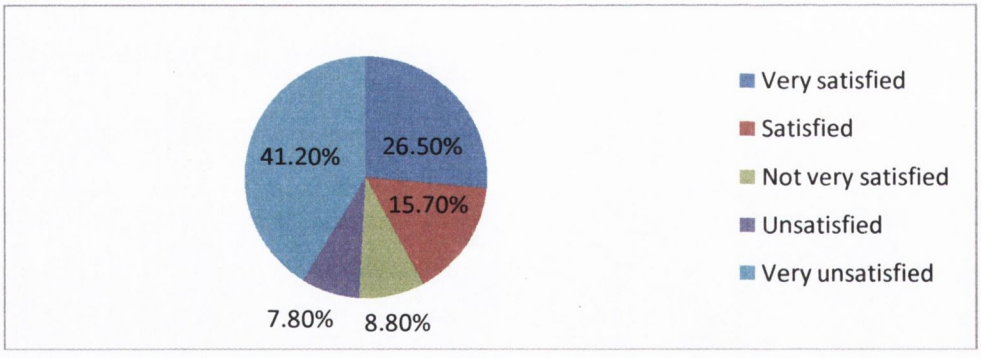
Levels of dissatisfaction for Phase One 'contact' mothers were significantly higher in court ordered cases (81%[33]) when compared with informally arranged contact (60%) (Table 21). In addition, the higher levels of dissatisfaction expressed by Phase One mothers of children *not* in contact with their father (58.8%) as compared with the percentage of mothers who were positive about the termination of that contact (42.2%) is perhaps a further, albeit modest, indication of maternal commitment to contact (Table 22).

Table 21: Level of satisfaction with court-ordered & formally agreed out of court (combined) 'contact' cases: Survey Sample



N = 79 Court ordered & formally agreed cases (2 did not answer this question); 53 Court ordered Cases; 42 Informally Arranged Cases (15 did not answer this question)

Table 22: Level of satisfaction with contact arrangements for 'no contact' cases [per child]: Survey Sample



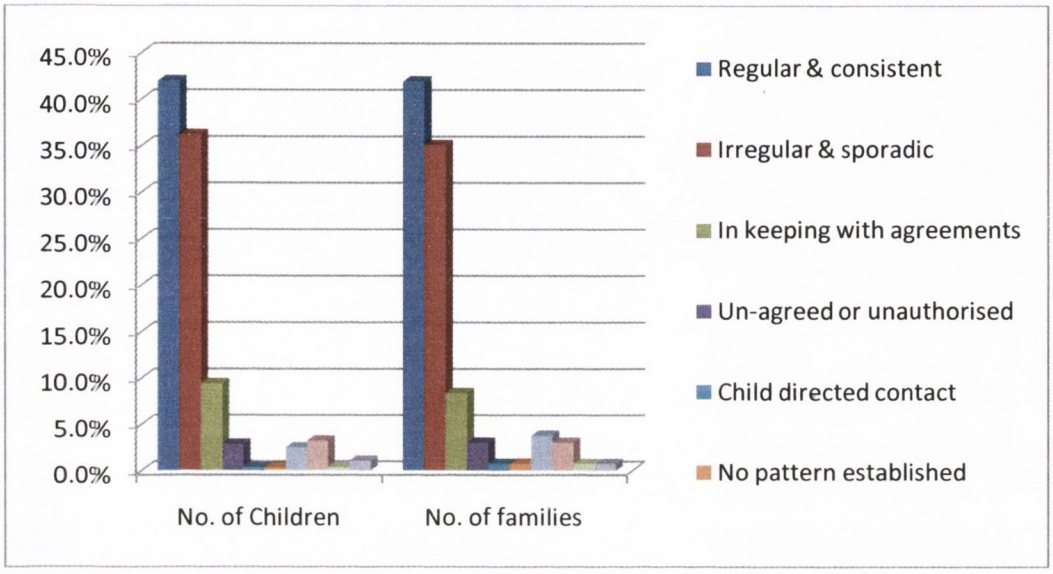
N = 102 children (information was not provided in respect of 30 children)

Furthermore, regardless of the type, frequency or any other feature of contact arrangements described in the first section, including whether or not they were engaged in contact, the majority of Phase Two children expressed dissatisfaction with their experience of contact, echoing the maternal discontent

[33] This figure represents the combination of the 'not very satisfied', unsatisfied', and very 'unsatisfied' categories.

recorded in Phase One and reflective of Buckley *et al.*'s (2007) research with Irish children and Mullender *et al.*'s (2002) UK study. Specifically, 13 of the16 Phase Two children[34] described their contact experience as 'erratic' and 'irregular', reflecting the sentiments expressed by over one third of Phase One children (Table 23).

Table 23: Description of contact arrangements per 'contact' family: Survey Sample.



N = 131 Families and 276 children (16 families [10.9%] did not answer this question in respect of 41 children [12.9%]).

The varying levels of dissatisfaction with their current contact arrangements and experiences, also expressed by twelve of the sixteen Phase Two children and young people, resonates with that expressed by the participants in Mullender *et al.*'s (2002) earlier research. Indeed with three of the remaining four children and young people expressing satisfaction because they had terminated contact with their father, only one young person was engaged in contact and satisfied with that arrangement. The reasons stated for satisfaction or dissatisfaction by mothers and the children across both phases of the research tended to be closely aligned with each other, and for the most part related directly to the behaviour of the father, either behaviour directed at the mother or the child.

Finally, four of the six fathers interviewed expressed dissatisfaction with the arrangement for, and their experience of, contact with their child. The conclusions drawn by Peled (2000) concerning an 'instrumental approach' to post-separating parenting by domestically abusive men is evident to some degree in the narrative of the participating fathers in the present study. Their construction of fatherhood, in terms of their 'rights' to see their children with little emphasis on their relationship with them, was reflected in their stated dissatisfaction with arrangements where restrictions were in place

[34] Three of these 13 young participants were no longer in contact with their father

(for example by time, location or supervision). This restriction was perceived to be imposed by the child's mother or by a professional on the mother's behalf, leading a predominant paternal focus on the parental conflict and with little room, as Peled (2000) found, for paternal nurturance of their children. As such, the reasons for dissatisfaction with contact expressed by the research participants concerned both the arrangements that were in place for contact and the contact activity itself. These two separate yet obviously connected aspects of the contact experience are now explored.

Participants view on the Arrangements for Contact

This section will present the research participants' views on the contact arrangements, specifically concerning the regularity and consistency of those arrangements and when rigid and inflexible arrangements proved problematic.

Regularity and consistency of contact arrangements

A common complaint cited across both data sets, and an overt criticism of post-separation fathering emerging from the literature (Reece, 2006; Rhoades, 2002), concerns the regularity and consistency of contact arrangements, and whether contact occurs in line with the agreements made. For example 42% of Phase One 'contact families', described their contact as 'regular and consistent', but, for 35% of participants, contact was irregular and sporadic. Un-agreed or unauthorized contact was also reported to occur for a small percentage (3.8%) of those participants (Table 23).

These features of contact arrangements were expanded on by both sets of participants. One young person, Annie (17), talked about her father's contact with her two young brothers. For her, it was quite problematic that '*he agreed every weekend he'd take them but that didn't happen*' because her youngest brother '*got upset*' and the boredom and frustration of continually waiting for their father led her brothers to fight with each other.

Unreliability and unpredictability was also something that children began to anticipate, as these two young participants explain:

> *Sometimes he makes up an excuse and then he doesn't see us...so we're just hanging around for ages waiting.* Cathy (9)

I don't think he'll come for us this Saturday because his great-niece is making her communion so he'll want to go to that...he wouldn't want us there 'cos he'd prefer to drink. Rachel (11)

The anticipation and presumption of unreliability perhaps says as much about the regularity of this behaviour and it also raises questions about the level of insight the children's fathers had into their needs– as Howe *et al.* (1999) assert, the need for security and stability and for parental figures they can rely on. Instead, many of the young research participants described a tension- filled wait every Saturday morning, watching out the window for their father to show. For others, the arrangements involved the mother travelling some distance with very young children to the agreed time and destination, only to arrive to find out that the father did not turn up.

For other participants, as the next section explores, contact arrangements were rigid and non-negotiable, regardless of children's' developmental stages and abilities, special events or unexpected changes in the child's routine.

Inflexible and Rigid Arrangements

Arrangements that were rigidly adhered to and unresponsive to children's changing developmental needs were experienced by some children in this research as 'interfering' with their lives, as Ciaran explains:

He only calls my phone [so] I have to be there [interviewer: what if you had something else on, could you rearrange the call?] *Not really, he'll kind of still just call, just to see what's happening, just to see what's so important that I have to put him off, or what's more important than him. So I kind of have to leave wherever I am early.* Ciaran (13)

Similar to the children in Smart's (2004) research, Ciaran could be described as co-operating out of a sense of obligation with contact arrangements that he feels reflect his father's need for control and also, perhaps, what Reece (2006) considered to be a reflection of poor parenting.

Rachel described a similar arrangement where she and her sisters telephone their father every Monday, Wednesday and Friday at the same time. Outside of those calls Rachel says:

He never ever rings us, never ever. Sometimes when he is in a mood he won't even be bothered talking to us. Rachel (11)

There is a marked absence of reciprocity in the parent-child relationships described by Rachel and Ciaran; an absence of the nurturance Peled (2000) referred to and a discernible lack of prioritising of the children's needs as also found by Bancroft and Silverman (2002).

Ciara (9) and Todd (7) reported that they can only have one telephone contact with their mother when they are staying overnight with their father, something that Ciara described as particularly distressing because she is struggling with mental health issues that she needs her mother to help her cope with. This raises the same question again about whose needs contact meets and whose needs are more important (Smart, 2004):

> *Sometimes even when I am really upset and need to talk to her, Dad won't let me.* Ciara (9)

Ciara further stated that her father takes her mobile phone from her while she is with him and won't give it back until she is returning to her mother. This is perhaps both reflective of Smart's (2004: 500) description of a clinical formula of 'splitting children into two halves, giving each parent a kind of time-share arrangement', and also an indication of their father's difficulty in accepting his role as the non-resident parent and giving permission to their mother to be the primary carer, a task Trinder *et al.* (2002) identified as integral to working post-separation parenting.

It may also be a reflection of the low self-esteem of abusive men already referred to by Bancroft and Silverman (2002), where a child's expressed need for their primary parent is experienced by the contact parent as rejection (Smart, 2004). Mother's also referred to what they experienced as an enforced disconnection from their children when they were not informed of the location of contact, particularly when contact occurred some geographical distance away, as this mother explains:

> *Father lives in another county ... child is told he is not permitted to make contact with his mother whilst he is with father. If mother tries to contact child, phone always rings out.* (SO1)

Mothers also raised the issue of children travelling long distances as a concern, particularly where this involved very young children spending over-night and week-end contact apart from their mother and primary attachment figure:

> *Children are ping pong balled 120miles Friday and Monday across the country with father and woman supervisor. [Their] own needs [are] neglected by [the] courts. (LA5)*

Some of the mothers asserted that more flexible arrangements would better reflect children's changing developmental needs. Rigid arrangements often did not take into account or accommodate sporting or

other extra-curricular activities, particularly those that occurred at the week-ends. In extreme cases, fixed times/days for contact were not compatible with 'out of the ordinary' 'special' events, such as First Holy Communions and Confirmations, as this mother explains:

> *My ever lasting memory will be not allowed to spend the day with my daughter on her communion day...because it fell on a Saturday, Dad took her away to be with his family, excluding her mother on her special day.*TA43

Situations, like the one described above, reflect the tension Smart (2004) identified between what is 'right' for, or the right of, the contact parent, and what is in the child's interests, or indeed fair.

Rigid and restricted contact was also a primary source of grievance for fathers, particularly where contact was constrained by the Courts and enforced, from their point of view, by their ex-partner. The sense of maternal gate-keeping or control of their fathering that Arendell, (1995) referred to was palpably evident in this research. This father found his restricted access of four hours per week with his son very limited and frustrating:

> *But what can you do with four fuckin' hours a week?...especially in the winter, by the time I get him, it's getting dark and you can't do anything. During the summer holidays there was no reason why they (ex-partner's family) couldn't have given me one or two days during the week but she won't give me any more.* Brian (father)

Lack of flexibility or options for negotiating small changes to the agreed contact arrangements was also raised as an issue by participating mothers, as this mother explains:

> *He has the power to reduce their contact time with him, [but] he refuses.. they return home very upset, always with red eyes from crying.* CA5

Whether the allocated contact time was considered enough or too much was a concern that was expressed by many participants. Contact for some children, even once a month was enough. For others, however, the erratic nature of their contact experience meant that they never felt that they had enough time with their father, as this child explains:

> *I only get to see him once in a long time.... every two or three weeks on Sundays. And that's kind of...not enough.* Robert (8)

What happens on contact?

Focusing now on 'what happens' during contact, some of the children interviewed clearly enjoyed activities they did with their father, for example 'watching television and doing normal stuff' (Tim, 15); 'playing golf' (Robert, 8); 'going to KFC [a fast food outlet] or the park' (Kate, 13); or 'hanging-out around the farm' (Niamh, 11). These reports, however, reflected the minority experience of the children and young people interviewed and as reported by mothers participating in the survey. A number of children used the words 'boring' or 'meaningless' to describe their time with their father, as the following quotes illustrate:

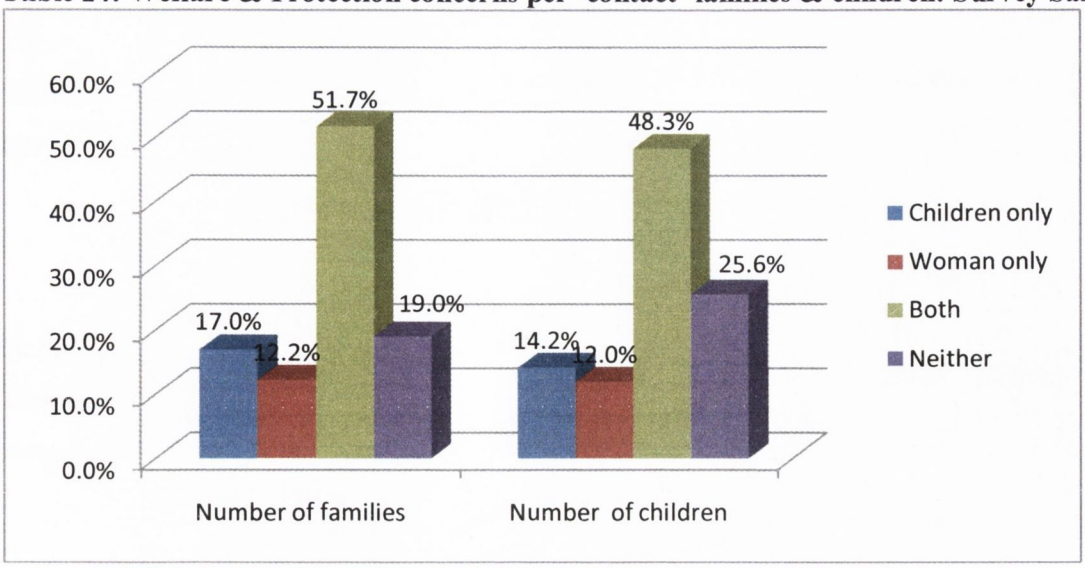
> *We just stay around the house and do gardening which is very boring.* Fiona (11)
>
> *He just acted like we weren't there.* Eva (16)

The participating children and young people expressed a level of both apathy and frustration with their experience of contact with their father, whose lack of interest in them and unwillingness to spend time with them fuelled that indifference and irritation. Mirroring the findings of Brown and Alexander's (2007) research, however, the data from both phases of this present study revealed a number of more serious concerns. The next section explores these in more detail.

Welfare and Protection Concerns: Survey sample

As Table 24 below illustrates, the survey recorded concerns expressed by mothers for the protection and welfare of their children *and* themselves, associated with contact. While child and woman abuse concerns can present in isolation to each other, there is generally agreement in the literature that continued exposure to the abuse of their mother through the facility of child contact, is a form of child abuse (Brown & Alexander, 2007; Radford & Hester, 2006). Mirroring the findings of Radford and Sayer's (1999) research with a similar (albeit smaller) sample of domestic abuse survivors, analysis of Phase One data found 17% (25) of participating 'contact' mothers expressing concerns for their child's safety and welfare but with no concerns for themselves. A further 51.7% (76) mothers expressed protection and welfare concerns for both themselves and their children. Combining these two figures, child protection and welfare concerns were expressed by mothers for 68.7% of the 147 families or for 62.5% of the 317 children. In only 19% (28) of families were no concerns expressed for either the woman or her child (Table 24). However, it is interesting to note that in the cases of 14 children whose mothers stated they had no concern for their children, analysis of the open-ended questions revealed cause for concern.

Table 24: Welfare & Protection concerns per 'contact' families & children: Survey Sample



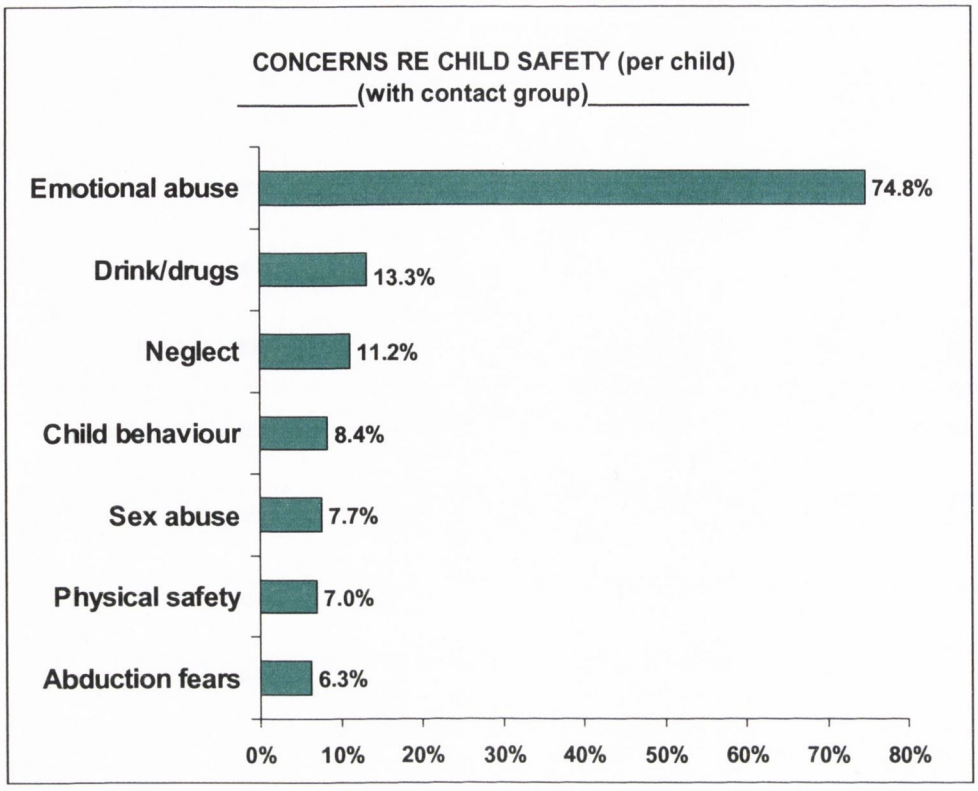
N = 147 families and 313 children (Information was not provided in respect of 4 children)

Furthermore, co-occurring protection and welfare concerns were consistently higher in the court-ordered and formally arranged contact groups than in the informally arranged groups.

- Child Protection & Welfare Concerns (CP&W)

The empirically established correlation between child contact and child abuse in domestic abuse cases (Aris *et al.,* 2002; Brown & Alexander, 2007) received further support in this research, with child protection and welfare concerns expressed across both phases of the research. Evidence from the literature challenges the assumption that separation terminates domestic abuse, with exposure to, or direct involvement in, abusive behaviour, either commencing upon or continuing after separation (Jaffe *et al.,* 2003). Furthermore, Radford and Hester's (2006) assertion of continuing and escalating child abuse in the context of contact is described by Brown and Alexander (2007: 98) as 'new forms of child abuse' that are 'specific to parental separation and divorce'. These concerns were similarly cited in this study and involved emotional, physical, verbal and sexual abuse, in additional to child neglect and child abduction concerns (Table 25). Each of the concerns reported will be explored further in the sections below.

Table 25: Specified CP&W Concerns[35] for 'contact' children: Survey Sample



N = 143

Emotional Abuse

The predominant concern emerging in this study was for the emotional welfare of children engaged in contact. This reflects findings elsewhere that the emotional abuse of children by men who physically abuse their partners is more likely than child physical abuse, because children are often also exposed to the domestic abuse of their mother (Wolfe *et al.,* 2003).

There were a number of facets to the 'emotional abuse' category. As eloquently phrased by Kernic *et al.* (2005: 991) research participants described children continuing to be 'caught in the crossfire' with ongoing **exposure to the verbal abuse and derogation of the mother**, when contact was being arranged and at hand-over points. Joining the chorus of other children in Mullender *et al.'s* (2002) earlier research, the children participating in this present study clearly articulated their distress at hearing this abuse, their efforts to stop it and their sense of powerlessness when they were unable to:

> *He shouts and curses and calls my Mum really, really mean names. I would say 'stop Dad', but he doesn't listen.* Rachel (11)

---

[35] As there could be more than one area of concern in respect of each child, percentages add up to more than 100%

Children also talked about their distress and discomfort when instructed to carry inappropriate and abusive messages home to their mother from their father. The efforts by children to minimize the intended harm have already been noted by Radford and Hester (2006) and are illustrated in this next quote:

> *Sometimes the messages would be so bad I wouldn't even say it.* Niamh (11)

Belittling and verbal abuse of the mother also occurred in her absence, but in the presence of the children, ensuring that she was nonetheless made aware of it, either because of the children's subsequent upset or because the children repeated to her what their father had said:

> *Every time he'd see the kids it was to talk about me and to rubbish me - I was whoring around, I wasn't looking after them, feeding them properly- and they used to come home so upset, really crying* Aileen (Mother)

Children, mothers, and some fathers also described situations where the children were **questioned** by their father during contact about various aspects of the mother's post-separation life (Radford & Hester, 2006). This was experienced by children as 'interrogation' and, as such, can be accepted to be an inappropriate and abusive use of contact time. Many participating mothers stated that this questioning resulted in their ex-partners awareness of their *every move (MT1),* and therefore experienced this communication with their child as threatening:

> *[He] told me that if I ever left him he would come and kill me. He turns up outside the house, sometimes when it is dark. He uses access with the child to find out all my movements and who I'm with and who I talk to. MWSS7*

Only one child in this study described being at the receiving end of this intense questioning from *both* parents, as Niamh explains:

> *Mam and Dad do have a million questions for me. He'd be asking, was your mother asking for me, and Mam would be asking the exact same things. You could write the script.* Niamh (11)

One of the six fathers interviewed spoke critically about his son being questioned by his ex-partner and her family after contact visits regarding the contact activity. In the following excerpt, however, he describes how he explained to his son why he was questioning him about his mother's social life:

When Daddy goes to court and fights for you, daddy can write down all the times your mammy went out and left you with somebody else and daddy couldn't be with you'.. Now you see he's coming back and telling me [when mother goes out] all the time now. Brian (Father)

The situations described above perhaps reflect the parents' inability to separate out their parenting from their partnering which in turn compromises their parenting, reflecting the findings of Madden-Derdich *et al.'s* (1999) research.

Mothers and children alike also described what they considered to be the use of **manipulation** by the fathers in the context of contact, with strong undercurrents of blame and responsibility in the participants' narratives, reflected in covert or overt threats of incarceration, suicide or homelessness, as the following quotes exemplify:

He tells older child that he wants to come home but that I won't let him. Child then says I am a 'bad Mummy' for making Daddy sad. DL9

He just keeps upsetting them, telling them that their mother is going to commit suicide, that if they don't obey him they will never see their mother again. MWSS8

Differential treatment of children was described by participating mothers and children as preferentially treating and rewarding one or more children in the family, *and/or* punishing their siblings. For some children, this was described as a long-term feature of their father's parenting, as Mary explains in relation to her 16 year old daughter:

He has always treated her quite badly and he is still excluding her... he will buy things for the others and give her nothing and she feels that he doesn't speak to her at all. Mary (Mother)

This can also involve excluding and isolating some children in the family from the father's extended family:

Older child refused to talk to her Dad as she heard him tell lies about Mum.. he stopped her pocket money, takes the younger child on holidays, gives her presents and money. Older child is never invited to family functions and is disowned from his side of the family. DL13

Other children described how their father 'bribed' them to go on contact visits with them, with the reward of a toy for the child who goes and with nothing for the child who doesn't:

On Saturday me and Cathy didn't want to go with him so he bought [younger sister] an expensive toy and didn't buy us anything. Cathy went ballistic, it was the very toy she actually

liked and he knew that. Then he started bargaining with her, saying I'll buy you a toy every week if you come with me....I think it's really stupid, you can't just buy people. Rachel (11).

Similar to Hester *et al.'s* (1994) findings, a small number of participating mothers reported their children acting 'in proxy' for the father, where **inappropriate and abusive behaviour by the children directed at the mothers** was encouraged by the father. Examples given ranged from encouraging the children to lie to their mother and defy her rules for bedtime to encouraging them to engage in a range of abusive behaviours against their mother, as illustrated by the next quote:

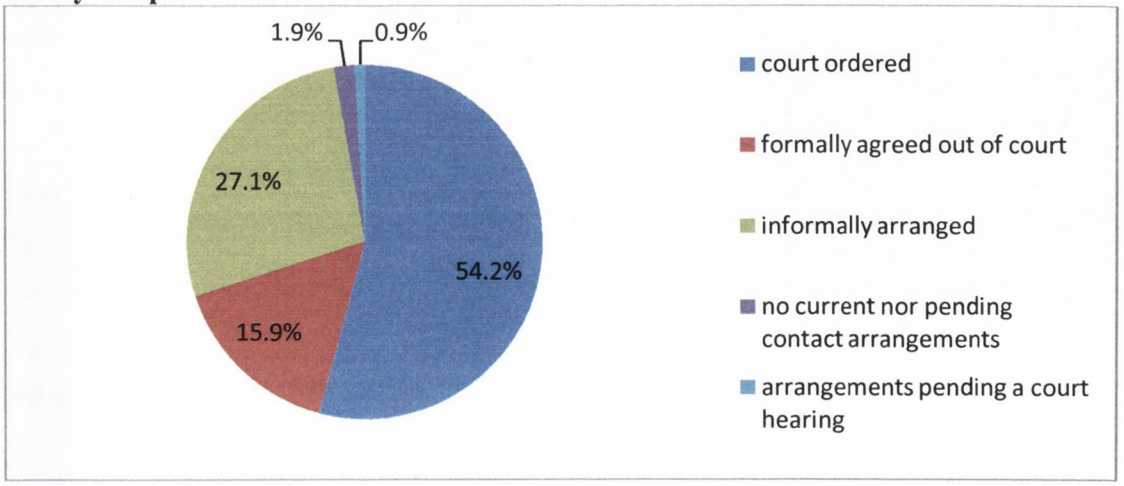
Children intimidated mother, and emotionally, verbally and occasionally physically abuse mother on encouragement of father. MT3

Verbal abuse of the child was reported in a small number of cases by both children and mothers, with this occurring both as an ongoing and as an integral feature of contact, and in the context of more isolated incidents or outbursts. Ciara provides some insight into how this is experienced by her:

My dad said 'are you dumb and stupid' and it upset my brother really, really bad because it's not nice for your parent to be asking you are you dumb and stupid because your parents should know that you are not dumb and stupid. Ciara (9)

To conclude this section, it is interesting to note that analysis of Phase One data finds that concerns for the emotional welfare of the child were predominantly raised by participants whose children's contact was court ordered, representing 54.2% o the total number of emotional abuse concerns raised, compared with the formally agreed group representing 16% of the emotional concerns raised. The informally arranged group raised 27% of the emotional abuse concerns noted (Table 26).

Table 26: Child emotional abuse concerns for each contact arrangement for 'contact' children: Survey Sample



N = 107 'Contact' Children

Physical Safety (including abduction & physical abuse)

Regarding children's **physical safety**, the issue of alcohol and drug use was a consistent theme to emerge from the data. Echoing Brown and Alexander's (2007) description of these concerns as an 'absence of care', combined with a disregard for the child's physical safety, participants in this research described situations where children were being brought to pubs and kept our late, or being left alone at home while the father went drinking, or where inappropriate paternal behaviour occurred in the context of alcohol consumption:

> *Child (5) stated father was so drunk he had to push him up the street to a hotel. Father still drinks and has child in car.* TA25

> *Daughter complained of father urinating in the car.* DI7

Concerns were also expressed about children's **physical safety** because of a perceived lack of supervision or poor supervision:

> *[My son] woke one night to find his dad had gone out. The house is very rural and his father places no restrictions on where he can go when out playing. CA3*

Concurring with earlier research findings (Radford *et al.,* 1999; Smith, 1995), this study also highlights a concern about the **physical abuse of children** by their father in the context of contact. Some of these instances appear to be isolated outbursts of physical aggression:

> *Rachel dented his car, supposedly, and he belted her there a couple of months back and he rang [me] and said 'Take these feckers (the children)'.* Claire (Mother)

> *Father was drunk in bar and attacked eldest son. Charges are pending. WB1*

However, the findings also suggest that the physical abuse of the children is very much an insidious and integral part of the contact experience.

> *He's just bold..he'll hit ya.* Sean (7)

> *[Children] tell me they are hit, kicked, locked up and a lot of mental abuse.*TA1

> *Well there was a lot of abuse you know. I struck him (son) and he had a mark on his face* Lee (Father).

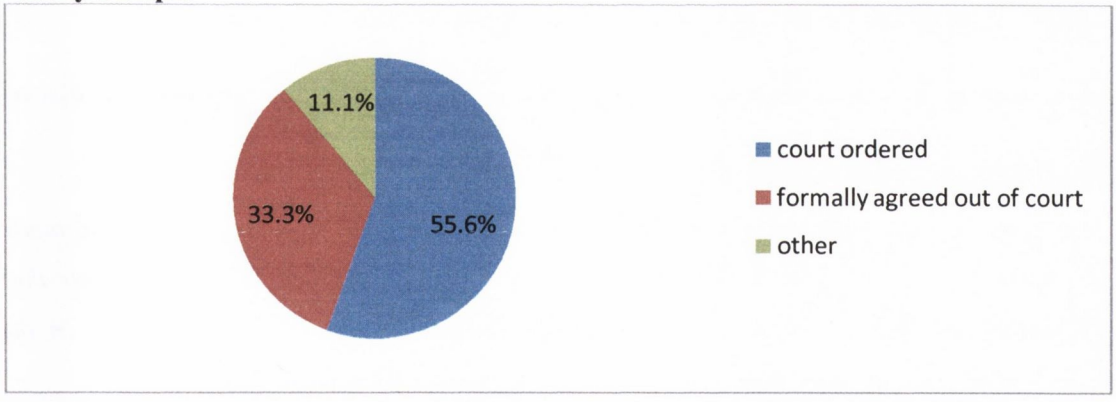
Finally, for a greater percentage of the research participants, fear for children's physical safety was expressed, a fear that was couched in 'what might or could happen', clearly grounded in either the father's previous behaviour or his threatened or perceived potential behaviour, as these young participants explain:

> *We were afraid of him, so you can't talk back to him... he'd probably hit us, he's done it before.* Eva (16)

> *He was so volatile.. that was probably the worst of it that I didn't know would he abuse me. With dad in a lot of ways, it was the threat of what might happen because you never knew exactly what would happen with dad.* Colette (24)

Abduction of their child by their ex-partners, a concern that arises frequently in and, according to Brown and Alexander (2007) is unique to the context of post-separation research, was raised by a small number of participants, predominantly by those with court-ordered contact (Table 27). While abduction was alleged to have taken place in a small number of cases in this study, for many participants, the threat or fear of abduction was ever present.

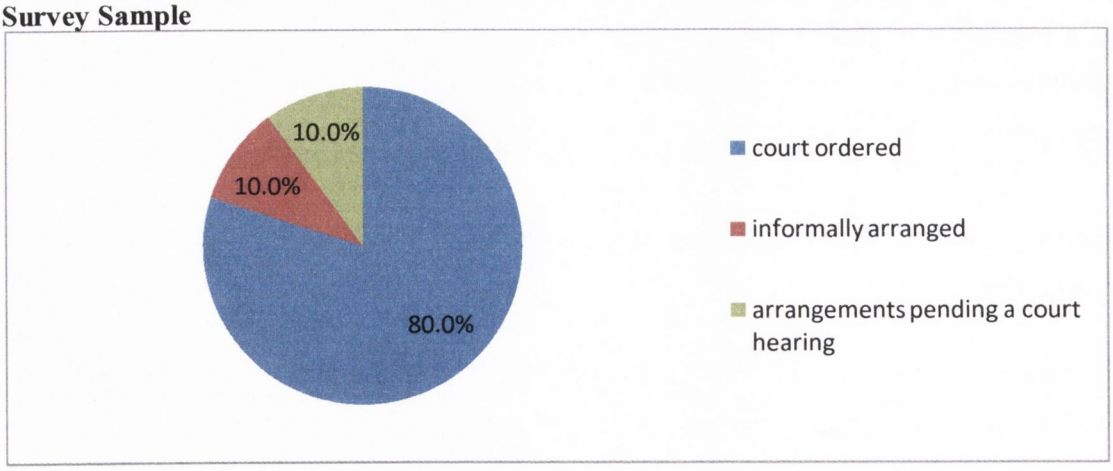
Table 27: Child abduction concerns for each contact arrangement for 'contact' children: Survey Sample



N = 9 'Contact' Children

To conclude the section on child physical safety and physical abuse, it is again interesting to refer to the analysis of Phase One data, particularly regarding the concerns recorded for each of the different contact arrangements. This analysis highlights that physical safety concerns were predominantly expressed by those in the court-ordered group (80%) compared with the other two groups (10% each group) (Table 28).

Table 28: Child physical safety concerns for each contact arrangement for 'contact' children: Survey Sample



N = 20 'Contact' Children

Neglect

Contrary to Brown *et al.* (1998; 2001), who described neglect as a 'largely missing category', neglect concerns were cited by participants in relation to 11.2% of Phase One children in contact with their father. This concern also arose in Phase Two. Concerns expressed about the neglect of children included children not being fed at all or being fed 'rubbish', for example crisps, resulting in the mother sending the child on contact with food; situations where the child was cold because there was no heating in their father's home; where children were left alone at night time or confined to the house and not allowed to play outside during the daytime.

Failure on the fathers' behalf to adhere to the children's **medical and health care needs** whilst on contact visits was also raised by participating mothers, as this quote illustrates:

> *The children need anti-histamine because both of them have allergic and asthmatic tendencies; he doesn't give it to them because my GP said that they need them. [Over the] Christmas holidays the children were with him for five days and I forgot to put in the toothbrushes. So they didn't brush their teeth for the week.* Hannah (mother).

Lack of financial support or failure to adhere to the maintenance agreements was perceived by participating women and children as neglecting the children's needs:

> *They started to get a bit resentful and I tried to keep them out of it but he has really been playing up on the maintenance.* Mary (mother)

A familiar thread throughout was the cited failure to pay or the withholding of maintenance if the children refused to have contact with their father. As such, the withdrawal of financial support is used as a punishment or reward depending on the behaviour of the mother or the children. Financial

support was also perceived by some fathers as directly connected to seeing their children with one father commenting:

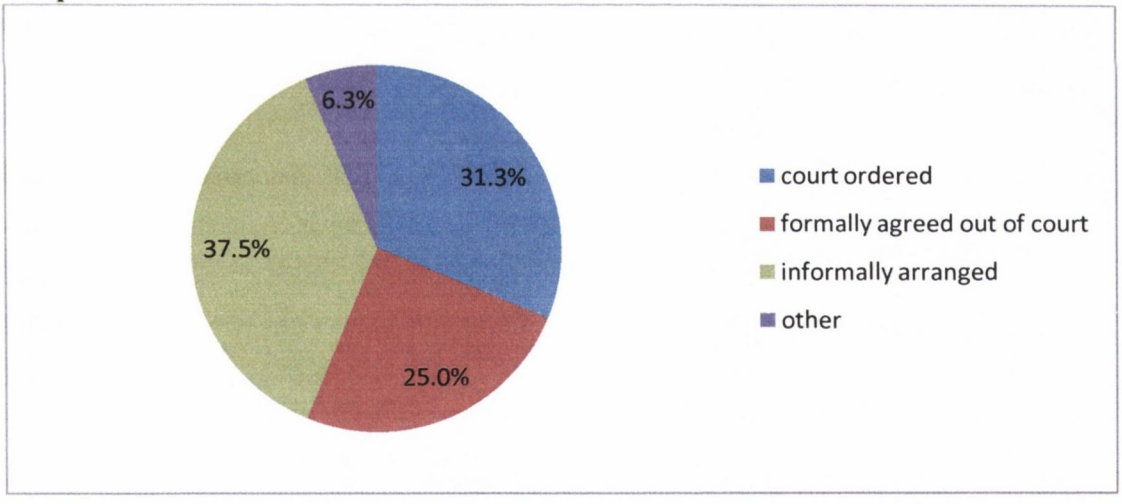
> *For what I am asked to pay, I should be getting more time with him [son].* Brian (Father)

The final strand to the neglect concerns came in the form of mothers and children alleging that fathers were **blocking their children's access to counselling services** or psychological support, as Hannah explains:

> *[Father] wouldn't sign the consent forms because he doesn't think she needs help. Eventually he agreed if he can accompany [her] and get detailed therapeutic notes released to him. The psychologist said this is not safe for the child.* Hannah (mother)

Finally, the survey highlighted that neglect concerns were predominantly raised by the informally arranged group, representing 37.5% of all neglect concerns noted. Women in the court-ordered group raised 31% of all child neglect concerns while 25% of neglect concerns were noted by the formally arranged contact group (Table 29).

Table 29: Child neglect concerns for each contact arrangement for 'contact' children: Survey Sample



N = 16 'Contact' Children

Sexual Abuse

The sexual abuse of children, in addition to their exposure to inappropriate sexual material and the sexual abuse of their mothers, are frequently cited empirical concerns (Brown, 2006; Cawson, 2002), with Wilson's (2002) research in the US establishing that the risk of post-separation child abuse was highest for the sexual abuse of female children. Child sexual abuse allegations were raised by a minority of participants in this study; 7.7% or 11 mothers of Phase One children engaged in contact,

10 of whom were also in the court-ordered group; and by one Phase Two participant. These involved allegations of direct sexual abuse, inappropriate touching and exposure to pornography:

> *Girl aged 5 kept [from contact] by her Mum after disclosure of sexual inappropriate activity with father. Court ruled she go back with supervised contact. Girl cried and cried and cried and fought and cried and eventually realised Mammy could no longer keep her and now goes and does what is expected of her. [Her] own voice is gone.* LA5

> *Has told me his father touches his own 'willy' when he sleeps with him. My child has drawn disturbing images indicating sexual abuse. MWSS7*

Brown and Alexander's (2007: 14) assertion that child abuse in the context of post-separation parenting typically involves multiple forms of abuse 'at the more severe end of the child abuse continuum' was reflected in this present study with multiple concerns recorded in respect of a number of Phase One contact families, predominantly in court-ordered cases.

Regardless of the level and intensity of the abuse exposed to or involved in, analysis of the data clearly highlighted a range of effects on children arising directly from their overall experience of post-separation contact. The next section explores these in more detail.

Impact on Children

The existing literature has established a number of concerns regarding children's emotional and behavioural functioning arising from exposure to abusive paternal behaviour in the pre and post-separation periods (McIntosh, 2002; Smith-Stover *et al.,* 2003). Many mothers across both phases of this present study also expressed concern that the impact of difficult contact experiences seemed to be manifesting in varied yet worrying behaviours such as self-harming, substance abuse, bed wetting and withdrawn behaviours.

Emotional Impacts

The children and young people interviewed drew on a range of emotions to describe their post-separation family life, an experience that they linked inextricably to the time their family lived together, as Eva (16) explains:

> *Even when they did separate that didn't mean that all the problems were gone, we had to deal with what had happened in the years before.* Eva (16)

Similar to the children's testimonies in Mullender *et al.* 's (2002) research, emotions were associated with particular events or facets of their life – parents fighting or separating; unreliable or absent fathers ; enjoyable or unpleasant activity while with their father; and the ripple effects of their parents separation on other aspects of their lives such as school and extended family life. Significantly, and indeed mirroring Hester *et al.*'s (2007) conclusions on the impact of children's exposure to domestic abuse, whereas many children (including children in the same family) went through the same or similar experience, a myriad of conflicting and contrasting emotions were nonetheless drawn on when reflecting on those same or similar experiences. Children expressed **sadness** and were described by their mother as 'upset' when their father was abusive during contact:

> *It was destroying them. I could see them crumbling near enough in front of me. The lad, he used to come back crying each time, [asking me] ', do you think it's right that a father does that?'* Aileen (Mother)

Fathers also described their children as upset when the time with him was over. Irregular or terminated contact was described as a source of disappointment and confusion on the part of children. **Disappointment, abandonment** and **betrayal** also arose for children when their birthday or other special events were not acknowledged or when fathers went on to form new families and/or have new children:

> Their lives have been overturned, it's like he is dead. As he is in a new relationship they feel abandoned and betrayed. MN15

Conversely the data also recorded children's upset and distress with contact they did *not* want, or wanted on their *own* terms, with bed-wetting and nightmares cited as common nocturnal manifestations of this emotional anguish.

> *My daughter was a bright cheerful little girl who now wets the bed when his name is mentioned. He scared her when he brought her off and never explained anything to her. SO9*

Confusion was also expressed; confusion about where 'home' was, particularly when their non-resident parent remains in the family home, obscuring what Bowlby (1982) described as the child's sense of 'secure base', as the following quote illuminates:

> *She has all of her clothes at the [family] house; she won't call my house home at all because she doesn't want to be there. She doesn't know who to be loyal to and where here base is, or should be.* Helen (Mother)

Children and young people reported that they **worried** constantly; about their parents, their siblings and themselves. Sometimes this worry was couched in ambivalent terms and often in relation to their father about whom they also ascribed quite negative feelings and emotions. Those negative feelings were often accompanied by a concern for his welfare, as epitomized in Peled's (2000) 'good, loved father/ bad, abusive father' dichotomy.

> *Sometimes I don't want him near us-sometimes I do [worry] -where is he and what's he doing and is he ok?* Kate (13)

> *I worried I could find him hanging in the garage or something like that. I realize now it was deliberate, a lot of it was premeditated to get us thinking that he couldn't cope.* Colette (24)

Sibling concern and worry for each other was a strong feature to emerge from the findings, and was rooted in close and protective pre-separation relationships, as the young people in Mullender *et al.'s* (2002) study identified. This quote from Ciara reflects both her anxiety about her younger brother but also, as Lapierre (2008) notes, a concurrent concern about children's parentified behaviour:

> *He's locking up all that bad thoughts and he's just keeping all the sadness inside him.* Ciara (9)

Participating children also expressed anxiety about their parents reuniting. While some wished their parents could settle their differences and become a couple again, a stronger theme emerging from the data reflected their revulsion at this notion, as Rachel explains:

> *Once Daddy was threatening to move back in but I've already told my Mum that if she ever took him back that I'd put myself up for adoption.* Rachel (11)

Anger, which found expression amongst the young participants in both Mullender *et al.* 's (2002) and Peled's (2000) studies, was also recognized by older siblings and by parents in this present research. When anger found expression in aggressive and violent behaviour, as with Tim who is the subject of the next quote, concern was expressed by siblings who could both understand how they were feeling and also identify the cause of and remedy for this problem:

> *Tim is the angriest person I've ever come across. He half understands it, but because he's only half getting it, he's getting more angry with it because Dad's not kicking in to be a father - he's there but he's not there.* Annie (17)

This mother describes how her daughter's anger resulting from poor or cancelled contact manifests itself in both rage at her father and blaming her mother:

> *You don't know will they have a good or bad day and then you're handed back these two little things that are full of rage and you have her misbehaving until the next contact. It's like a never-ending cycle. Cathy gets very angry and for a long time she says to me, 'Why won't you give him a million chances? Why won't you take him back?'* Claire (Mother)

Alternatively anger can be channelled into academic achievement or **over-achievement** by children who need to prove that they don't need their father and that they can achieve without him. It may also however be critical to the building of self-esteem, which can enhance their capacity to respond to the adversities they encounter in other domains, such as that described above. The existing research however has clearly established the impact that exposure to the abuse of their mother can have on children's self-esteem, with implications for mental health and substance misuse (Cunningham & Baker, 2004; Mullender *et al.*, 2002).

Similar to the young people involved in Mullender *et al.* 's (2002) research, children and young people in this study talked about the pressure that came with antagonistic and hostile parents; where pressure was put on them by one parent to reveal information about the other parent and where they constantly kept **secrets and told lies** to maintain those secrets. When new partners were involved, children found themselves caught between one parent's difficulty with this relationship, and their developing relationship with their other parent's new partner, as Niamh explains:

> *(Dad's new partner) gets me clothes and jewellery and she gave me this phone but I haven't told Mammy because I wouldn't be allowed it, so I've secrets from Mam, but I also can't tell Dad stuff like Mam does babysit and if he found out then he'd stop giving her money.* Niamh (11)

Mirroring Peled and Edleson's (1999) findings from their evaluation of a children's programme, children in this research also talked about the secrets and lies they told to their father about their involvement in therapeutic services. While some children engaged in these services without their father's knowledge, the availability of those services for other children was terminated in the absence of their father's consent. The corollary of this, as Peled and Edleson (1999) found, is that when fathers are supportive of their child's need for help, they can be supportive of the healing process.

Behavioural

Kernic *et al.'s* (2005) caution that children who continue to be exposed to abusive behaviour in the post-separation/divorce period are at risk for developing behavioural problems that can persist into early adulthood, was also reflected in this research. This behaviour was noted to include **physical aggression** and **verbal abuse**, as explained by Rachel who is talking about her nine-year-old sister Cathy:

> *Cathy's been really affected and she takes most of his [father's] ways. She calls my Mum names and kicks us and beats us. It's a million times worse when he [Dad] doesn't show up.* Rachel (11)

Aggression and acting out was also found to coincide with **self-harming** behaviour and drug misuse, rooted in the pre-separation exposure to abuse and magnified by poor post-separation contact relationships. Acting-out and aggressive behaviour wasn't confined to home and at times spilled out into the school environment resulting in suspension and expulsion.

Loss & isolation

Parental separation inevitably involves loss – not least the loss of an intact family status and the loss of a permanent father figure in their daily lives. For the children who participated in this study, there were further losses arising from divisions within the ex-tended family, including isolation from the paternal side of the family, as this mother reflects:

> *The rest of the family turned completely against me and never had any contact with the kids. They were very hurt because that was really the only relatives that they had.* Aileen (Mother)

Parent-child relationships can also be damaged and lost at times, both father-child relationships and mother-child relationships, particularly where alliances and loyalties divide families and children feel compelled to take sides:

> *[Son] went and lived with his Dad. I would see him occasionally and he is very respectful but my relationship with him was damaged.* Aileen (Mother)

While separation can physically incur the loss of a permanent father-figure in a child's life, the presence of domestic abuse often means that fathering is compromised, a deficit that separation alone cannot rectify, as Leah wistfully reflects on:

'anyone can have a father but he is not my Dad'? Leah (12)

Roles & Relationships

Analysis of the interviews revealed a number of roles as identified earlier by Cunningham and Baker (2004) that children either take on or are assigned to them by their siblings or their parents. These roles tend to be deeply rooted in the earlier intact family experiences, and are inextricably related to and reinforced by their parental-child and sibling relationships. For some children these roles can support their survival in the face of adversity; for other children, these roles further embedded the familial dysfunction.

The role of **Scapegoat** clearly emerged, with children who were identified by their siblings as the prime target of their father's pre-separation abuse continuing to be treated differentially post-separation, and either aligning themselves with their father or becoming consumed with trying to prove their worth to him:

> *There's one brother who lives with dad. Dad always used to single him out for abuse and he's the one who stayed with Dad.* Colette (24)

Cunningham and Baker (2004) surmise that children who are identified, either rightly or wrongly, as the source of the family's problems are frequently assigned the role of scapegoat.
There was also evidence in support of Bandura's (1973) much earlier assertion that exposed adolescent males may perceive domestic abuse to be a legitimate way of dealing with conflict:

> *David [brother] got kind of violent [with Mam] when we were on holidays and he was kicked out about two years ago..and he was basically just like Dad.* Eva (16)

Another young person Rachel, could see similarities between the behaviour of her sister and of her father, but stated she could understand her sister's behaviour:

> *It's like walking on eggshells with Cathy. She just doesn't know how to handle her anger. But I only think Cathy is the way she is because she has seen what my Daddy did to my Mum. I'm not sure what his excuse is, that's if he has one.* Rachel (11)

Separation also brought with it a confusion of role to the point of there being a clear sense of **role reversal** or situations where daughters came to emulate the mother's absent role, at times to concerning levels, as Helen explains:

The child talks like an adult, tells me what I'm doing wrong, like I'm the daughter and she's the mother. She was taking over my role- baking, cleaning, she'd even sleep with him at night in the bed. He is allowing her to be responsible for him [saying] 'look what your mother has done to me; I'm all on my own'. Helen (Mother)

In a similar vein, Annie (17) reflects on how her father-child relationship changed to one of caretaking when she moved in with her father, replicating an adult female role:

There'd be no food in the house. So, I worked and I started doing the shopping and the next week there'd be no food again so I'd have to go do it again. Then he'd turn around me to me, 'will you give me some money to go to the pub Annie (17)

Finally, Steve recalls how he depended emotionally and inappropriately on his daughter in the aftermath of his intimate relationship breaking down:

I had a very good relationship [with her] and I was able to talk to her but I used her as a crutch too, which was wrong at times because she was a very young girl when me last relationship broke up. Steve (Father)

Children and young people also found themselves in the role of **peace-makers** or **mediators** in their parent's disputes resulting in emotional turmoil for those children who inevitably have to negotiate a safe path between their parents, as Robert and Annie explain:

I feel torn between Mum and Dad, because I always want to see him but when I do see him, he's talking about Mum and it makes me feel a bit awkward really. Robert (8)

They'd be trying to drag me into their arguments to use me in it like, to pick a fight. Annie (17)

Absence of communication between parents reinforces this '**stuck in the middle**' no-man's land that some children occupied. Brian reflects:

So she doesn't want to talk to me, I don't' want to talk to her. The child is like, you're pulling his arm and she's pulling the other arm. And then he's stuck in it. Brian (Father)

Finally, as reflected in Tanya's insights into her son, this role, like many of the others described above, can have implications for children's therapeutic recovery:

He's [son] so loyal to him like but I also know that he is loyal to me, so if we are both right, then neither of us are wrong and that must be so hard for him. Tanya (Mother)

Resilience

Even where there had been horrifically abusive and damaging relationships, children, young people and their parents could identify positives from those experiences. Concurring with Gelles and Cavanaugh (2005), who argue against an automatic correlation between a child's experience to violence and later violent behaviour, both young people and parents in this research held compelling beliefs that their exposure to domestic abuse would serve as a protective rather than a risk factor for the intergenerational transmission of violence, as Eva explains:

[Dad] was racist, sexist, ignorant, selfish and Mam was the total opposite. So you see those two things, you're like, which am I going to be? [But] I don't see my life having kids or getting married, I just don't. It's put me off. Eva (16)

Chapter Summary

This chapter has initiated the process of presenting the findings of this research by introducing the research participants and their contact activity to the reader. To that end, a demographic overview of the participants was presented and the extent and nature of their contact activity explored. Concurring with the existing research portfolio, the findings paint a largely negative and concerning picture of contact for the youngest participants in this research, who provided an articulate and sensitive insight into those experiences, from their unique perspectives. The abusive experiences which led many mothers to separate from their children's father were found to continue in the post-separation period though the facility of child contact, confirming the empirically held view that domestic abuse does not necessarily end with separation. The impact of those experiences for children and young people was also presented, illuminated by their personal reflections on contact and on family life and raising concerns regarding the fathering of domestically abusive men and the consequent quality of the contact experience for children. To further this exploratory endeavour of understanding, the next chapter will focus on the impact of post-separation contact on parenting: both mothering and fathering, highlighting, where appropriate, the implications for children's growth and development.

CHAPTER SEVEN

POST-SEPARATION CONTACT: ISSUES FOR PARENTS AND PARENTING

The literature reviewed in Chapter Three emphatically established the multiple ways in which children exposed to domestic abuse may be affected by post-separation contact with their father, the perpetrator of that abuse (Jaffe *et al.,* 2005; Kernic *et al.,* 2005; Perel & Peled, 2008; Saunders & Barron, 2003). Concurring with that evidence, the previous chapter presented a largely negative and at times concerning picture of how the children and young people involved in this present study experienced contact. Furthermore this frequently represented an extension of their pre-separation lives. While the existing research asserts that a strong attachment to the non-abusive parent is crucial to the child's recovery from this abusive experience (Cunningham & Baker, 2004; Lapierre, 2008), it also raises concerns about the quality of parenting and the ability of both parents to meet their child's needs in households where domestic violence is prevalent (Bancroft & Silverman, 2002; Buchbinder, 2004). This chapter will explore how the participants in this present study experienced post-separation parenting, beginning firstly with a focus on mothering before shifting the lens of interest to fathering.

The paradox of post-separation mothering

Concurrent with the burgeoning appreciation of the impact on children exposed to domestic abuse has been an empirically agreed acceptance of the centrality of women, as mothers, to the welfare of their children (see for example Radford & Hester, 2006; Scourfield, 2003). As the previous chapter has established contact arrangements present unavoidable opportunities for continuing women abuse, by creating the 'ties that bind' her to the abusive relationships she has sought to sever the bond with.

At a most basic level, facilitation of the visit by the mother in this study sometimes involved her absenting herself from her home during contact, as this father recalls:

> *I used to call to the house on a Wednesday after work and she'd just go over to her friends and leave me for two or three hours with the kids so I could spend time with them, put them to bed and talk to them.* Steve (Father)

Seery and Crowley's (2000) reflections on women's 'emotion work in the family', specifically the energy they expend towards father-child relationships, were also evident in this study. Encouraging and facilitating father-child contact, both implicitly by 'giving permission' to the non-resident parent to have an important role (Loar, 1998), and explicitly by involvement in transporting children, suggesting ideas for activities and even paying for contact, are examples of this 'emotion work'. This was portrayed as particularly distressing and daunting by participating mothers who feared their abusive and threatening ex-partners but felt unable to sever that adult relationship because of the father-child relationship. Kelly (1994) argues that the 'bearing and caring' for their children is so intertwined with their experience of domestic abuse, that disconnecting the two is most difficult. Whilst Kelly (1994) refers to the conception of children through rape and continual pregnancies as a vehicle of control as examples of this interconnectedness, child contact is clearly another illustration of this connection. This was also evident in the present study. Tanya, for example, who participated in an interview during her children's supervised contact with their father, offers some insight into the impact that the close proximity of her former abuser had on her during this one hour period every month:

> *I hate it, that he is just across the corridor. I stay because sometimes he doesn't come and he lets me kids down, but I hate it, that feeling of being back there, being vulnerable, being scared shitless, being all the things that's not who I am <u>now</u>, well most of the time in anyway.* Tanya (Mother)

Similarly, another participant retrospectively concluded that her mother must also have found the experience of continued contact very difficult, but that as children they would have been completely unaware of it:

> *Mam [would] drive us down which I'd imagine now in hindsight can't have been easy. And then she'd listen to us giving off when we came back and she wouldn't really say anything. The odd time Mam would explode and say 'Feck him' but generally she didn't.* Colette (24)

Implicit in the last two quotes is the supportive role that women play in making contact happen. As found elsewhere, apart from the very small minority of women in this research who lived in hiding and in fear from their ex-partners, the majority of women are found, initially at least, to see a clear value in continuing father-child contact and are actively involved in making that happen (Radford *et al.*, 1999). As with Edleson and Williams' (2007) research, the belief in the need for safety underscored the mothers' decision to facilitate contact: primarily their child's safety, with their own safety cited as a secondary concern. Women described the dual tasks of 'strategizing' to maximise their own safety whilst simultaneously attentive to the safety and emotional welfare of their children, as provoking many conflicting emotions (Kelly, 2009). In part this concerned their own abusive

relationship with their child's father, but it was also directly related to what some mothers perceived to be an abusive experience for their child. Despite those conflicting feelings, unambiguous maternal support for children's contact time with their father, couched in what Laing (2006) terms a 'child-focused' discourse emerged clearly from this present study. This support was grounded in a concurrent belief that father-child contact was in their child's 'best interest'. Their support, where possible, of children's choices and decisions about contact, was also palpable, as Rachel explains:

> *Well, my mum said she would give us a free choice- if we want to go with him we can or if we don't want to, we don't have to.* Rachel (11)

For a small minority of mothers, their child's satisfaction with the plans in place for contact with their father was a clear motivating factor in their support of those arrangements, as this mother explains:

> *She loves her dad and she likes to go to him and I'm happy with that as long as she is looked after while she is away.* Peggy (Mother)

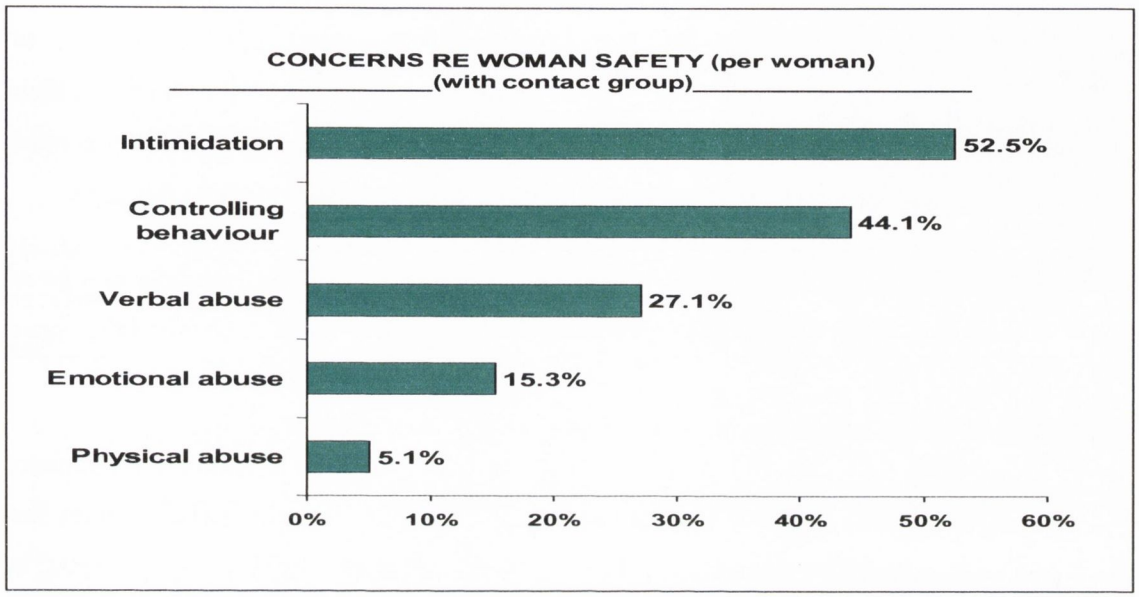
Despite the experiences of frightening and abusive contact for many women in this study, their explicit support of father-child contact and continued attempts at what Seery and Crowly (2000) term 'gate-opening', challenge the 'gate-keeping' role mothers are more commonly accused of (Arendell, 1995; Simpson *et al.,* 2002). The facility of father-child contact exposed these mothers to their previously abusive partners in a manner that induced fear; a fear of what might or could happen arising from their prior experiences. This fear enhanced their vulnerability, interrupted their recovery and compromised their mothering. As with previous research, for a significant number of mothers in this research, the fear of what might happen became a reality; where their post-separation lives mirrored their pre-separation lives in all but co-habitation (Kaye *et al.,* 2003).

Mothers as victims of post-separation abuse

The fact that post-separation abuse is both a fear and a reality for some women separating from abusive men, and particularly connected with contact, resounded clearly in this research. As outlined in the previous chapter, concerns for their own welfare and protection directly related to post-separation contact were raised by 64% of Phase One 'contact' mothers (Table 19), by all of the nine women interviewed *and* by a number of their children. Some of the men interviewed also discussed their abuse of their ex-partner/s. The concerns documented by the participating mothers in Phase One are outlined in Table 30 below. Similar to Humphreys and Thiara's (2003) findings, verbal and emotional abuse and threatening and intimidating behaviour were more frequently reported than

physical or sexual assault. However, with an established correlation between threats and actual violence (Brewster, 2000), the fear and unpredictability of their ex-partners potential violence was experienced as paralysing.

Table 30: Specified Woman Protection & Welfare Concerns for 'contact' mothers[36]



Echoing Campbell *et al.*'s (2007) observation that women do not always accurately assess their own risk, analysis of the qualitative responses for four women who participated in Phase One and stated they had no safety concerns for themselves with contact, revealed cause for concern[37].

- Controlling Behaviour

Examples given by participating mothers of relentless efforts by men to maintain power and control over the family included constantly changing contact arrangements; arriving and collecting late, early or not at all; emotional blackmail and manipulation; unnecessary and unwanted daily telephone calls and texts; using contact to glean information from the child about the mother's activities; restricting contact between children and their mother during contact, and intransigence regarding arrangements for special events and the organisation of passports. The next quote highlights some of these issues:

[36] As there could be more than one area of concern in respect of each woman, percentages add up to more than 100%

[37] Five concerns were expressed by the four women; three concerns expressed related to controlling behaviours, one concern related to emotional abuse while the final concern related to intimation by the ex-partner.

I can't go anywhere. I can't do anything but he knows about it. He lives 150 miles away but he has this control over me through the kids. I just feel so powerless because I know if I stop my children seeing him it will be a whole lot worse for them. Marian (Mother)

- Verbal & Emotional Abuse

Echoing previous research findings, mothers participating in this research cited experiences of aggressive and abusive telephone contact from their ex-partner in connection with contact and their children being encouraged by their father to verbally abuse her at contact hand-over and after contact (Radford *et al.,* 1999). One of the participating fathers in this present study talked about this issue:

Sometimes I do lose control and I would say things that I don't mean or I might have a go at her and say like 'why didn't you do this or that or why didn't you do a better job'. Steve (Father).

Children also reflected on their exposure to this abuse. Eleven-year old Rachel could clearly connect her mother's 'sadness' to incidents where her father calls her mother abusive names, names her younger sister then repeats. The process of 'objectification', as coined by Kirkwood (1993), is palpably expressed in this next quote from the mother in question:

He doesn't even call me by my name anymore..as if I am not a real person, just this thing he can't stand, it's just degrading. Claire (Mother)

- Physical Safety

The mother's responsibility for making contact safe for herself and her child was also evident in this research and perhaps, as has been suggested elsewhere, is in part related to the dearth of safe contact options (Radford & Hester, 2006). Some women described public 'handovers' of the child, for example under the security camera in a garage, to maximize their safety, while others described living in fear of physical violence with recurrent threats and abusive behaviour an integral part of their relationship with their ex-partner. Examples given included their lives threatened at gun point by their ex-partner, their homes threatened with arson and being stalked or intimidated, as the next quote illustrates;

He was everywhere that I was. When I was going to work he was standing on the corner. He was watching me, he was forever threatening me. It was unbelievable the fear. Tayna (Mother)

Campbell *et al.'s* (2007) research findings on the risks of severe and lethal violence associated with separation were also reflected in this present research:

> *He took a rusty hatchet out of the shed and came through the slide [patio] door at probably about half two in the morning. I was stripped off to me nude and made sit like that for the night, [toddler] woke up on me lap and he beating me into the face .. [I was] still awake at 11 o'clock the next morning, freezing from the cold coming in. the kids locked in the bedroom cause he wouldn't let them out. He was like a mad man –the things that happened that night with that child in the bedroom beside me.* Tanya (Mother).

Hardesty (2002) assertion that stalking cases often involve men who cannot accept what they perceive as rejection when their partner leaves them, with women at risk of assaults that increase with severity and lethality, is also illustrated by the following quote:

> *[He] said 'I'm going to smash you, nobody can have you'.*TA49

The provision of legal orders does not always provide the protection needed, with research highlighting that many women are assaulted and killed while these orders are in place. As Campbell *et al.* (2007) have observed, the combination of a prior experience of abuse and post-separation stalking increase the risk of homicide. This is not confined to the killing of the woman but may also involve the homicide of the children, followed by the suicide of the perpetrator.

- Sexual Assault

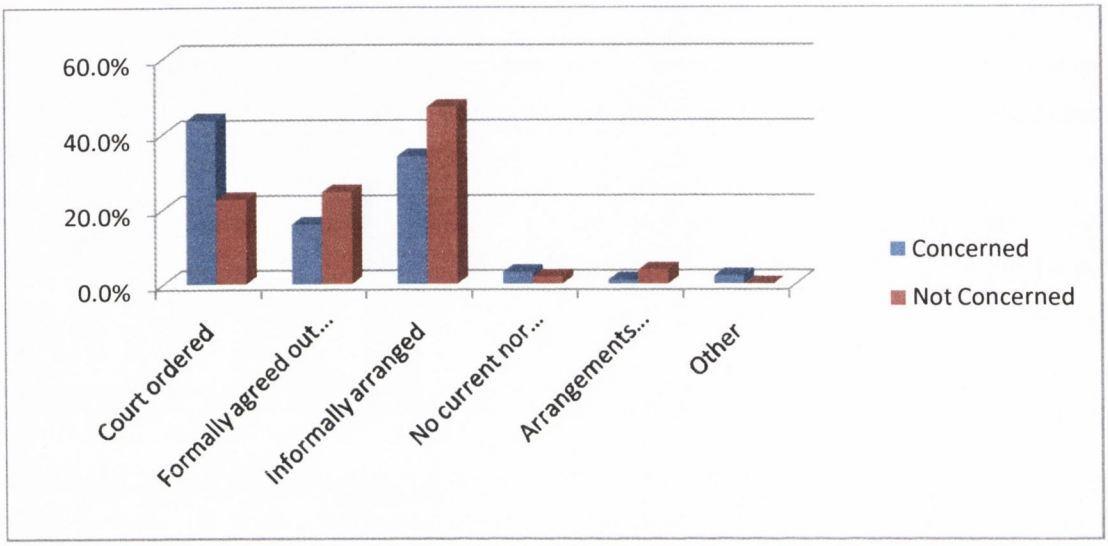
Allegations of sexual assault were made by only a very small minority of women in this study, although research elsewhere suggests that this is a more prevalent issue (Kaye *et al.,* 2003; Radford *et al.,* 1999). Sexual assault was cited as part of a multitude of abuses suffered by 'Tanya', whose partner continues to have court-ordered contact with her children. The next quote is a continuation of the incident described above, where Tanya recalls the protective intervention of her ex-partner's brother and also what happened when this man had to leave Tanya with her abuser at one point for ten minutes:

> *The brother went for 10 minutes, 10 fucking minutes and within that 10 minutes he raped me again.* Tanya (Mother).

The multi-faceted nature of domestic abuse has been referred to elsewhere (Kelly, 1996) and resonates to some degree in this research. As Table 30 (above) highlights, analysis of Phase One data

found evidence of some women specifying more than one concern for their own safety and welfare. Table 31 (below) presents the woman protection and welfare concerns for each type of contact arrangement, highlighting that 40% of women who expressed concerns came from court ordered contact families, 16% from formally agreed cases and 34% from informally arranged cases.

Table 31: Concerns re 'contact' mother's safety by type of contact



As can be seen, over half (56%) of the safety concerns were expressed by women whose children's contact with their ex-partner required legal intervention and regulation.

Impact on the mother and on mothering

> '..mothers and their children are involved in negotiating emotional minefields, with patterns of avoidance and protection existing alongside openness, honesty and challenge'.
>
> Mullender *et al.* (2002: 156)

The empirical evidence reviewed in earlier chapters attests to the impact that domestic abuse can have on women, with clear implications for their mothering capacity (Holden, 2003; Levendosky *et al.*, 2003). Humphreys and Thiara's (2002) conclusion that separation results in intense feelings of **loneliness** for many women, arising from both lone parenting and isolation, resonated to some degree in this present study. However, also noted was how this post-separation loneliness was compounded by enforced isolation by and from their ex-partner's side of the family who they described as becoming 'quite hostile' to them and to their children. Nine year-old Cathy saw herself and her two sisters as the only company her mother had, describing her Mother as '*quite lonely 'cos none of them [extended family] will talk to us anymore'*. This narrowly constricted their available support networks

and increased their reliance on their ex-partners for childcare support, opening up further opportunities for continued abuse. The absence of the protective role of social support has been highlighted by Sullivan *et al.* (2000) as compromising women's ability to deal with their children's behaviour, while Letourneau and Willms (2007) found the provision of social support to be associated with nurturing parenting behaviours. In agreement, the findings from this present study support Mullender *et al.'s* (2002) assertion that increased isolation of mothers is correlated with increased parenting stress. Furthermore, Laing's (2006) contention that mothers may reconstruct their role as if they were a single parent, assuming complete **responsibility** for everything, permeated many of the interviews. Regarding child rearing and housework, nine year-old Sara stated that *'Mum nearly does everything',* an experience some mothers found *'overwhelming':*

> *At times you'd like someone to help.. you'd love a break, but you don't know is them few hours Saturday worth the agro for to get a break from them.* Claire (Mother)

Claire's experience of mothering alone mirrored that of Mabobeh, the participant in Krane and Davis's (2007) research with shelter-based women. Parenting alone and in the stark absence of social support, both Claire and Mabobeh experienced no respite from the unrelenting demands of caring for their children.

Children with emotional or behavioural problems arising from exposure to domestic abuse can be very demanding to look after, resulting in what Humphreys *et al.* (2006) describe as a 'mismatch' between a mothers' struggle for emotional survival and their child's need for emotional security. This can result in long-term consequences for mothers and mothering, including higher rates of substance abuse and mental health problems.

Women described themselves as **imprisoned** by the contact arrangements where either they are uncomfortable leaving the children alone with their father or where the children did not want to be left alone with him. As Hardesty (2002) states, however, isolation may be self-inflicted for perceived safety reasons, and some of the women described themselves as virtual prisoners in their homes:

> *I lost touch with so many people through the fear of going outside the door.* Tanya (Mother)

Many women experienced the **fear** Tanya referred to above; fear of the unknown, or fear of abuse and violence or fear of what their ex-partner might do next, as Anne explains:

> *I don't know what he is going to come up with next and in the letters to his solicitor he is trying to make out that I lie about everything.* Anne (Mother)

Fear and vulnerability, which Jaffe and Crooks (2004) assert have the capacity to reduce a mother's ability to nurture and support her children, were closely related experiences for many of the women interviewed, who feared violent retribution for being strong enough to leave their abusive partners, a fear that was reinforced through child contact. This fear was not an isolated or disjointed experience, but was conversely something that pervaded their lives (Hardesty, 2002). Mullender *et al.* (2002) surmise that a combination of constant anxiety, abusive episodes and fear renders mothers exhausted and with reduced energy for their children.

Resonating with the empirical evidence on the intergenerational transmission of violence (Amato, 2000), participating mothers expressed concern about the experience of domestic violence transferring from one generation to the next. This was particularly evident where they themselves had grown up exposed to domestic violence, had subsequently married abusive men and were now concerned for their children's continued exposure through contact, as Peggy explains:

> *I married the very same man as my father - you would think that being reared with it you would know it or see it? I saw nothing. I am doing what my mother should have done. I was strong enough to get out of it so hopefully [will] break that cycle.* Peggy (Mother)

Blame and responsibility emerged in many ways as flip sides of the same coin. This sense of blame, which both McGee (2000) and Mullender *et al.* (2002) identified, was acutely experienced by this mother who believes that while her son blamed to his father for the domestic abuse, he held *both* parents responsible for the separation and subsequent family break-up:

> *I think he feels we have kind of wrecked his life because we separated. He wished we had waited until he was older and out of the house and in college already.* Mary (Mother)

As the last quote illustrates, blame was frequently couched in anger. Mothers talked about their children's anger at them *'for leaving them in it'* (Peggy, mother), for taking them away from their father or for resisting reunification. Implicit in these dimensions of the separation and contact experience is the mother's sense of guilt and responsibility. Participating mothers blamed themselves for their child's exposure to the abuse and subsequently were blamed by fathers when children chose themselves not to engage in contact. In tandem with self-blame was an acute sense of failure, of a failed marriage and a sense of failed motherhood for not protecting her children more adequately:

> *I kept thinking it must be my fault. To this day he says our marriage failed because of my upbringing. It was everybody else's fault but his.* Peggy (Mother)

Similar to Allen and Hawkins (1999) research, mothers in this research expressed acute and conflicting feelings of responsibility; both for their child's protection and also for nurturing the father-child relationship. Mothers and children alike recalled professional involvement placing responsibility on the mother for the protection of the children, in the absence of holding the father accountable for the abuse he perpetrated:

> *Social work got involved. I do remember them giving Mam a hard time.* Colette (24)
>
> *The focus went on his rights to access. Protection order still stands but father [was] never asked to address his violence to mother. LW5*

The above accounts of blame, responsibility and perceived or accused failure in their mothering resonates the 'damned if you do and damned if you don't' bind that Lapierre (2008) asserts accompanies a 'deficient model of mothering'. The perception of mothers failing, regardless of their actions and alongside the problems their children display, reflect a belief that her mothering is deficient, despite empirical evidence to the contrary provided by the research of Letourneau *et al.* (2007) and Levendosky *et al.* (2003). Accompanying this sense of sole responsibility and blame was an acute **sadness**; sadness at being left alone, at a 'failed' marriage; sadness because these women knew no other life.

The uncertainty that seems to be part of the contact package left many women with an overwhelming sense of **powerlessness** (Radford *et al.,* 1999). Women were unable to predict, firstly, whether or not their child's father would arrive for contact and secondly, how that contact experience would transpire, resulting in a feeling of incapacitation regarding the welfare and protection of their children:

> *It's like a never-ending cycle..they could have a great day with him which would happen in a blue moon...you've no control. It's not predictable.* Claire (Mother)

Financial insecurity was another area where women experienced powerlessness, particularly where the woman was being continually brought back to court by her ex-partner and where she could not avail of legal aid. This had implications for her immediate financial situation and for her children's education, as Mary explains:

> *I am spending three thousand then he is spending three thousand so that's six thousand we have wasted with the kids at a crucial stage in their education. I just can't manage.. it is putting us into more hardship. I think that's part of his agenda.* Mary (Mother)

Situations like that described by Mary above also prevented mothers achieving emotional and economic independence (Kelly, 2009), resulting in deep-seated **anger;** anger at themselves for failing

to succeed in their separated life just as they had perceived they had failed in their married life, that they were still being controlled by their ex-partners and that their children continued to be negatively affected. Low self-esteem and damaged trust in their mothering abilities left them questioning their own judgements, their decisions and their parenting capacities.

Mothers described themselves as being '***constantly worried***' about every aspect of their mothering existence. They worried about the fathers' parenting abilities and the impact of poor parenting on their children; their children's behaviour while on contact and his ability to manage them.

Long-term exposure to domestic violence followed by post-separation contact and subsequent ongoing abuse had repercussions for mothering capacity and the resulting mother-child relationship. Similar to Radford and Hester's (2006) earlier findings, this occurred in a number of contexts in this present study. For example, difficulties arose for mothering relationships when children chose to remain living with their father after their parents separated. Furthermore unending criticism and undermining of them as a parent resulted in a lack of confidence in their mothering skills, for both themselves and their children.

While firmly locating themselves within Laing's (2006) 'child-focused' discourse, where contact is considered to be in the best interests of the child, many mothers also expressed a range of **mixed** emotions about their child's contact with their ex-partner:

> *I don't think seeing their father is a good idea because he is very manipulating, putting them on guilt trips and getting violent to me. So I dunno if I am doing the right thing. It goes against my grain because he is of no benefit to them. He can't spend quality time with them and I just don't see the point in the visits, they are not constructive, not helpful, not nurturing, not anything except annoying.* Marian (Mother)

The quote above from Marian highlights the conflicts many mothers expressed in this study; where they struggled with both innate and socially constructed mothering instincts that urged them to protect their children and similarly intrinsic drives towards supporting the father-child relationship, reflected in a vacillation between supporting the children's wish to end contact, or supporting them through contact:

> *I would love to stop them seeing him but I know that they will pay for it in the end so I can't. I'm telling my kids stuff to get them through the visit knowing I don't want them to go and knowing I need the break as well and you feel guilty then, you feel like a hypocrite.* Marian (Mother)

This sense of being 'caught between a rock and a hard place' resounded throughout many of the interviews and questionnaires, echoing Edleson and Williams (2007) finding that mothers felt they had no right to disrupt the father-child relationship by interfering in contact.

Mirroring Marian's quandary above, Claire believed that, despite her misgivings, she could not terminate contact and needed to proactively support it until such a time as her children are old enough to make their own minds up about this:

> *I prefer if they didn't see him. But I don't want them blaming me in years to come. I know it's destroying them. He'll ring up Saturday maybe 12 o'clock say 'I can't take the girls' and Cathy goes absolutely loo-la and starts kicking and slamming doors. You feel very powerless, because you've no control, you don't know is he going to turn up and then if he does turn up you don't know what's going to go on. It's very hard to see their hurt faces. But it has to be their decision.* Claire (Mother)

These findings resonate with those of Kelly (2009: 294) who described her participants as caught in 'multiple binds': bound to the abuser and their children, to the role of mother and of partner; bound to the ideal and the reality of family life; caught in a 'classic Catch-22 at the intersection of their marginalized social, economic and legal positions and their conflicting emotions'. Similar to Peled's (1998) research, Hannah acknowledges her children's conflicting emotions of love and hate in relation to their father, her ex-partner, while simultaneously articulating her own mixed emotions - resentment because of the father he has now become, and happiness for her children because of his new active fathering role:

> *They love him and hate him at the same time... that's what I'm struggling with and they are struggling with because now he always takes them to lovely places and that never happened before. All of a sudden money is no object.* Hannah (Mother)

The quandary some mothers found themselves in, involved concern for their own safety, and perhaps their ongoing abuse in the context of contact, alongside their child's love for, and need to, see their father (Jaffe & Crooks, 2004). For others, the father's behaviour towards the children caused them to question the appropriateness of the contact arrangements for their child's welfare:

> *Father will not contact child between visits..[he] gave child a mobile phone but no credit & never rings him. If child contacts father then father cuts child off. Father will never come up for child's birthday or involve himself as a parent. Child has been left devastated on occasions when father has telephoned.* SO1

These mixed emotions were particularly poignant for many mothers when either the father or the child refused to engage in contact.

All of the above had clear implications for women's **physical** and **mental well-being.** Similar to the mothers in Radford and Hester's (2006) research, coping strategies included abusing alcohol and at times resulted in depression and reliance on psychiatric support in order to survive. Low energy levels compromised optimal parenting and often were a source of criticism from their ex-partner:

> *He'd a go at me Tuesday night because he said Anna told him that I sleep all day on the couch and that I'm not looking after them.* Claire (Mother)

Women also described fear induced sleeplessness and physical and mental sickness:

> *When I feel low, I retreat back in, I close up. He always seems to put me back in a bad place. And then you wonder what was so wrong with you that you start blaming yourself. So you're kind of back in that vicious cycle.* Claire (Mother).

For this next mother, drinking was the crutch her ex-partner describes her using in order to cope with his abuse of her:

> *The kids would say she's at the pub and Terri would have been about 10 or 11 or 12 and she would be looking after Jake. I was very resentful of her.. it caused a lot of arguments between us for years.* Steve (Father)

The sense of **victimization** arose infrequently in this research, but when it did, it was in the context of multiple abusive experiences. For example, one father (Steve) talked about his ex-wife having lived with violence all her life, as her father had been very violent. Steve reported that he had been very abusive to her and that she had entered into another abusive relationship when she and Steve separated.

The physical and emotional reactions to the stress of mothering in the face of ongoing abuse have been well-documented (Jaffe & Crooks, 2004) and were apparent in this present study. These have the potential to compromise parenting capacity at a critical time in a child's recovery from the trauma of exposure to domestic abuse. However, research also attests to the positive improvements in mothering concomitant with time away from the abusive partner (Rossman, 2000). Responding to Lapierre's (2008) demand that research explores the positive strategies that women employ to resist violence and continue mothering, the mothers in this research did not identify themselves so much as victims but

moreover as survivors (Radford & Hester, 2006). However, a combination of some or all of the above experiences led some mothers to play a significant role in the termination of the contact relationship.

When Mother Ends Contact

While the scientific basis for Parental Alienation Syndrome (PAS) (Gardener, 1990) has been discredited, there is still evidence of a widely held belief that, where contact is not happening, women are obstructing the father's right of access to his children (Bradshaw *et al.,* 1999). Collier and Sheldon (2006) identify this perception as a consistently core theme of the Fathers' Rights Movement (FRM).

In this study, only mothers who participated in Phase One identified themselves as responsible for ending contact and this concerned 12 (9.1%) children. There were many reasons cited for this. The combination of woman and child protection concerns led some women to flee their country of origin to safety in Ireland. For some of these women, this meant life in exile in order to avoid being tracked down:

> *[I] fled Australia to get away from [an] abusive partner. I thought father might kill children. Came to Ireland to make a new start, still afraid he will always find me.* TA18

While the violence referred or alluded to above was of a threatening or physical nature, some women also experienced sexual violence or had concerns about the sexual abuse of their children, which they explained resulted in the cessation of contact:

> *When he came to our old house to collect the children he raped me and this ended up in a pregnancy which I later miscarried. After this I left the family home and have moved four times so he cannot find us.* SO8

> *[Mother] said child told her recently that his father was 'interfering' with him, she does not want access visits to continue until the matter is investigated.* WO4

The small numbers of cases where contact is resisted by the mother, and the extreme reasons they give for taking this action, echo what the literature has already established regarding the lengths to which women will go to ensure contact takes place, even where this presents a threat to their own safety (Humphreys & Thiara, 2003). The present study also concurs with Collier and Sheldon (2006), that some fathers can neither understand nor accept the restrictions placed on their access to their children, even where those restrictions are regulated by a court order. The narrative of the fathers participating in this present study revealed a perception that restricted contact reflected revengeful and

unnecessary behaviour by their ex-partner as opposed to legally binding orders designed with their child's best interest at heart.

The second half of this chapter will explore the father's role in contact, the experience of fathering and of being fathered.

Fathering and being fathered

Replicating the findings of Perel and Peled's (2008) research with fourteen domestically abusive men, the six fathers who participated in this present study identified fathering as one of the most significant facets of their lives. Their narratives reflect their experience of fathering, their ideals of fatherhood and their hopes, fears and regrets in that context. This participant reflects on what he thinks makes a good father:

> *Somebody that has time for their kids, makes time for their kids, that's there for them to spend time with them and do things with them.* Steve (Father)

The importance of 'being there' for their children was also reflected in another father's interview:

> *[Children] know they are loved by their mother and their father and they can come to me anytime, it's only a phone call away.* Matt (Father)

Having stated that 'being there' for his children was an important facet of fathering, one father retrospectively reflected that he didn't begin to attain that with his first four children until he engaged with the MOVE programme. Following this participation he asserted that his relationship with his fifth child was subsequently very different:

> *I don't think I thought about fatherhood or being a parent, I think I was a very selfish young man. I didn't have a lot of time for me children. I never consciously or sub-consciously thought about loving them or doing things with them. It never crossed me mind and it's probably one of me biggest regrets that I didn't bond with them at a very young age. But I find meself doing things [with youngest child] that I never done for me other children when they were small.* Steve (Father)

This last quote from Steve echoes the sentiments of Buchbinder and Eisikovits (2008), who have argued that engaging in the therapeutic process of a perpetrator programme, can lead an abuser to both self-discovery and the painful understanding of what they have lost. As stated earlier, engaging in this

present research provided another father with a new and troubling understanding of himself, poignantly expressed in this next quote:

> *I never realised until I got your letter [information sheet] that that's what I am – a perpetrator of domestic violence – it sounds really bad doesn't it, a perpetrator of domestic violence – but it is what I am, isn't it?* Luke (Father)

Previously established concerns about the capacity of men to change their abusive behaviour, and of their limited insight into that behaviour, were also evident in this present research (Buchbinder & Eisikovits, 2008; Harne, 2004). While four of the six participating fathers acknowledged their abusive relationship with their child's mother, some did so more openly and extensively than others. As such, their collective views on how being separated from their children impacted on them, ranged from guilt and shame at what they had exposed their children to, to a sense of injustice and indefensible marginalisation from their children's lives. Their views and opinions were also tempered by their engagement with therapeutic/ or supportive services and their willingness or ability to accept culpability for their abusive actions. Resonating Rothman *et al.* 's (2008) research, there were clear indications in this research that while some of the men could demonstrate insight into how their behaviour had impacted on their children, this insight was not always accompanied by a willingness or perceived need to alter that behaviour. For example, Brian stated he was only attending the perpetrator programme so that this might positively influence his application for increased contact. Another father, Luke, who was incarcerated at the time of interview for holding his ex-partner hostage at knife point in front of their children, strongly believed that she needed help with her parenting and that he was the 'good' parent.

The six men reflected on their abusive behaviour to varying degrees, expressing complex and diverse feelings similar to the eight men Fox *et al.* (2001) interviewed. For example, Steve, who had completed a programme, was able to reflect on his history of intimate relationships with a mixture of shame and regret, as he had been abusive in all but his current relationship. This was most potent when he talked about his children's exposure to that abuse; both the abuse of their mother and the abuse of a subsequent partner who had been significant in his children's lives. In this next quote he recalls his daughter confronting him about those childhood experiences:

> *I was so ashamed but I never got angry about it because a lot of the stuff that she threw at me was true.* Steve (Father)

For Steve, regret was also connected with a deep sense of loss; loss of fathering time with his children

I have so many regrets that I lost all them years as a father with them. Steve (Father)

Similarly, Lee, who had been a 'stay-at-home' Dad was finding the transition from full-time carer to weekly supervised contact very difficult:

> *I was always at home when she was like working so I sort of brought them up and they were always playing with me. To move from that to three hours a week is very difficult.* Lee (Father)

All of the fathers' narratives were tainted with a deep sense of loss, but for some this was more heavily flavoured with deep-seated resentment and bitterness; bitterness at what they see as their ex-partner's vindictiveness in preventing them seeing their child:

> *I'm not doing anything wrong, he's me own kid and I'm being treated like a paedophile and it's a fucking joke. I missed the best part of his life growing up.. she's stopped that.* Brian (Father)

A similarly dominant theme running through the father's interviews and explored elsewhere was that of marginalisation (Edleson & Williams, 2007). Fathers commented that they were sidelined and left out of their children's lives, that they constantly had to ask for information about their children and that they felt under unremitting scrutiny. Their construction of fathering was dominated by what Laing (2006) termed a 'parent-focused' discourse, which focused on their rights, with what Peled (2000) concluded was little emphasis on nurturance.

Two fathers described attempts by the child's mother or her family to exclude them from their children's lives, attempts which they experienced as 'regulating' their fathering role and 'heart-breaking'. With his sense of identity closely aligned to the fathering role, Lee found it particularly difficult that his children were now saying that he was not their father:

> *Their ma tells them every week [that] I'm not their Da because I'm not going with her anymore. It's hard, I just try and explain to them that I am their Da. It's only when I go home that I would cry.* Lee (Father)

While the arrangements for contact were regulated by a court order for three of the six fathers interviewed, two of those fathers (Brian and Lee referred to above) could neither understand nor accept the restrictions placed on their access to their children. They experienced restricted contact as revengeful and unnecessary behaviour by their ex-partner as opposed to legally binding orders

designed with their child's best interest at heart. They further experienced co-parenting as obstructing their fathering. The third father, Steve, in contrast, culpably identified his own behaviour as the reason for his ex-partner restricting his access, accepting that unrestricted access would not have been in his children's best interest.

Another father, Tom, stated that his ex-partner was preventing his contact with his children by punishing them if they were seen talking to him. As the ability to 'be there' for his children as referred to earlier was not something Tom could do, providing for his children was very important to this father, particularly as it was the only legitimate way he could exercise his parental role:

> *I wasn't allowed [to be a father], it was all in secret. But I went out working; they were never ever left short.* Tom (father)

The role of provider was highlighted by all participating fathers as an important facet to their fathering role. It was simultaneously highlighted by mothers and children as a mechanism by which fathers could continue to exercise control over the family finances. The findings indicate evidence of non-payment of maintenance and continuous court cases that simultaneously reduced the family income whilst increasing dependency on the father.

While the 'provider' role was the only role one father (Tom) could engage in, it was somewhat resentfully engaged in by one father who equated the provision of maintenance with a 'charge' for seeing his child. Fatherhood for this man was experienced as interrupted, compromised and stolen:

> *A tenner an hour to see my kid, that's what it feels like. How can I be a father in four hours a week? She wants me to have nothing to do with him, but she'll take the money. I want to do much more. I want to collect him from school, do his homework with him.how can you do that in four hours?* Brian (father)

The quote from Brian very much reflects his construction of his partner as 'malicious' for restricting his time with his child, but without the recognition that his violence might render him 'dangerous', as Humphreys (1997) contends. The negative identity of the father as the 'baddie' was reflected in another father's interview, where Lee states that his six-year old daughters recent assertions that he wasn't her father was '*heart-breaking*', particularly considering he felt it was '*all I've got left*'.

The assessment of fathering and fatherhood was more pessimistically and negatively reflected on by other participants in the research. One father (Steve) asserted that daily contact with his children was important to him, so that his children '*know that I am thinking of them that they are always on me*

mind'. However, Holden and Richie's (1991) assessment of abusive men as physically punitive but not physically affectionate and who will employ more disciplinary but less constructive parenting behaviours than their non-violent equivalents, resonated in this research. Two participating children said they could not recall their father 16 & Leah, 12). Nine year old Ciara concluded that her father *'just doesn't care at all'*, while thirteen year old Kate did not feel she could rely on her father considering that *'he can hardly take care of himself – how can he take care of us too?'* Implicit in this is a question of capacity, specifically the capacity of abusive men to rise to the challenges inherent in fathering.

McMurray and Blackmore (1993) identified counselling, drinking, religion and new relationships as the various coping strategies men employ to cope with their non residential status. These were present to greater or lesser degrees in this research. For example, Steve talked quite openly about his alcohol abuse and addiction, the trajectory of intimate relationships in which he was abusive and the therapeutic and spiritual support he experienced from participating in the MOVE programme. The narrative of other participants suggested that alcohol and new relationships were coping mechanisms but this was not the stated perception of those participants. Evidence of mental health difficulties also emerged from the fathers' narratives, with depression and suicidal ideation implicitly indicated or explicitly stated. All six men, however, cited 'hope' as a coping mechanism. This was couched in their aspirations for their future or potential fathering which the men described as the only thing 'keeping them going'. The inherent contradiction between their expressed yearning for closeness and the concerns raised by the participating women and children allow us to question if parenting wishes were a means to continue contact or control with a partner they previously abused. For example, Brian's hope was tinged with revenge, as he looked forward to a time when his son would say to his ex-partner *'I'm going to my daddy's and she can't say no. that's it'*. Steve hoped for forgiveness from his children and looked forward to a time when *'I can be at peace with myself and my demons are laid to rest'*. Luke (who was in prison at the time of interview) looked forward to *'free' time with his children and to 'rescuing'* them from foster care. Tom similarly yearned for the freedom to be a father, while Matt simply wanted his children to know they were loved.

The men's descriptions of their parenting poignantly mirrored their recollections of their own experiences of being parented, an experience very much grounded in traditional fathering discourses (Perel & Peled, 2008). Similar to the childhood experiences explored in much of the research with abusive men, their childhoods were characterised by absent, distant and emotionally challenged fathers who were also intermittently aggressive and abusive (Perel & Peled, 2008). For example, Steve reflected on his childhood where his father was *'never there'* and his mother was the dominant parental figure in his life. Steve disclosed a 'wild childhood' that was also tainted for him with sexual abuse perpetrated by his sister. Tom also spoke about parental absence for the first thirteen years of

his life where he was brought up by his grandmother as his mother *'couldn't cope'*, returning to a family he had no relationship with when his grandmother died. Parenting capacity and the adult relationships have implications for post-separation family life. The next section addresses this issue.

Post-separation family life

The relationship between the parents was identified in Chapter Two to be integral to the quality of the father-child relationship, identified by Trinder *at al.* (2002) as a 'direct determinant' of the quality of the contact experience. With separation often mistakenly seen as a 'cure' for the abusive adult relationship (Jaffe *et al.,* 2003), it is therefore not surprising that the children and young people in this research described their parents' post-separation relationship as *'worse, if that's even possible'* [Eva, 16], while Annie [17] concluded that *'They absolutely hate each other'.*

A number of factors that have been identified throughout the literature as negatively influencing quality contact relationships were also evident in this research. Many of the children described poor and conflictual relationships between their parents, who did not seem able to communicate on even the most basic level. Absence of communication was cited by both mothers and fathers in this present study, resulting in mothers not knowing where the children went on contact and fathers not being informed about events for their children like school plays or football matches. Restricted communication with their mother while on contact was also reflected in the narrative of participating children, which Smart (2004) suggests may arise because the contact's parent perceives this need for communication as a threat or a rejection.

Although contact can work if both parents are committed to it, the overt hostility between the participants in this present study created a 'tension' that participating children were acutely aware of. As May and Smart (2007) have previously concluded, parental relationships in this study were also characterized by fear and mistrust. Nine year old Cathy talked about her mother having to lock her bedroom door when her father was in the house as he would *'go into Mum's room and start opening up the drawers and looking at all her stuff'.*

Derdich *et al.* (1999) found the extent to which parents still perceived of themselves as partners rather than parents compromised a co-parenting strategy, whilst the pain of living apart from their children and the residues of painful separations could prevent that strategy being effective. This was evident to some degree in this present study. One mother's narrative highlighted her difficulty accepting that her marriage was over, an issue that was confirmed by her daughter (Niamh, 11) who stated that her parents were *'separated five years yesterday...like an anniversary [but] it means much more to Mum*

then to Dad – I doubt he even remembers!'. Similarly, eleven year old Fiona knew that '*Dad wants to get back with her [Mum] but Mum just doesn't like him'*. Dunn *et al.* (2004) previously pointed to an inability on the part of abusive men to maintain appropriate boundaries with their children, forcing their child's involvement in the adult dispute. In this present study, the aspects of this relationship existed along a continuum from the father's interest in the mother being the focus of the contact time, to situations where the acceptance of new partners was proving problematic for one or both separated parents, particularly in the context of their child's relationship with their new partner. This next quote from Sean highlights his sense of the adult relationship overshadowing the parental one:

> *Dad is always saying bad words about my mother* .Sean (7)

These poor inter-parental relationships impacted on co-parenting in a number of ways. One mother commented that she could not rely on her ex-husband to do anything in relation to the children, stating that '*he may or may not turn up'*. His unwillingness to be involved in childrearing had serious implications for her, as her daughter Cathy required numerous hospital stays, but the father *'refuses to mind them [other two children] saying 'they're your responsibility, you mind them'*. Claire (Mother).

Conflict also arose regarding inconsistent application of rules regarding bedtimes, supervision and appropriate food. Rachel (11), for example, knew her mother worried about her when she was with her Dad, stating: *'I think it's the way he takes care of me. Like if we are going to the spar, that he wouldn't be watching me or whatever'*. Another mother was concerned because:

> *'he allows the 12 year old around shops on her own- pass drunks at shops – took children in van with no seat belts – continuously gives them food and sweets I disallow, and constantly puts me down'*.MT3

Trinder *et al.* (2002) argue that successful post-separation co-parenting demands some degree of insight into theirs and their ex-partners needs and feelings, as well as a level of empathy for the needs of all involved and an acknowledgement of and commitment to the parent-child relationship. Commitment to this in this research was evidenced in the responses to the questions about Father's and Mother's Day, and the efforts each parent made to ensure the other felt special on their respective days. One father, Steve, recalls how his ex-partner, Lisa, made sure the children had cards and gifts for him on Father's Day and on his birthday, an effort which he greatly appreciated and reciprocated. Another father, Brian, acknowledged his ex-partner must have been involved in the present of a wallet his seven year old son gave him, but stated that '*she bought the wallet out of her maintenance money'*. When asked what happened for his ex-partner on Mother's Day, he replied *'On Mother's day? I don't know'*.

While the state of the intimate partner relationship has necessitated the breakdown of that particular union, Cleaver (2000) contends that contact demands a continued engagement between these two adults in their capacity as parents. This can be put to the test when 'family' occasions arise, such as First Holy Communions, Confirmations, birthdays, weddings and Christmas. Again, a wide variation in experiences was reported. Eleven year old Niamh who was due to make her confirmation, expected that *'they'll sit at different ends of the table, that's what we did for our Communion'*, while another father stated that these occasions *'were very amicable and enjoyable'*. Court directed access with set times and dates, whilst tightly regulating contact, also had the potential for arrangements to happen that were not child-friendly but rather were, as Smart (2004: 490) describes, 'parent-oriented', perhaps reflecting the parents' need for control. Brian, for example, stated that *'if Christmas day falls on a Saturday or Sunday and it's my Saturday or Sunday, then I'd have to get him, that's just the way it is'*.

The introduction of new partners and/or new children by either parent adds a new layer of relationships, with this new layer bringing varying levels of disquiet and conflict for the participants in this research. While one child now had a good relationship with her father's new partner, she stated that the first she knew about this person was when her father moved in with her and that her mother was very upset about this. However she was uncomfortable with her mother's dislike of her father's new partner, particularly when that dislike prevented her accepting gifts from this person:

> *It's kind of hard because I like the stuff [gifts] and I like to show it to my friends but I can't, I just hide it. [It] is awful hard.* Niamh (11)

Annie [17] expressed concern that her mother's new boyfriend was taking over her father's role, a concern her father also shared: *'He [Dad] said it to [new boyfriend's] face, 'You're not taking them away, you're not Robert's Dad''*.

All of the children and young people were acutely aware of their parents' relationship, with many of them yearning for a time when their parents could be friends. The potent influence of the inter-parental relationship, not just on the contact experience, but on all of the familial relationships is palpable from this next quote:

> *Initially after the separation my daughter was very reluctant to meet with her Dad, especially on her own. However as time went on and tensions eased between my husband and I, our daughter also became more relaxed and things gradually settled into a more consistent routine. LA19*

However, the literature has already drawn our attention to poor, unreliable and inconsistent fathering (Bancroft & Silverman, 2002; Reece, 2006). Continued exposure to this via post-separation contact, left many children with little trust or faith in their father's reliability and others so disillusioned that they had either ended contact or wished it to end.

When children end contact

The absence of contact arising from children's refusal to engage in it, arose in a relatively small number of cases in this present study. This concerned 18 (13.6%) Phase One children and three (19%) Phase Two children. In some cases, the children simply refused to see their father after the parents separated because of his previously abusive behaviour towards their mother and themselves, while for others, the experience of contact was such that they wished to discontinue it. This present research found no evidence of children being unduly or negatively influenced by 'implacably hostile mothers'. Concurring with the findings of Pryor and Rodgers (2001), the participating children and young people were articulate and reasonable in their rationale for not wanting contact with their father. Young participants like Leah and Eva explained that their wish to end contact was directly related to what they perceived as their father's disinterest in them, abuse of their mother and his inability to take responsibility for his own behaviour:

> *We wrote him a letter to tell him why we didn't want to see him anymore and since then we haven't seen him.. he needs to see what he's done and he needs to feel guilt and needs to apologise to us properly, but we didn't get a word back.* Eva (16)

For her sister Leah, it was simply because:

> *I'm still scared of him. [In the letter, I said] 'I'm fed up waiting for you to be our Dad. We just can't forgive and we see this as the only way we can move on'.* Leah (12)

Coinciding with adolescent developmental changes and maturity, as outlined by Cunningham and Baker (2004), mothers and children alike identified a developmental pattern where children disengaged from contact with their father, somewhere between 12-16 years of age. Looking back over an eight year history of contact with her father, twenty-four year old Colette similarly pinpointed the motivating factor for her and her siblings ending that contact:

> *I think one by one they all started to realise 'it's not healthy for me', if I am going to get over this and if I'm going to have a life of my own, I can't see Dad.* Colette (24)

For some children and young people, the absence of choice reflected a situation where their father was not in contact with them. In this present study, the option of not availing of contact was exercised only by a small number of fathers.

When fathers do not engage in contact

From the qualitative responses offered by the participating Phase One mothers, a number of patterns emerged. Firstly, a group of fathers were said to have disengaged from the family either shortly after the pregnancy was confirmed and never saw their child or shortly after the birth of the child. Despite the mothers' stated efforts, they asserted that they could not get the father to engage in a parenting role with his child. For some mothers, this absence was welcome:

> *I never looked to have my child in contact with her father. He was terribly abusive. I am happy that neither I nor my child has any contact with her father.* TA20

At the other end of the spectrum were fathers who were reported to have sought contact with their children formally through the courts. Some of these fathers initiated proceedings but did not follow through on them. Other fathers were reported to engage with contact for a limited period of time before ceasing contact. Saunders' (2007) assertion that abusive men use the legal system to maintain control over their partners, with little interest in their children, was established to some degree in this study. For many women this can go on for years with the legal system providing scant relief and protection from this form of harassment. Indeed, many participating mothers in this study echoed Jaffe *et al.*'s (2003) contention that their ex-partner's motivation in pursuing contact related to the continued connection with her that contact would provide. Once access to the woman was curtailed and reconciliation hopes were quashed, so too ended the fathering role:

> *I believe he ceased seeing his son firstly because he has no real interest in him, and secondly he could not get at me.* TA32

Furstenberg and Cherlin's (1991) concept of the 'package deal' may have some relevance here, where active paternal involvement (including the payment of child support) is very much dependent upon the existence of the marital relationship and that, once that ends, little motivation remains for fathers to stay involved with their children. Other fathers left the country soon after the adult relationship broke down and contact ceased with the children. As asserted by King and Heard (1999), fathers with little or no direct contact in this study also rarely engaged in other more indirect forms of contact or support in order to maintain a link with their children. While cessation may have been influenced by

geographical distance, the absence of any contact or financial support also suggests the absence of any emotional connection to the child and may further be related as Stephen's (1996) asserts, to the father 'moving on' to a new family.

Chapter Summary

In this chapter the experience of parenting and of being parented in the context of a prior history of domestic abuse has been described from the perspective of the children, mothers and fathers those involved in that process. Their collective narratives confirm the risk of continuing abuse of the mother through the facility of contact, as cautioned by previous research, and the resultant impact on mothering capacity and the implications for children. The findings also indicate significant concerns for the parenting of abusive men, who are identified as struggling to realise their fathering aspirations whilst simultaneously compromised in their ability to understand and take responsibility for the impact of their abusive behaviour on their children and their ex-partners. With the concerns for abusive men's parenting empirically established time and again, alongside the implications for women's parenting and children's welfare, the question naturally arises as to why abusive partnering and parenting is not only allowed to continue, but is actively facilitated through the family law system.

The next chapter will provide some answers to this question by presenting the findings from this research on the decision-making process in family law.

CHAPTER EIGHT

MAKING DECISIONS ABOUT CONTACT

The findings presented in the preceding two chapters have illustrated graphically the sad and destructive relationships that children in this study were engaged in with their father. They further highlighted the negative impact that domestic abuse can have on fathering and on mothering and raise questions about how to reconcile the issue of abusive pre-separation histories with post-separation contact orders, echoing findings from the existing research portfolio (Jaffe *et al.,* 2003; Radford *et al.,* 1999; Roche, 1999). In response to these questions, this chapter will attempt to understand how decisions are made about post-separation contact where there has been a prior history of domestic abuse, drawing on the findings of this present study to illuminate the issues inherent in this debate. The first part of this chapter explores the prevailing assumptions and discourses about fathers and about families that participants believed influence and pervade that process, while the second part explores the manner in which the discernible wishes of the children in this study were ascertained. The critical review of the decision-making process will initially focus predominantly, though not exclusively, on cases proceeding through the family law courts, while the discussion on consultation with children encompasses both formally and informally arranged contact cases. The views and experiences of the thirty professionals who participated in either a focus group or individual interview in Phase Two are also introduced in this chapter. Phase Two professionals are identified as P1, P2 etc.

Part One: Overview of decision making in contact cases: process and outcome issues

Contact arrangements for over one third of Phase One survey respondents (or 36% of contact families) and over two thirds of Phase Two families (11 of the 17 families) had been court ordered, either at the point of separation or following the breakdown of informal arrangements. Given that cases that proceed through the legal system are, as Radford *et al.* (1999) have previously established, more antagonistic and with entrenched hostilities, the experience of participants in this present research of the legal process, and of court proceedings, were highly emotive and largely critical. Their criticisms were not confined to the *process* by which the contact decision was reached, but also concerned the manner in which those *outcomes* or final decisions were followed through on. Their experiences of court and the legal process were further influenced by their previous experiences of the court room when involved in applications for protective orders, either as applicants or respondents, under the Domestic Violence legislation. Their criticisms of both process and outcomes were, for the most part, echoed by the participating professionals.

Process Issues

Despite entrenched hostilities that are particularly archetypal of these cases, one professional estimated that upwards of 90% of cases passing through the Circuit court in any given year are settled by agreement between the parties. This statistical outcome, which, if accurate, is at the lower end of Dunn *et al.*'s (2004) analogous estimate, does not necessarily imply any tacit satisfaction with the decision or indeed the decision-making process. Hardesty and Chung's (2006) caution that fear may result in women compromising about custody when decisions are being made, resonated in the narratives of some participating mothers in this present study, who stated that they felt that they had no choice but to agree with the recommendations being offered. Non-participant observation of the family law court during the data collection phase of this present study identified how these recommendations can materialize, usually via negotiations between the solicitors, before this *fait a complit* is presented to the Judge for ratification. The following extract from field notes illustrates this process:

> The waiting area of the court house is something akin to the boarding areas in any airport around the world. Plastic seats, set back to back in narrow rows, are bolted to the ground, interspersed with plastic house plants and litter bins. A television is mounted on one wall and is showing repeat American sit-coms. There are only a few people left in this area. I observe what I assume to be two solicitors talking in hushed tones, from time to time looking over with reference to a man and woman who are sat about ten feet apart. I find myself situated almost equidistant between the two parties. Each solicitor approaches their respective client and proceeds to engage in what looks like a serious and intense discussion, dominated in both cases by the legal personnel. Despite their hushed tones and the background hum of the television, I hear, without effort, enough of both discussions to ascertain that this is an access dispute between a mother and a father regarding their child. Both parents are instructed to be reasonable and 'see sense', with the mother 'advised' by her legal representative in a stern and insistent manner that she will 'do much worse' if they go before the Judge. The negotiations are over within a matter of minutes, both parents leave without talking to each other having been instructed to return at 2pm to have this 'agreement' presented to the Judge. The solicitors shake hands and clap each other on the back... *Field notes*

Non-participant observation of the proceedings of a rural family law court revealed more restricted and primitive facilities, as the extract from the following field notes illustrate:

> Located in the centre of a busy town, an 'archetypal' court house is easily identifiable. Arriving early to a locked court house and without a soul in sight, I retire to the comfort of a recently refurbished hotel across the road to await the 10.30am start. The four star hotel stands in stark contrast to the court house; the former a newly painted and modern building; the latter with paint peeling from the walls, rising damp and an acute feeling of having gone back about 100 years in time. As 10am approaches people start to arrive gather outside the court house in the sunshine. Small groups of solicitors and clients huddle together in deep conversation as the main street traffic flows just yards from where they stand. As I enter the court house, it becomes apparent why they are outside: the alternative is a small porch-like grey concrete entrance to the main court room, which could not comfortably hold more than two or three people. As I conclude that debate about family life and family welfare seems to be resigned to the side of the road, I also wonder what happens when the weather is not so pleasant....
>
> ... *Field notes*

Analysis of the findings indicate that it is not unusual for cases to require many of the visits described in the above field notes, particularly where a decision, or indeed a compromise, cannot be reached, or where the court requires more information, resulting in frequent adjournments which extend the length of time the process can take before a resolution is reached. Concurring with Radford and Hester's (2006) reflections on two UK studies, persistent adjournments increased the anxiety levels for those involved in this present study and also had the potential to deepen hostilities. 'Litigation abuse' (Radford & Hester, 2006: 113) involving protracted court appearances, also had financial repercussions, with legal bills perceived to impact significantly on the quality of life of those involved, often without any resolution of the issues that led them to court in the first instance. Echoing assertions by Bancroft and Silverman, (2002), many women participating in this present study believed that this prevented them breaking free from their ex-partner and facilitated his ongoing control over her, as this woman explains:

> *I hoped I could move on with my life [but] I have spent six years in and out of [the] District, Circuit and High Court following [my] husband abducting [our] children, he challenged maintenance to [the] High Court – he constantly appealed the safety order– he is still in control –and I am left to care for my children with a small income, constantly incurring large legal fees and getting nowhere. TA49*

Inconsistency, both in terms of the judicial personnel attending to a given case and the judicial response itself, was also criticized by many participants when adjourned cases that returned to court for subsequent hearings were heard by a different Judge.

> *Following the Barring Order, Judge stated no access. Father brought access and guardianship in front of another Judge – was granted access without any reference to [the first] judgment. No consistency from one Judge to another. TA25*

The criticisms of the experience of the decision-making process expressed by the participants in this research were, as found elsewhere, heavily influenced by the manner in which decisions were reached: their perceptions about whether or not they had had a fair hearing; whether or not the Judge was fully informed of all of the relevant facts; and whether or not the judgments handed down were perceived to be in the child's best interests (Saunders, 2007). Similar to Hardesty and Chung's (2006) review of the available research, the findings also highlight inconsistent, capricious and discretionary use of comprehensive assessments to inform judicial decision making, resulting in what participants described as judgments that were arbitrarily, rather than consistently, applied. The difficulties experienced by many participants in achieving this are highlighted in this next quote:

> *What the judge hears is an intense dispute between both parties. [He has to] come down on one side or the other or steer a little path between the two to ensure that the children can continue with some sort of a relationship with both parents. While there would be a tendency to promote the relationship I don't think it is as straight forward as that. I think that the judges are more inclined to try and involve some other agency.* P3

Those 'agencies' referred to in the last quote, were usually confined to the HSE who might be involved in conducting either Section 20[38] or Section 47[39] reports, independent consultants or NGO's involved in carrying out Guardian Ad Litem (GAL)[40] reports or psychological assessments, or the previous involvement of the Probation and Welfare (P & W) Service in conducting family assessments. The findings of this study reflect both positive and negative experiences of the

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[38] This report is provided for under section 20 of the 1991 Child Care Act. It involves an assessment of what custody and access arrangements are deemed to be in the best interests of the child. These reports are ordered by the Judge and carried out by the HSE.

[39] This report is provided for under section 47 of the Family Law Act 1995 and concerns the welfare of the child in custody and access cases where parents are separating or divorcing.

[40] Under section 26 of the Child Care Act 1991, judges are given the option of appointing a Guardian ad Litem in any proceedings where the child becomes the subject of Court proceedings or the subject of a care or supervision order.

participants' involvement in the assessment process and the manner in which the recommendations of those assessments were perceived to influence the final decision of the court.

For example, regardless of the type of assessment done, either with the assistance of an outside agency or one conducted by the Judge on the basis of the information put before him or her, participants expressed concerns that the assessment was incomplete, because information was not sought, not given, or not included. Similar to the findings of Bow and Boxter's (2003) research with professionals involved in custody evaluations, participants in this present study also questioned the level of insight assessors had into the nature and dynamics of domestic abuse. Furthermore, once the assessment process was concluded and the report was given to the Judge, there were mixed views on the weight this appraisal was perceived to have, or whether it was even read by the Judge.

> *It's in the report that they [children] want to see their dad less. And the Judge just ignored it and gave him fifty percent (access time).The children are devastated because I [said] 'I trust him [assessor], he is the Judge's ears, if you tell him the Judge will hear it'. Now it's in writing by an independent psychologist and the Judge just totally ignored it.* Hannah (Mother).

Hannah's story was not an isolated one and a story not just told by women. Judges tendency to ignore or reject the recommendations of an assessment was also identified by participating professionals and established by previous research (Morrill *et al.*, 2005). A minority of participants stated that the Judge thoroughly read the reports and was 'understanding' in how he/she engaged with the parents, prioritized the children's welfare and recommended actions, as Mary (Mother) explains:

> *[Having read the assessment report] the first statement that he [Judge] made was that the priority has to be the happiness of the children and while Dad has a right and a privilege to access, it has to be something the children are comfortable with. He said 'I am not ordering something that the children don't want'.*Mary (Mother)

Outcome Issues

The next stumbling block for the parents and professionals concerned the manner in which judicial orders were enforced and recommendations complied with. This primarily concerned the issues of non-compliance with contact orders, non-payment of maintenance orders and failure to adhere with recommendations for counselling or mediation. As with Smart and Neale's (1997) findings, the difficulty with enforcement emerged with a potent gender bias in this present research, with mothers predominantly resisting compliance with contact orders and fathers failing to exercise the contact

accorded to them. The penalty approach to resident mothers and 'laissez-faire' or 'ambivalent' approach to fathers that Rhoades's (2002: 77-78) earlier research identified, was also evident in this present study. Rhoades (2002: 77-78) argued that this led to enforcement being 'a remedy that is effectively only available to the contact parent, in that the court will not coerce a person into maintaining a relationship with their child'. Indeed, Bailey-Harris *et al.*'s (1999) finding that judges were undivided in their conviction that a parent cannot be ordered to engage in contact, resonated in this present research, as this quote from sixteen year old Eva illuminates:

> *We are made see him, that apparently can be enforced but him paying Mam money can't be...it doesn't seem fair really, does it?* Eva (16)

There were variable views on the involvement of participating professionals in the enforcement of contact orders which were considered highly emotive and distressing:

> *It would be an order from the court and at times you may have to pick up the child and carry her out and that's very difficult.. it is very traumatic.* P12

Straddling both process and outcome concerns was an inherent difficulty, primarily expressed by mothers but also by some children and some professionals, reconciling the contrasting responses to the issue of domestic abuse that these participants encountered in the public (including criminal and civil) and private law domains. Hester's (2004) suggestion that professional responses to domestic abuse, child protection and child contact are so different in each of these domains that they inhabit three different planets was clearly evident in this present research. In attempting to understand the shifting sands of what is considered to be in the child's best interests across these three planets, Bailey- Harris *et al.* (1999) surmise that the decision-making process reflects assumptions about an ideal family and also about both parents' and children' rights. In agreement with Piper (2000), this present research asserts that two primary assumptions have infiltrated family law; firstly, that children need continued relationships with both of their parents and secondly, that direct participation in the family court process is harmful for children. The next section addresses this first assumption while the second is addressed in the second half of this chapter.

Assumptions & discourses guiding decision-making process

The presumption that contact with a non-resident parent is generally in children's best interests has been based on empirical findings regarding the negative impact on children of divorce and subsequent loss of contact with their father (Hunt & Roberts, 2004), on expert knowledge regarding identity,

attachment and loss (Humphreys & Harrison, 2003), and on an ever-expanding literature on the importance of fathers for child development (Lamb, 2007). The findings of this present study concur with Kaganas and Day Sclater's (2004: 5) conclusion that this presumption has, however, passed into the realms of incontestable 'truth', being considered to be 'almost always' in the interests of the child.

Indeed, the debate around the welfare of the child and the right of the child in this present study appeared to dominate the very heart of the issue regarding contact, with diverging and dichotomous views as to how children's' welfare and their rights could best be served. Some professionals asserted, from their experience, that the welfare of the child was assumed to be served by maintaining contact with their father, with:

> *Judges compelled by European jurisprudence that the access of a child to both its parents is the right of the child. So they cannot deny the child the right to know his or her parents except for overwhelming reasons to do with the welfare of the child* (P9).

Debate subsequently ensues as to what 'overwhelming reasons' (referred to above) might be and when the child's right of contact is not synonymous with the welfare of that child. This debate was dominated by questions that the participating mothers had about how the welfare of their child was reflected in contact decisions, particularly where previously proven or ongoing abuse to their child perpetrated by the child's father was established:

> *Judge ordered all children to have contact, even though incident [of physical abuse] with older son and Dad, Judge said 'children need their father, he is the only one they have'. SO5*

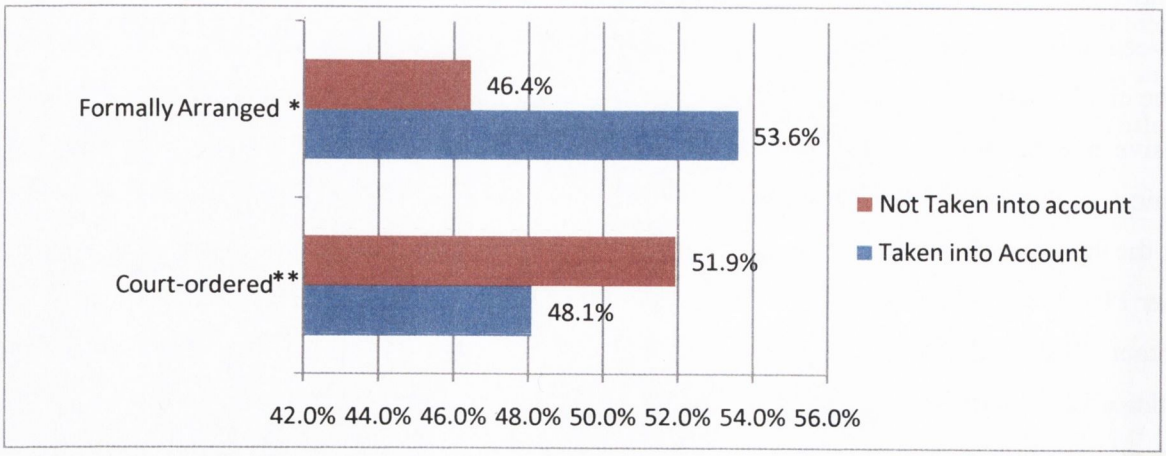
Despite the empirically grounded connections between domestic abuse and compromised child welfare, and between child contact and child abuse, a gargantuan gap nonetheless appears to remain between the discourses on child contact, which are premised on the notion that maintaining contact is in the child's best interest (Lamb, 2007), with that of domestic abuse, which holds that contact with an abusive man is often unsafe for children (Humphreys & Harrison, 2003). The experience and opinions of the many of the participants in this research confirmed Hester's (2004) concern, however, that the presence of domestic abuse in the life history of the family 'disappears' in the transition from either Planet Domestic Abuse or Child Protection to where they now find themselves on Planet Child Contact (Harrison, 2006). These disappearing histories were evident in the narratives of the participating mothers in this research, leading to contact arrangements that they and their children deemed inappropriate and unsafe. A number of further assumptions ensured that the historical slate of domestic abuse was wiped clean. These centred on the relevance this history was deemed to have in the debate concerning child contact.

The relevance of domestic abuse to the child contact decision-making debate

The findings of this present study reflect Jaffe and Crooks' (2004) assertion that there is a pervasive belief within the family law system that, once the adult relationship has ended, so too has the need to include the abusive history as a consideration when deciding on contact. Underpinning this assumption is a variable understanding of the dynamics of domestic violence and its relevance to contact and a belief that the child's relationship with their father can be understood in the absence of any consideration of the parental relationship. Similar to Kernic *et al.*'s (2005) research findings, this present research also highlighted two primary concerns: a lack of identification of domestic abuse cases and a lack of appropriate protection associated with contact orders where that history had been documented.

Given the secrecy that has traditionally been associated with domestic abuse and the reluctance on the part of women to disclose their abusive relationships, many authors have asserted that screening for a history of domestic abuse should be routine amongst separating or divorcing couples in custody or contact disputes (Hardesty & Chung, 2006; Humphreys & Harrison, 2003). In the absence of such screening, the burden of proof falls on the victim to raise the issue and provide evidence of what is often a private and secret crime (Kernic *et al.*, 2005). While it is not possible to know exactly how many women are negotiating and managing contact arrangements with abusive men, the findings of this research, however, indicate that 83% (44) of Phase One survey participants whose children were involved in court ordered contact stated that they were not asked about their experience of domestic violence during the legal/court process, or if they were, that they perceived that they weren't listened to (Table 32).

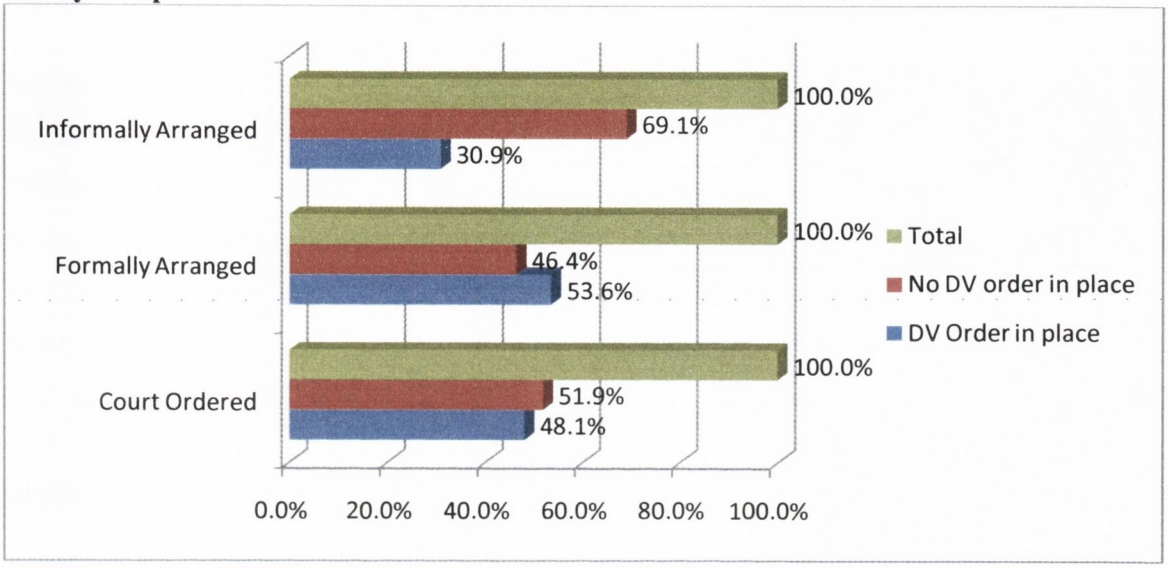
Table 32: History of domestic abuse taken into account in court ordered and formally arranged 'contact' cases: Survey Sample.



***N = 28 Formally Arranged and **N = 53 Court Ordered Cases**

In just under half of the court ordered cases (48%), there was a domestic violence order in place (Table 33). Similarly, for survey participants whose contact was formally agreed outside the court room, 54% of women had secured a domestic violence order (Table 33).

Table 33: Presence of domestic violence orders for each type of arrangement of 'contact' cases: Survey Sample



N = 52 Court Ordered Cases (1 did not answer this question); 28 Formally Arranged Cases; 57 Informally Arranged (2 did not answer this question).

These Phase One survey findings were mirrored in the Phase Two interviews. Analysis of both data sets suggests a number of reasons why the history of domestic violence did not appear to be considered relevant when the contact decisions were being reached.

One professional confidently asserted that *the courts take into consideration what they're asked to take into consideration, so therefore, if risk around women's safety or children's safety is not raised in the course of proceedings, it won't come up.* (P9). While this seems to be a rather simplistic understanding of the process, it would appear to reflect the following mother's belief that the Judge in her case was unaware of crucial information concerning her daughter, as she explains:

> *I don't know what's happened to Ciara. Nobody knows but he [father] is blocking her treatment but that's never been heard in court. That never reached the judges table.* Hannah (Mother)

Many women alleged that the Judge hearing their custody and access case was not made aware of the history of domestic violence and, as such, could not include this in his/her deliberations. Some women

stated that they did not fully disclose their abusive history with their partner, particularly where sexual abuse had been part of that abusive relationship, as Tanya explains:

> *There were things that had happened that I hadn't even told, like the rapes... It's not something you talk about is it? I didn't know if they'd believe me, and then everyone would know, me Ma, me Da, the kids, and I'd feel even dirtier than I did already.* Tanya (Mother)

While in some instances, like Tanya's, the abusive history did not enter into the discussion around contact because the woman herself did not raise it, in other cases the women alleged that the solicitor refused to make the Judge aware of their history of domestic abuse. O'Sullivan's (2000) research with attorneys representing abused women supports this allegation, with those attorneys advising women to cooperate or risk losing their children. This may be one explanation for the perception held by participating professionals closely involved in court work that domestic violence is not an issue to consider when deliberating on contact decisions, as the following quote illustrates:

> *Only a very small percentage of custody and access cases have a history of domestic violence...very, very, few custody and access cases.* P19

Emerging more consistently from the present study, however, and in agreement with Kernic *et al.* (2005), was the finding that, even when the evidence of domestic violence was presented to the Judge, he or she did not consider it relevant to the contact discussion. The relationship between the adults was considered something in the past; the need to consider the impact of the abusive relationship on the children ceased with the termination of that adult relationship. The following quote locates this issue in this mother's experience:

> *There was no consideration of domestic violence taken into account, in relation to my children's and my own safety and welfare. I was basically informed that as 'we are no longer living together' that it is irrelevant. I felt it was entirely ignored and minimised as was my concerns for the welfare of my son. CA7*

Consistent with what Kernic *et al.* 's (2005) research with separating couples has already documented, women in this present research described being *ignored* and *not listened to;* their experiences *minimized and overlooked;* and that professionals displayed minimal capacity to engage with the levels of violence women and children were exposed to. Women asserted that contact decisions were made even where the abuse of the child was known to the Judge, a view not always shared by professionals:

Where there is direct physical abuse of the children, I think the court are quite clear cut on that – it's the indirect abuse that causes the difficulty, the impact of the domestic violence upon them. P3

There was only one exception to this general trend noted in the survey data, where a mother perceived that the Judge had considered her history of domestic violence when making the contact orders.

Supporting Hester's (2004) assertion that the emphasis on Planet Child Contact is not so much on child or woman protection but rather on ensuring the child has two parents, one professional surmised that in separation hearings, the Judge:

..generally isn't interested in hearing about the difficulties between the spouses. The Judge wants to get to the nub of the issues which are what maintenance should be paid. What should I do with the house? What issues are there in relation the children? It would be quite infrequent that there would be an argument that there should be some level of restricted or supervised contact on the grounds of previous violence. P3

The message that their experience of domestic violence 'didn't matter' and 'wasn't considered relevant' appeared to extend beyond the mere convenience for Judges in only dealing with the practicalities of finance, housing and contact issues. Women believed that this message was also explicitly stated when they applied for protection under the Domestic Violence legislation, or extensions of previously held protective orders, post-separation, and were denied these on the basis that they were unnecessary as the couple were no longer living together. The conclusion of many of the participating women that the Judge had difficulty understanding the dynamics of domestic violence, is aptly reflected here in the 'suspicious ideology' this professional believes to be at the heart of our general understanding of domestic violence:

There is an ideology there that I think is deeply suspect. [There is a] spectrum of domestic violence which ranges from people whose culture or environment has been such that violence has been a primary method of communication all of their lives, to deeply controlling and manipulative behaviour. You get some appalling examples of pathological control and occasional instances of mutual frustration and anger. They are just not the same thing. Women's Aid present everything as an example of male controlling society and it's not. P9

The suspicion or disbelief of the extent of women's experiences referred to above was also highlighted by some women in rural areas who perceived that appearing before the same Judge for protective orders in the first instance and subsequently for custody/access application hearings

negatively influenced the Judge's reading of assessment reports and the final judgments made. The experience of many participating women of blame and culpability, which existed alongside a pervading sense of victimization, was also referred to by Farmer and Owen's (1995) study of UK child protection practice and Jaffe *et al.* 's (2003) review of US juvenile court cases. Both studies highlighted a microscopic scrutiny of women's parenting occurring alongside an optimistic attitude to fathering, a finding also mirrored in this present study.

> *[The] experience of court [was] also very isolating and intimidating..[it] left me feeling like the criminal and would not encourage you to go back. It did not give me the protection and support I thought it would.* CA2

Mothers and professionals alike asserted that, as the adults separated, the focus shifted from the man as an abuser to the man as a father, and that, while the adult intimate relationship had clearly failed, the Judge felt he should be given a chance as a father. This was both implicitly understood by participants and explicitly stated by the Judge in some instances. For some participating women, and as endorsed by some participating professionals, the overarching issue influencing the contact decision was the father's right of contact to his child/children, as the following quote illuminates:

> *[The] Judge was aware of issues involved in the case but informed [the] mother that [the] children 'can't be pandered to'. He also said 'children need discipline and should be told what to do'.* TA41

Alongside this was the belief that children needed to see their father, something this professional expressed concern about:

> *The domestic violence is forgotten about and it's as if this man hasn't ever been abusive, so he kind of goes from being seen as an abusive partner to being just the dad where all this post-separation abuse is still happening. And I think that's really confusing for kids, the status of it changes.* P8

Implicit in this assumption is a belief that no contact at all is more damaging for children than contact with an abusive man, or that contact with their father is in the child's best interest, regardless of the quality of the fathering or the father-child relationship, a concern raised by earlier research (Harrison, 2006; Kaganas & Day-Slater, 2004). As the domestic abuse history disappears behind a clear focus on fathering, the target of 'blame' shifts very subtly but with certainty from an abusive man to a mother obstructing a father's relationship with his child. From this vantage point, any attempt to prevent or undermine the father-child contact relationship must therefore be malicious and fathers with restricted

or terminated contact are consequently being discriminated against. The next section will explore this further.

Blame, responsibility and discrimination

> *My guess is that the courts see complaints from women as being anti-men and complaints from men as being anti-women and they sort of expect a level of attrition which doesn't lend itself to looking at how best to make it right for kids so if there is a problem, you know it's about women lying and men being violent..* P4

As reflected in this last quote, women and men were located (by themselves, their children and participating professionals) along a continuum with the option of dangerous fathers and good mothers at one end and malicious mothers and good fathers at the other end, but without an ability for good mothers and fathers, or indeed malicious mothers and dangerous fathers to exist alongside each other. Accompanying each polar extreme were notions of blame and responsibility – who was to blame and who was responsible - and these were reinforced by assumptions of good enough mothering and fathering.

With the concept of 'a continuing relationship' being understood and accepted, not just as advantageous for financial reasons but also, as Kaganas and Day Slater (2004) assert, critical for child welfare, anything that threatens that status quo is therefore a bad thing. The presumption or assumption of contact therefore means that parental opposition to it is equated with implacable hostility (Piper, 2000). The research that informs us that violent fathers are not good enough fathers (Rakil, 2006) is therefore somewhat at odds with assumptions about the benefits of contact and constructions of 'good parents' (Kaganas & Day-Slater, 2004). Not only do 'good' mothers not oppose contact but they actively support it, while 'good' fathers take some interest in their children and do not harm them.

Entrenched and polarized positions steeped in beliefs about blame, responsibility and discrimination were clearly evident in this present research. Mothers who raised concerns about men's contact found themselves disbelieved and considered 'unreasonable', because, as Trinder (2007) and Perry and Rainey (2007) have already highlighted, those concerns were seen to be at best trivial and at worst contrived in order to keep men out of their children's lives. 'Trivial' concerns included inconsistent and unreliable contact, fathers abusing alcohol or drugs while in charge of the children, or demands for maintenance. Echoing Perry & Rainey's (2007) findings however, more serious allegations were also ignored:

There has been a very serious allegation made by my youngest daughter against her father. However a Judge implied I was making it up as a 'tit for tat' and refused to have access supervised. CA5

In short, women believed that they were expected to comply with contact orders because the prevailing discourse assumed it to be in the child's best interest to see their father. Non-compliant mothers were constructed as malicious for interfering with or obstructing father-child relational bonds, and any allegations asserted by them were therefore considered to be false, invented or exaggerated, despite established empirical evidence that challenges those assumptions (Brown, 2006). Constructing motherhood and fatherhood in terms of 'good mothers' and 'good fathers', invariably plays a significant role in the propagation of those contradictory assumptions about malicious mothers and/or dangerous fathers. 'Good' mothers, in the context of this debate, welcome and facilitate father-child contact while 'good' fathers provide for their children and maintain a meaningful connection with them. In agreement with Harrison (2006), this research found the legal system actively resisting mothers' opposition to contact without attempting to confirm or dismiss her allegations; whilst simultaneously supporting the continued parenting of abusive men without requiring any evidence of safe or indeed 'good enough' parenting.

The findings from this study also support the claim that despite their misgivings about contact, mothers were generally in favour of promoting and encouraging the father-child relationship through contact. Their role in facilitating and supporting contact was clearly identified by the participating children and young people, by some of the fathers and by a range of participating professionals. Where contact was terminated by the children, despite the mothers' efforts to encourage it, many women stated that they felt they were blamed by fathers. Evidence of mothers being malicious did not emerge with any significance in the context of this research. Two professionals engaged in the supervision of contact witnessed in one case what they described as children being tutored by their mother to '*go into a hysterical attack'* (P10 & P11) when the father arrived for contact visits. On balance, they stated that this would be the exception rather than the norm, and their difficulties as professionals arose primarily in the context of safeguarding children from interrogation by their father and denigration of their mother by their father, with the majority of mothers supporting contact rather than interfering with it. Other professionals spoke about avoiding getting '*caught up in the battle because this is between the two parties and they need to resolve it'.* P7

The convictions participants held could also be framed in another question regarding whose 'right' was dominating the resulting decisions – was it the father's right to contact; the child's right to contact; or the child's right to safety and protection? One participant emerged from her court experience with this assertion:

I thought it was contact with Dad at any cost – I was saying to the Judge in me head 'are you not reading this report? Cos if you were there's no way you'd be letting him near them. Or am I just missing something? Tanya (Mother)

The professional below, however, believed that a prevailing discourse on family life, on a construction of the father's pivotal role in the family and in children's lives was a dominant factor influencing contact decisions:

(Courts) might have empathy [for women] but they're still pro-men. Also the father's movement is strong and we're still in a very pro-family culture. It's a religious and a cultural thing. P13.

Implicit in this last quote is a belief that the legal system positively discriminates in favour of fathers in custody/access cases, a view shared by participating mothers and professionals in this research, as the following quote reflects:

My child's father got access and guardianship even though I had to flee family home to refuge. TA22

Views however about discrimination and rights were quite polarized. Reflective of the calling card of the FRM (Boyd, 2006), most of the participating men and some professionals believed that women were accorded parental rights, disproportionate to men, as Brian asserts:

At the end of the day, women has all the rights regarding children when you go into court, you're just fucking wasting your time. Brian (Father)

The perception of a bias in favour of women was disputed by a number of professionals working in the field and by the available literature (Brown, 2006; Collier, 2006). Acknowledging that this might have been the case ten or fifteen years ago, with almost automatic allocation of the house and custody of the children to the mother at that time, this professional asserts that the Irish legal system has '*moved considerably from that situation'*. However '*there is a perception amongst a certain group of men that they will be discriminated against because of their gender and nothing will convince them otherwise'* (P3). Similar to Boyd's (2006) finding of a 'conspiracy theory', rights and perceived discrimination were also inextricable linked with the payment of maintenance, as Brian (Father) explains:

I'm paying forty quid, I'm paying a tenner an hour to see me kid and its fucking desperate like. I know it's not a nice way of looking at it but that's the way it feels. Brian (Father)

Maintaining the focus once more on children, one professional asserted that:

the message needs to be got through that having the child is not a privilege that you possess or a bargaining counter, because I see it over and over again in courts where they say 'you couldn't see the child, because you didn't pay me any maintenance' [or] 'I'm not paying maintenance because you won't let me see the child'. P9

The experience or perception of discrimination can further exacerbate an already acrimonious relationship, which, according to this professional:

can possibly subject the children to a significant amount of abuse, because he may be an abuser or whatever but the way the children see things is very often, that he's still my dad (P14).

The welfare of the child, what the child wants and the decisions that are made might actually be three very different things.

Systemic commitment to the ideal of contact resulted in many participating professionals who were involved at the decision-making coal face of contact to raise concerns about the dilemmas they encounter on a daily basis as they attempt to balance the need for child centred decisions that are safe with parental rights. They found the legal system wanting in its ability to maintain this balance, particularly in situations where concerns about child safety had been raised or an assessment had been ordered or was in train, but, in the intervening period, temporary decisions about contact had to be agreed:

You err on the side of the caution, in favour of the child even if you deprive the adult. P5

Reflective perhaps of the presumption of contact in separation and divorce cases, as discussed in the literature (Hunt & Roberts, 2004), contact was not permitted between the father and his child in this present study on the recommendation of a social worker or on the decision of the Judge for only six of the three hundred and seventy-there children involved in this research (317 Phase One and 56 Phase Two children). Analysis of the data indicates that the reasons for these decisions included the father's violent behaviour, either towards the mother or the child, or because of non-compliance with the contact orders:

My son witnessed my husband stab me, he was arrested and when it came to court he was told he would have no contact with my children. MWSS12

The finding that access was rarely denied is in line with the literature reviewed (Bailey-Harris *et al.*, 1999), with contact ordered even when abuse of the child was established or concern for the welfare of the child was expressed:

Judge said kids need their father he is the only one they have CA 2

Implicit in the last quote is a conviction that maintaining the father child relationship is in the child's best interests, something that is apparent where there are either allegations or a confirmation of domestic abuse. The absence of any consideration that contact is perhaps not in the child's best interest prompts the question already posed by Kaganas and Day Sclater (2004) of what is considered more damaging for children: exposure to a father who has perpetrated domestic abuse or no contact at all with that father? This tension was also evident in this present study with participants commenting that it would be rare for contact to be terminated by the court at the first hearing, because the courts always attempt to deal with parental rights. One professional surmised from her experience that where somebody is barred from the family home, that there would be *'a level of sympathy and a non-willingness to compound the situation by stopping access to children'*.(P5). The exception to that general rule might involve a parent who:

' is psychotic, who is deranged who has a major drink problem – then the courts won't have a difficulty in saying 'no'. If [the parent says]' yes I have a problem but I'm getting help with it' then there is a move towards supervised access. (P5)

The presumption that contact is either in the child's best interests and/or something they actually want was challenged by a silenced majority of children in this research; children who felt that no one cared what they thought or no-one listened on the rare occasions they were asked for their opinion. The next section will explore the views and experiences of the participants in this study of the manner in which children are consulted and their voices heard and represented.

Part Two: Ascertaining the discernible wishes of the child

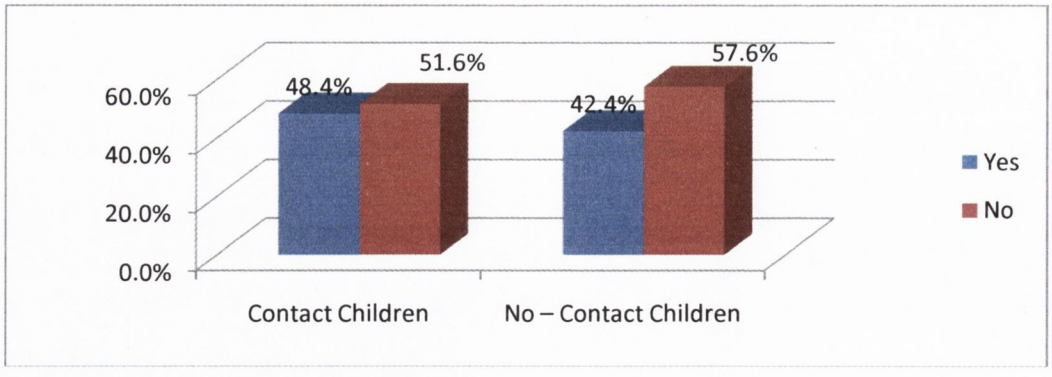
Involving children in private law proceedings by giving them a 'voice' in their parents' divorce, has been the subject of heated empirical debate (Buchanan *et al.,* 2001; Neale, 2002). Concurring with Kjorholt's (2002) reflections on children's participation in Norway, this present study also concludes that the tension between two of the three 'P's' at the very heart of the UNCRC (the right to participation and that of protection), are also mirrored at the core of this debate.

Central to this debate are children's views on participation – their hopes and aspirations in that regard. Cognisant of Piper's (1999: 93) concern that, within the family law domain, any commitment to a 'conceptual framework of children's rights' becomes subsumed and nullified within a welfare agenda , this section will presents the findings concerning the nature of children's participatory involvement and the manner in which they were consulted and empowered in this decision-making process.

Experience of Consultation & Participation

Analysis of Phase One survey data found that mothers of 48.4% of children engaged in contact (150 children) and mothers of 42.4% of children not engaged in contact (56 children) stated that their children were asked, by either or both of their parents or by a professional, for their views on contact with their father. As Table 34 illustrates, the survey findings indicate that the remaining 51.6% of children engaged in contact (160 children) and 57.6% of children not engaged in contact (76 children) were not consulted[41] about these arrangements.

Table 34: Consulting with children ['Contact' & 'No Contact' Families]: Survey Sample



N = 310 children (information was not provided in respect of 7 contact children)

[41] The term 'consultation' is applied here in its broadest sense, to include conversations parents have with their children about what is happening with their family, to formal consultations with professional in either the social, health or legal arenas.

Considering that consultation and participation can occur along an unending timeline that commences with the separation process, there are many points at which children can be consulted with. Interestingly, when the children who were interviewed were asked to recall the period immediately prior to and during their parents separation, the majority could either not recall any consultation about post-separation contact, or simply said:

> *That conversation never happened.* Eva (16)

This finding echoes assertions by Piper (1997) and Sawyer (2000) that professionals assume that parents will consult their children, and rely on that assumption. However, in reality, this is dependent on the emotional availability of those parents to their children at a stressful and traumatic time in the parents' lives. It also assumes, as Buchanan *et al.* (2001) caution, arising from their research with separated parents and their children, that parents do not subscribe to the belief that consulting with children will distress and burden them unnecessarily.

While survey data identifying who actually consulted with children was only provided for in respect of 74 children engaged in contact and 46 children not engaged in contact, where this information was given, mothers cited themselves predominantly as the person who had consulted with the child. Data from the children's interviews also the identification of the mother as the parent who consulted them but goes further in also locating their father at the other end of the continuum, giving no choice and dictating the activities undertaken during access visits:

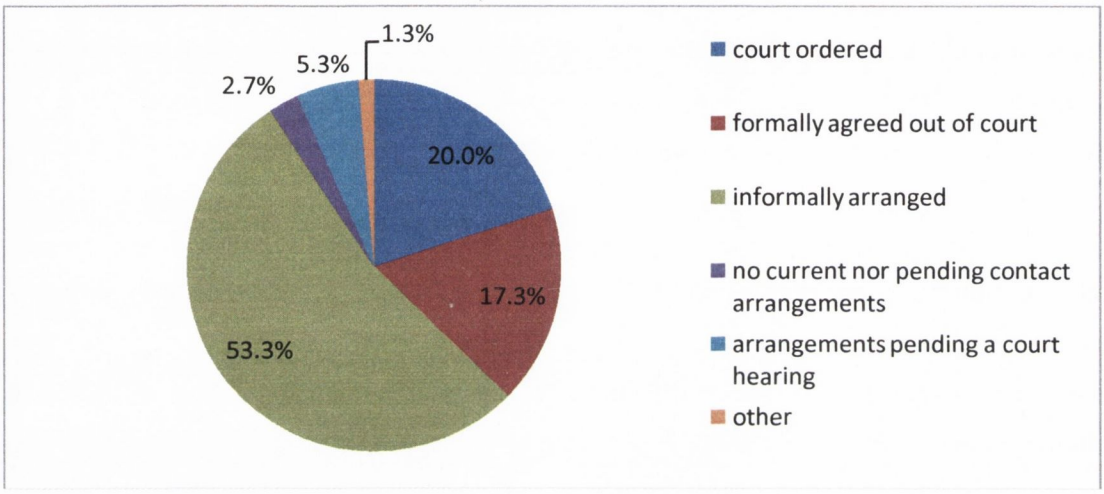
> *He's in control, he has to be the lord. All he does is takes us to the cinema really, but he has to choose what film to see, so we've no say in anything.* Ciaran (13)

Factors Influencing Consultation & Participation

Three issues emerged from the findings as the primary influencing factors on children's participation: the nature of the contact arrangement (whether court-ordered, formally or informally arranged), the mechanisms in place for ascertaining children's views and finally children's interest and willingness in consultation.

Firstly, as identified by mothers participating in the survey, levels of consultation varied across each of the three contact arrangements (court-ordered, formally arranged & informally arranged), and were clearly influenced by those arrangements. As Table 35 (below) indicates, consultation with those children was highest in the informally arranged group, who represented over half of the consulted children (53.3%), and lowest for children in the formally agreed out of court group (17.3%). Children in the court ordered group represented 20% of those children who were consulted about the type of contact they wanted with their father.

Table 35: Extent of consultation with 'contact' children according to contact arrangement: Survey Sample



Linked to this, the second factor highlighted as influencing consultation concerned only formally ordered and court ordered cases and related to both the mechanisms in place in court for ascertaining children's views, and the willingness of the professionals working within that system to engage with children to this end. In line with international practice as reviewed by Barnett and Wilson (2004), this research found that direct participation by children in the court process was actively and consistently discouraged. Concurring with Piper's (1999) observation that the facility of the child being interviewed in the Judge's rooms is underused, this research found an almost overwhelming pattern of no direct contact between the Judge and the child. An existing and polarised debate regarding the appropriateness and efficacy of judicial consultation (Tisdall *et al.,* 2004) was underscored in this research, with anti-consultation opinion most potently held by those professionals working at the coalface of the legal sphere:

> *[1] never have children giving evidence – there [were] only two exceptions to that over my last 8 years here as Judge . I rely on the HSE to represent the child's wishes.* P19

Other than direct consultation with the Judge, there are, of course, a range of mechanisms available to the court and employed in other jurisdictions for ascertaining and representing the views of the child. One such mechanism involves the ordering of a 'welfare report', which is most usually completed by a social worker or psychologist from an external agency, or by court-based professionals. This latter service has not, however, been available to the court in the jurisdiction in which this research was conducted since the mid 1990's. Cognisant of James and James's (1999) criticism that the professional undertaking a 'welfare report' is not obliged to ascertain the views and wishes of the child in determining what is in their best interests, the absence of this service may nonetheless have serious implications for children, particularly if we accept Barnett and Wilson's (2004) caution that this may be the may be the only chance a child has of presenting their views and opinions before the court. While there are other assessment mechanisms, for example psychological assessments, Guardian Ad Litem (GAL)[42] and Section 20 reports[43], these are expensive and time consuming and usually only employed where there are child welfare concerns. They were found in this present research to be employed in an *ad hoc* and inconsistent manner for those more serious and extreme cases.

The absence of coherent and consistent mechanisms for ascertaining those wishes was perhaps reinforced by the ambivalence expressed by some participating professionals about the appropriateness of involving children in those decisions; those professionals clearly subscribing disproportionately to a protectionist or welfare agenda (Mantle *et al.*, 2007), which they justified on child competency and welfare grounds (Roche, 1999):

> *There's nothing to be gained because sometimes their [child's] recollection and their reflection is about their most recent contact with a parent.* P13

> *Even if you had a mechanism for asking, it's not an easy thing to assess accurately - do you just repeat what kids say? Do you check out other information?* P6

Smart's (2002) assertion that the participation of children in this process results in clear benefits for children resonated in the narratives of some professionals participating in this present research, who believed adamantly that the exclusion of children's voices rendered the process incomplete:

> *Even though we can never say with certainty which outcome will be in the "best interests" of the child, the least we should expect is that the professionals are equipped with the best*

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[42] As of No.39
[43] As of No. 38

possible information to come to a fully-informed decision. It is extraordinary that children are rendered voiceless within domestic violence situations and the system compounds that by not giving them a voice before the court. P5

Notwithstanding the already cited critical absence of consistent measures and the extemporized employment of available assessment tools, there were a number of concerns expressed about the efficacy of these instruments to both ascertain and represent children's views. The predominant criticism expressed in this research concerned the small number of cases where assessments were completed and children's views were sought, and where the participants perceived that the Judge ignored or rejected the recommendations of those reports:

We didn't want to spend time with him (father) at all. The guy (psychological assessor) did [listen] but the judge didn't [listen]. Todd (7)

I think the social workers got a statement off me and Leah once or twice to say we didn't want to see him but it didn't do much [good]. The second last time we went to court a female judge said 'I can't physically make you go, you know but you kind of do have to see him'. Eva (16)

Hester *et al.'s* (1997) findings regarding the low numbers of children who were directly consulted also resonated in this research. For example, Tanya's ex-partner, who had physically and sexually abused her, was awarded supervised contact based on the recommendation of a Section 20 report, without the assessor speaking directly to his son, who was eleven years of age at the time. The dissatisfaction that parents expressed in Buchanan *et al.'s* (2001) research concerning the completion of a report on the basis of one interview, was also expressed by mothers and fathers alike in this research. The following quote from Hannah reflects the concerns of many parents who considered the expediency of the process at odds with the enormity of the decision. Hannah also raises another important issue regarding the interviewing of children from the one family together:

He spent one hour with the kids, the two of them together, one hour was all he seemed to need to know what was best for them. Whatever chance he had of getting it right with Ciara, he had none with Todd because Ciara did all the talking and Todd hardly said a word. Hannah (Mother)

The ad hoc application of such mechanisms for ascertaining the views and wishes of the child led many professionals to concur with James and James (1999: 193) and conclude that the law did not appear to operate 'in practice as an effective mechanism for allowing the voices of children involved

in divorce to be heard', because there really wasn't any mechanism, and that the 'system' was merely paying lip service to that lofty rhetoric:

> *Children don't have a voice, they don't have a way in of getting their views put across - there really is no mechanism other than professionals remembering to ask the children somewhere along the line.*P2

In light of the perception explored in the previous section that mothers negatively influence their children where contact with the father is concerned, the need for the child to be given a voice independent to that of their mothers, is reinforced and seen as crucial.

> *He [Dad] thinks that she made us kids not want to go with him, but*
> *I can talk for myself and I've never wanted to see him from the beginning.* Eva (16)

However, while this assumes that they will be heard, whatever their views, many authors remain sceptical of this, asserting that conceptions of gender and gender relations may undermine and dismiss their wishes if those wishes are not pro-contact (Brown *et al.*, 2001; Eriksson & Nasman, 2008).

The third factor influencing consultation and participation concerns the willingness and interest of the children and young people to engage in the process. A small number of participating children clearly rejected liberalist notions of child participation, expressing concern about being asked to participate in the decision-making process, as Robert explains:

> *My mum does ask questions like ' does my Dad tell me that he wants me to live with him' and then I was saying to my Dad then that if I lived with one of my parents, I wouldn't be able to see the other parents and that's what's happening [now], [and] I can't cope with it.* Robert (8)

On the other hand some children stated they would welcome that same liberal stance and were very clear that this was an option they would take if offered:

> *[I'd tell the Judge] that I want to stay with my mum and that my dad should give us money and he should <u>have</u> to see us like every Saturday <u>and</u> show up; we can go if we want to or [not go] if we don't want to. I just want a choice...I think I should be let [have] a choice.* Rachel (11)

Rachel's views echoed those of the young participants in Morrow's (1999) research, where it is clear that, like them, she is asking for respect, not control. However, for a minority of other children, involvement at the level of talking to the Judge was over and above what they were comfortable with:

I don't think I want to do that [talk to the Judge]...what would they want me to say? I want to live with her, with him? I don't really care, cos it's a win lose situation whichever way it works out and it's between them, it's nothing to do with me. Tim (15)

Tim's opinion was echoed by a minority of parents who perceived that being asked to make choices about contact in the context of issues regarding parental loyalties would further entrench the difficulties their children were experiencing. However, on the few occasions where participants in this research experienced direct consultation with the Judge or were aware of that happening, the experience appears to have been largely positive and empowering:

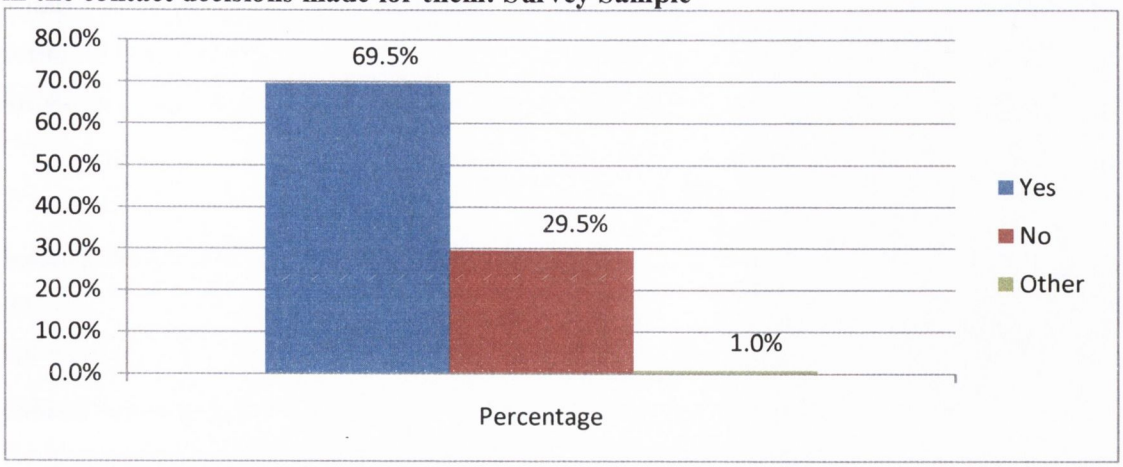
Dad manipulated child against me and would not let child see me for three weeks, no contact by phone or any other way. Judge decided to talk to child [and Dad] was warned by Judge and put on suspended prison sentence. DL19

Although the small number of children participating in Phase Two is in no way generalisable to the population of children in this context, it was clear from the interview process and from analysis of their narrative, that, where children had either been given a choice, or been allowed to exercise their will not to have contact, and this wish was respected by the court, their sense of empowerment and self-esteem was palpably evident, as Eva explains:

When we wrote that letter to him saying we didn't want to see him anymore because he just kept hurting Mam and that hurt us too and we just couldn't take any more...it's hard to explain but it's always been his move, like in chess, we were always waiting for his move...it feels now that we have check-mated him and he doesn't know what to do 'cos that never happened before. Eva (16)

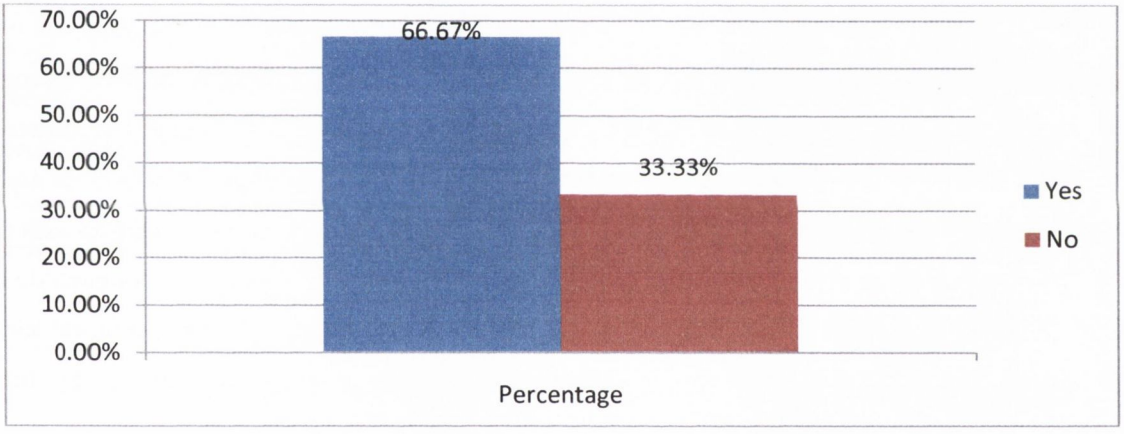
As table 36 and 37 indicate, mothers of children in contact and children not in contact with their father who completed the survey stated that for the most part, their children's wishes were reflected in the decisions made for them.

Table 36: Extent to which 'contact' mothers believed that their children's wishes were reflected in the contact decisions made for them: Survey Sample



N = 210 (Information was not provided in respect of all 317 children).

Table 37: Extent to which 'no contact' mothers believed that children's wishes were reflected in the contact decisions made for them: Survey Sample



N = 66 'No Contact' Children (Information was not provided in respect of 66 children)

While this may seem to contradict the evidence presented in this section and the preceding chapters, this consultation process refers only to the initial consultation post separation, when the majority of both children and their mothers were subscribing to the dominant discourse on father-child contact and wished for the paternal relationship to be maintained and sustained. Once this experience became unwanted and abusive, however, attempts to alter or terminate the arrangements proved futile. It was largely from this point on, that both mothers and children felt shut out of the process and silenced.

The ripple effect of orders being made that do not reflect children's wishes was commented on by professionals involved in the supervision of children's contact with their father:

This whole idea about children having the right to be heard.. they pay lip service to that. I know some children are too young but a lot of them would be at an age where they really know what they want. A child might adamantly just have made the decision they don't want to go there, and they will be standing there roaring and crying and kicking and screaming and the father is in the room, it's very hard. P11

The importance of listening is reinforced when the voices of those who have been heard are listened to again:

Child is happy she was consulted, wants no contact with father following many serious situations of domestic violence. TA8

Summary: Part Two

Given the centrality of children's rights and children's best interests, children's participation in the decisions that affect them is surprisingly very limited. What came across clearly in the accounts of participants who engaged either with the survey or interview process, and reflective of the existing literature, is that children felt their voices were seldom heard, and if heard, usually discounted (Morrow, 1999; Stanley, 2006). The absence of systematic mechanisms to ascertain those wishes and conduct assessments on what indeed was in the best interest of each individual child, combined with a dominant and blanket discourse that purported to know what was best for all children, compounded their silence. The significance of this in terms of child welfare and protection, in terms of a moral and ethical obligation to a vulnerable group that continues to be silenced, is eloquently captured by this professional:

There's nobody to ask those children how they feel about an arbitrary order; whether they feel guilty that they are leaving an abused mother to be accessed by the person who has abused them; do they feel safe; have they concerns about being returned and there's nobody to monitor whether there is inappropriate behaviour or conversation around the issue of access. And I find it incredibly frustrating in this day and age when we are all supposed to be a lot more inspired, that we wouldn't as a government, as a system, as a society be putting something in place that would protect the children at this point and thus prevent certain problems down the road. It is extraordinary that children, you know they are rendered voiceless within domestic violence situations and the system compounds that by not giving them a voice before the court. P5

Chapter Summary

This chapter has drawn on the findings of Phase One and Phase Two in order to illuminate the process by which decisions are made regarding contact, highlighting the issues and dilemmas inherent in that. Constructions of malicious women and a presumption that post-separation contact is automatically in the child's best interest, potentially leads to discriminatory attention being paid to children's wishes and results in situations where they are believed if they want contact but ignored or overruled if they do not. Given the research findings, it seems reasonable to question whether contact should automatically be considered to be in children's best interests where there has been a history of domestic abuse. This question assumes a critical importance when we are reminded by Pryor and Rodgers (2001: 3) that:

> *'The mere presence of fathers is not enough...*

This does not automatically mean either that the policy of promoting contact is mistaken. As the literature and this present research has found, contact is generally what children and their parents want. The challenge is to promote contact in a way which delivers benefits to children while not jeopardising their safety or well-being. Including the voice of the child in that process is crucial to the promotion of safe contact arrangements that they are positive about. The next and final findings chapter present an overview of the supports and resources deemed necessary by the participants for safe, quality contact to be achieved.

CHAPTER NINE

SUPPORTING QUALITY CONTACT

This fourth and final chapter presenting the findings of this research focuses on the phenomenon of 'quality contact', the ingredients considered critical for that to be achieved and the research participants' reflections on that process. The compromised parenting capacity of abusive men which has emerged potently from the findings of this research, has also been established elsewhere (Bancroft & Silverman, 2002; Edleson & Williams, 2007), as have concerns about their ability to empathise with the experiences of children exposed to their abuse, and their ability to take responsibility for that abuse (Harne, 2004). Running parallel with those concerns, as Chapter Eight highlighted, are the positive aspirations and attitudes that abusive men hold towards their fathering, what Edleson and Williams (2007: 89) term the challenge of 'duality in practice'. This 'duality' of abusive versus aspirational fathering was evident in this current study, with abusive men yearning for closer and more meaningful relationships with their children whilst simultaneously exposing them to their abuse of their mothers. A further important consideration is the position of mothers and children in this debate. Despite negative and traumatic experiences of domestic abuse that, for many mothers, continued post-separation, this present study highlighted the multiple ways in which explicit support of the father-child relationship was demonstrated by these mothers, often resulting in them compromising their own safety and welfare. Children and young people were impacted on in a number of different ways by these largely negative experiences and continued to have painful and complex relationships with their fathers, resonant of Peled's (2000) earlier research. However, while strong and often conflicting feelings were expressed about their fathers, as Chapter Seven has presented, many young participants still wished for a fathering relationship, with some willing to '*give him a million chances* (Cathy, 9)'.

The challenge that these multiple perspectives present, is the focus of this final findings chapter, which considers participants' views on the phenomenon of 'quality contact', the support needed to achieve that, and the regulatory processes needed to ensure safety. This concerns, at the very least, the need to support safe contact for children and their mothers with abusive men, whilst simultaneously and proactively supporting and promoting positive fathering. This final findings chapter is grounded in the findings of the three proceeding chapters and informed and influenced by the key messages from the research and literature reviewed. It begins by focusing on the individual and relational attributes at the heart of family relationships, before presenting an overview of the support structures or scaffolding that participants identified as being critical for quality contact to be achieved.

Exploring 'Quality Contact'

Concurring with the literature reviewed earlier, participants in this research highlighted a number of clear dimensions to the 'quality contact' debate, none of which were mutually exclusive, but rather, were inter-dependent and operated interactively and dynamically. These variables were primarily grounded in the attitudinal, relational and supportive or regulatory domains, as discussed in Chapter Four.

Attitudinal Factors

This present study concurs with Amato and Gilbreth (1999), that quality contact requires the dedication and commitment of fathers who are motivated and competent parents. This reflects what Trinder *et al.* (2002) call a dominant child welfare discourse that is at the heart of quality contact, where the parents consider the child and their needs to be paramount, and where this attitude to parenting is reflected in their parenting behaviours.

The importance of reliability, as a reflection of this dominant child welfare discourse, involves a deep commitment on the father's behalf to his relationship with his children, both within and outside the contact time-frame. This need for reliability was reflected in this present research in children's' requests for *'no breaking promises'* (Sara, 9). Reliability, as reflected in the consistent marking of special occasions such as birthdays, was raised by Buchanan *et al.* (1996), who concluded that this was consistently associated with adolescent adjustment. This was also highlighted as particularly important by participants in this present study, as this quote illustrates:

> *Just to acknowledge their birthdays because it's half of their make-up that's not acknowledged anymore.* Mary (Mother)

Reflecting Cleaver *et al.*'s (2007) concerns, this present research also found reliable and child focused parenting to be compromised by alcohol and substance misuse. One nine year old participant wanted the supervision of her contact to continue because her father was unpredictable, unreliable and could *'be angry'* (Sara) when he was drinking, while this young woman recalled:

> *Being terrified every Sunday because we spent the day in the pub and then he drove home – to this day I don't know how we weren't killed.* Colette (24)

The need for flexible responses to children's changing needs, particularly as they get older, is also a reflection of paternal commitment, which stands in stark contrast to Smart's (2004: 500) criticism of joint custody arrangements that involve 'splitting children into two halves, giving each parent a kind of time-share arrangement'. The impact of this latter arrangement was poignantly reflected in this young participant's hope that:

> *I am with Mum for all the good days this year because last year my birthday and Christmas fell on Dad's days and I didn't get to see my Mum because Dad said it was his time... that made me mad and sad.* Ciara (9)

In agreement with Smart (2004), Ciara's contact arrangement would appear to reflect a situation where her father puts his adherence to rigid arrangements before her emotional needs.

Commitment to contact can also be reflected in the thought given to planning contact time together, and the 'effort' made with the children during contact, as this participant explains:

> *He might start washing the car and he's going to Tesco to do his shopping and leaving them there and they just feel that they are in the way. He doesn't seem to make a huge effort with them.* Mary (Mother)

Similarly, another mother stressed the importance of '*doing something*':

> *They like to go down town; he could spend a couple hours going around town- go to a coffee shop- it doesn't cost a lot but it's a chance for him to sit down with them. He could bring them to the park, and play with them, just do something.* Claire (Mother)

Mindful of Stewart's (1999) caution about a 'Disneyland' style of parenting based on 'spoiling' children through constant engagement in activities, some of the young people interviewed focused on the activity they engaged in with their father whilst on contact:

> *Going to the cinema, spending time together,* Rachel (11)

> *When he's really nice he brings us to KFC [fast food outlet] or to the park. We sometimes used to play football outside.* Kate (13)

While these last two quotes focus on enjoyable activities, there is also a clear sense from the narrative that those activities also involved some positive interaction between the children and their respective fathers. As such, paternal commitment to a child centred post-separation relationship has obvious

implications for the capacity of fathers to achieve quality father-child relationships, with 'relational' factors considered a potent influence on the success or failure of contact.

Relational Factors

The powerful influence of a number of inter-related and inter-dependent relationships on the success or failure of contact has been extensively explored by Trinder *et al.* (2002), and was also evident in this present research. Hunt and Roberts' (2004: 11) assertion, that 'contact is not a good in itself; the value comes from the quality of the relationships', was confirmed by participants, who reported three sets of relationships as particularly influential. These included firstly, the nature of the father-child relationship; and secondly the inter-parental relationship, which was highlighted as a significant factor influencing the quality of the father-child relationship and the subsequent contact experience. In agreement with Stephens (1996) the introduction of new partners and/or new children by either parent was identified by participants in this research as the third set of relationships challenging to the quest for quality contact.

- The father-child relationship

The quality of the father-child relationship was a determining dynamic affecting the contact experience, for most, if not all, of the children and young people participating in this present study. Two young participants, Eva (16) and her sister Leah (12) introduced the idea of a 'proper' Dad, based primarily on their belief that they didn't have one. They were very clear about what being a 'proper' Dad entailed, as this conversational extract from their interview illustrates:

> *To be a 'proper' dad, he doesn't have to bring us anywhere, he doesn't have to spend anything, we just wouldn't have to feel awkward around him, we could actually talk to him, just being in the same room as him and not being all tense and awkward.* Eva (16)
> *....And feel like you have to talk to fill in the gaps.* Leah (12)
>
> *....Silences, yeah (laughs)- Like the 'first conversation' awkward silence* Eva (16)

Grief (1997) identifies the importance of talking with children about school, their friends and other important dimensions of their lives as an important feature of 'authoritative' parenting practice. The importance of talking with children is also one of the fourteen parenting behaviours on the 'quality of fathers' parenting scale developed by Simons *et al.* (1999), and is reflected in the following two quotes from children who highlighted the value of conversation with their fathers:

Well, mostly like chatting and spending time. Niamh (11)

Be able to talk about stuff and that's it really. Ciaran (13)

The significance of this form of interaction in the development of a meaningful relationship is further elucidated in this exchange between these two sisters during their interview, who are commenting on the young girl in the vignette they were given. It is also reflected on later by their mother:

Quality time is when she doesn't feel awkward, she's just relaxed. Eva (16)

And he makes an effort. Leah (12)

Yeah, just having a good time with him. Eva (16)

The simple fact of him being there for them, and just to be able to talk I suppose Mary, (Mother)

'Being there', as referred to in the above quote, implies more than physical presence, and is perhaps more importantly encompassed in what Krampe (2009: 875) refers to as 'psychological presence'; signifying psychological nearness and accessibility to the child. Krampe (2009: 882) also uses the term 'connection' to refer to father involvement in the child's life, a concept that arose frequently in this present research. Steve (father) considered that his children were *'always on my mind. .I need to connect with them all the time'.* Conversely, Eva (16) stated that her father '*doesn't know me; he knows nothing about me or my life'* while her sister, Leah (12), asserted that '*he might be my father but it takes a lot more to be my Dad and he is not in my life*'.

- The inter-parental relationship

King and Heard's (1999) contention that how parents behave is also instrumental in influencing outcomes for the child was also supported in this present research, as this professional reflects:

I don't think you are ever going to resolve the parent-child relationship if they don't resolve their own relationship, and as far as I'm aware, the children who cope best with the breakdown of their parent's relationship are the children of parents who themselves cope best with the breakdown of the relationship, so it's all intertwined. P3

Integral to this is the ability of parents to separate out their parental role from their partner role, post separation, due to the risk that their negative feelings towards their ex-partner will impact negatively on their relationship with their children.

> *I've seen the psychological damage that is done to children because a perpetrator has a vendetta against the victim and he carries that out through the children. It is all very easy to say 'you're an adult, behave like an adult'. But they haven't behaved like an adult and they are not going to change unless the system has deep concern and an understanding of the damage that is being done to children, allied with political will, you are not going to move this matter forward one iota.* P5

While this has been explored extensively through the literature in Chapter Two, it is evident from this next quote that eleven year-old Rachel's relationship with her father is clearly and inextricably linked to her parents' relationship, and she yearns for a time when her parents can be friends.

> *He'd be friends with my Mum, even though they are separated, he wouldn't hate her, he'd just like her as a friend and he would be nice to us and he wouldn't mind spending money on us.* Rachel (11)

In keeping with aspects of Trinder *et al.*'s (2002) four layer model, this next quote highlights the benefits to the contact experience of a more relaxed and less antagonistic parental relationship, and also the critical influence that 'time' can have on developing relationships:

> *As time went on and tensions eased between my husband and I, our daughter also became more relaxed and things gradually settled into a more consistent routine. LA19*

- The presence of new partners and/or new children

Research findings concerning the correlation between new partners and declining or problematic contact (Cooksey & Craig 1998), also found expression in this present research, with children resentful of the new person '*taking over*', and also having to manage their other parent's feelings about this. For example, while eleven-year old Niamh enjoyed her contact time with her father, she was uncomfortable and unhappy with having to manage her mother's dislike of her father's new partner, particularly when that dislike prevented her spending time with and accepting gifts from this new partner.

Finally, there were also some children and young people who had become so disillusioned with their relationship with their father, or lack of it, that they had either ended contact or wished it to end. This quote from Eva poignantly illustrates this position:

> *I don't really believe in fathers, I think they're a bit useless but that's just because of our experience but maybe some of them could be ok, and they should be investigated properly, and have proper detailed statements from children whether or not they want to see them, instead of assuming it was good for ya and you'd miss out otherwise. They thought we were missing out..but how can you miss something if you never rightly had it.. I've never had it so I can't miss it.* Eva (16)

Many children and young people, like Eva, had engaged unsuccessfully in a range of services aimed at promoting their relationship with their father. For some, like nine year-old Cathy however, attaining that relationship is so incomprehensible that it would necessitate rather drastic action, as she explains:

> *I would shave his head, [to] change something inside him...change the program in his head? I'd make him nicer...he'd give us money and be nicer to us. But still not live with us. We'd still see him, every week on Saturdays. [He'd] give us money and go to see us more.* Cathy (9)

To conclude this section, the evidence from this research suggests that the achievement of quality contact is dependent on the presence of a father who is committed to the relationship with his child and where that commitment is reflected in an authoritative style of parenting. Furthermore, where parents could negotiate and agree on the arrangements for contact, the experience for all involved was more positive. Where parents could not agree or where parenting styles or capacities were not conducive to safe quality contact, the support of professional interventions was deemed crucial.

Supporting Safe Contact

Considering the problematic and complicated relationships that often involve pre- and post-separation abusive experiences for both women and children, and the frequently entrenched positions many of the players assume, it is perhaps unsurprising that professional support and regulation of the contact arrangement was deemed a pre-requisite to quality contact. This support encompassed a number of dimensions which were underscored by a need for safety but also a clear necessity to support the child's recovery and promote their relationship with their father; the need to also support the father in that dyad, and the family as a separated unit.

While the role of informal family support represents more natural and kin-based support (Gilligan, 1995), this present research concurs with the findings of Mullender *et al.*'s (2002) research with children and their families, that these informal networks may be compromised by the experience of domestic abuse. Echoing Radford and Hester's (2006) findings, some participating mothers who were supervising their ex-partner's contact with their child, expressed their difficulty and frustration '*being 'judge' in this situation'* (GC1). The involvement of family members in the supervision of contact was described by another professional as a '*poisoned chalice'*. The role and availability of more formally arranged supports therefore assumes a critical importance.

As stated in Chapter Six, the first of these four findings chapters, contact was reported to be supervised for over two fifths of Phase One contact families, while contact for approximately one third of Phase Two families was supervised. Although these figures are considerably higher than research in other jurisdictions indicates (for example one quarter of Perry & Rainsy's [2007] UK court ordered sample was supervised), 'supervised contact' in this present study did not necessarily mean formal involvement in the contact activity or equate with the use of supervised or supported contact centres, as would be the practice in other countries (Aris *et al.,* 2001; Humphreys & Harrison, 2003). With only two 'contact centre' facilities in operation nationwide, 'supervised' contact most often involved supervision by family members (including the mother) with professionals being involved in contact supervision considerably less often. Within this research sample, varying levels of compliance and satisfaction were expressed by those participating in the process, as the next section explores.

Contact Centres

Many participants considered that a setting for contact to occur, whether supervised or supported, was a good idea, particularly with places like McDonalds often the only other alternative. Some participating children and young people thought that a contact centre would be a focal point for fathers and children, and that '*it could really help them bond because that's what they need to do'*. (Annie, 17)

The following field note extract provides some sense of the physical location where contact takes place in one of the two such facilities available nationwide:

> The car tires crunch across the gravel mixed with broken glass in the 'car park' in front of one of the famous landmark Ballymun high rise flat complexes. Most of the windows are boarded up and decorated with graffiti while broken beer bottles and empty beer cans lay strewn across the grass verge. The centre is located on the 2nd floor of this derelict high rise; the lift sports an 'out of order' sign that does not appear to be a recent problem. The concrete stairwell is laden with an overwhelming and potent stench of refuse and urine; the latter seeming to meander down the concrete steps in a slow yellow stream. Lewd graffiti decorates the cold concrete walls and I try hard to imagine a child asking whoever is with them to translate the vulgar scrawl that climbs the stairs with them for their visit to see their father. A heavy metal door with bars on the window blocks my entrance into the centre; I knock and a heavy set 'security' man answers the door. Feeling somewhat intimated by the journey from car to door thus far, I am shown into a small room, approximately 14ft by 10ft. The room is reassuringly child friendly and inviting, and for the first time a 'contact' visit seems conceivable. There are lots of toys, a television and two couches and the room is painted in strong primary colours.
> . ... *Field notes*

Supervised contact in this 'Men's Development Network' setting emerged by default rather than by design, with the service set up to meet the needs of unemployed men in the local community. The need for a supervised setting arose in the context of other more dominant needs that these service users were presenting with, as opposed to the service being set up with supervised contact as a primary function in mind. Despite the increasing volume of supervised contact work presenting to this service, the purpose and function of this service is, as implied in the title of the service ('Men's Development Network'), to support men in the context of poverty and unemployment, not to support and supervise the post-separation father-child relationship. This difference between stated function and presenting need is not just pedantic; the difference also resulted in implications arising from staffing levels, staff training and safety issues. The two staff members who were co-ordinating and supervising this emergent service were not professionally trained in any aspect of domestic abuse, child development or related disciplines. While they presented with a sharp and innate insight into the needs of women, children and fathers in this context, the demand from the empirical knowledge base for training of key personnel in supervised contact work into the dynamics of domestic abuse (Parker

et al., 2008), begs the question – is it good enough? This assumes a particular urgency when we consider the serious and fatal assault of women attending contact centres, as Humphreys and Thiara's (2003) research highlighted.

For one family participating in the research, contact was court ordered and supervised at this centre on a monthly basis. While the mother stated that she '*wouldn't have it any other way'* (Tanya), she reflected on her teenage son's difficulty with the contact being supervised:

> *Charlie finds the circumstances up here very difficult.. the entrance and exits and the surroundings.. he said 'I can't stand going there Ma – somebody else sitting in the room' .. I don't think he understands the dangers and the risks, he sees the nice side of his Dad now.*
> Tanya (Mother)

In this study, the majority of the children and their mothers who were interviewed did not think that a contact centre would work for their particular circumstances. The primary reason given was that the father would not engage with the process, as this mother and young adult explain:

> *It would be formal, it'd be forced. And at the back of my mind we'd be wondering if this person was to walk out the room now what would happen? Dad would be mad at us for having to bring someone in. So it would make things worse rather than making things better.*
> Colette (24)

With safety a basic pre-requisite to quality contact, Strauss (2000) asserts that this can only be appropriately met by the correct match between available services and presenting need. A concern therefore arises in this present research, as, with only two designated supervised contact centres nationwide and ambivalence among families about the appropriateness of such centres, what options are available to other families if supervised contact is deemed necessary, either by family members or as directed by a Judge?

Accessing protective support

For the majority of mothers participating in this research, where attendance at a 'contact centre' was not an option open to them, the struggle to access support in their attempts to protect their children, were experienced simultaneously as all encompassing yet futile. Unable to access support, they found themselves accused, as Harrison (2006) has asserted, of engaging in 'tit-for-tat' allegations. Having followed social work advice in leaving their partner and in subsequently facilitating contact, they felt that they were now constructed as the 'bad parent'. They could not understand why post-separation

woman and child abuse was not understood or responded to in the same manner as pre-separation abuse, but was reframed as 'family difficulties'.

> *In light of all he has done to my daughter and me, the social workers still say there is nothing suspicious about his behaviour [and] that they could not do anything until there is evidence that my daughter has been physically or sexually abused. Why can't they see that he just wants the contact to keep up the abuse? All of a sudden he's the good guy because he wants to have contact with her* SO1

Mothers also alleged that, even when they presented social workers with hard physical evidence to support their allegations of concern for their children's safety and welfare, no protective action ensued:

> *Mother took photographic evidence of bruising to the children but social services refused to supervise the access, they did not see the abuse as serious. Every time she [mother] questioned something she was seen as being 'hateful'.*SO1

This contrasted with their experience of professional involvement in enforcing contact orders where children were resistant:

> *My ex-husband called the Gardai when our eldest daughter refused to go and the Gardai spoke with her and told her she had to go. CA5*

The findings suggest that it is also perhaps reflective of the prevailing assumptions about children, families and family life, not least of which is the view that domestic abuse ends with separation and that only a very small percentage of 'high-conflict' cases proceed through the family law court. As such, despite the empirically grounded safety and welfare concerns for children's contact with abusive men, as Brown's (2006) study explored, the lack of response by professionals to concerns about the children's physical safety, were experienced as particularly stressful by mothers participating in this present study, as this mother explains:

> *Access was supervised and then supervision stopped. Mother took photographic evidence of bruising to the children but social services refused to change the access, they did not see the abuse as serious.*SO2

The dichotomous positions occupied by domestic violence and child contact, as described by Radford and Hester (2006), were also evident in this research, where, in the former, the woman is deemed

before a court of law to require protection against an abusive man, and, in the latter, the elevated position of contact negates that same need for protection. This is illustrated in this following quote:

> *There was a barring order [against him] but I was made to allow him to my house because I had no one to help me and had no way to give [him the] children, except at the gate. I was terrified he could use access to wreck my head again and I could not stop him or report it.* LWL2

Contrary to their pre-separation experience of professional concern for their children's welfare and protection arising from exposure to domestic abuse, exposure to post-separation abuse was largely ignored and the potential or actual harm to their children was minimised as this mother explains:

> *A child has to be black and blue before the system takes a serious view of abuse. The emotional abuse that my son is being subjected to, [but] everywhere there is the attitude of minimizing emotional abuse, and in reality this child is being routinely placed in it.* WB5

Many participating mothers questioned whether 'quality contact' was attainable with an abusive man. While committed to the ideal of contact, many participating mothers were deeply distressed by what they considered to be the ongoing abuse of their children which seemed to remain outside of the surveillance lens of child welfare. These findings support Brown's (2006) contention that an understanding of the connection between child abuse, parental separation and domestic abuse have been slow to develop, resulting in beliefs that allegations are false and therefore mothers are malicious, despite empirical evidence to the contrary.

Similar to the findings of Radford and Hester's (2006) review of UK research, participating mothers in this present study stated that, as a result of their wish to protect their children from abusive contact, they were perceived as 'implacably hostile' to the father-child relationship. Participating children in this study also spoke of being fearful of their father; of experiencing emotional and physical abuse and of not having their voices heard in their wish to at least reduce or at best terminate the contact arrangements. Their stories confirmed the professional assumptions or perceptions of dangerous dads and malicious mums as asserted by Harrison (2006) and also of silenced children referred to by Eriksson and Nassman (2008).

The absence of adequate structures to support safe contact combined with a dominant discourse that positions father-child contact on the periphery of professional intervention, was experienced by the participants in this study as undermining both child safety and the achievement of quality contact. Furthermore, ongoing exposure of participating mothers and children to post-separation abuse was preventing the healing process for the emotional and psychological scars the experience of domestic

abuse had left. For many of these families, therapeutic intervention and ongoing support and protection were a pre-requisite to engaging in contact. The following sections will explore how these needs were addressed.

Engaging in Quality Contact

The findings from this research highlight specific therapeutic and support needs for all of the key players in the contact debate. The importance of addressing those personal, inter-personal and familial concerns emerged as a critical component for quality contact to be achieved. These support needs are addressed in the sections that follow, concluding with a reflection on the need for an integrated response to the disparate and complex concerns arising for separated families negotiating contact with a previous experience of domestic abuse.

Focusing on Families

Interventions identified in this study that were aimed at the whole family, usually involved family therapy, family welfare conferencing and mediation. All three interventions were experienced positively and negatively by different family members, for reasons related to both the process and the outcome of these interventions. Some children and young people described family meetings with professionals as empowering; where they felt listened to, where contact plans that they were happy with, were agreed on, and next steps were outlined.

> *We had [a] family conference and I found that helpful. Mum decided for me to come up here and talk to [worker] about what was happening and it helped a lot. I think I've got more used to the fact that they are separated.* Tim (15)

The comments from this father similarly reflect positive engagement and outcome for the whole family:

> *Here [family support service] was great too, in fact I don't know where our family would be without them. They've been very supportive and I never feel judged.* Steve (Father)

Family therapy for another family was critical in supporting a decision around contact, but this took place over a long-term basis:

Mother, Father and child attended counselling with family therapist. As a result of this access was agreed by both parties. This process took over 4 years. MN3

However family therapy is largely dependent on all the key players in the family participating. The issue of the fathers' non-engagement arose in the context of therapeutic family processes:

[Family therapist] was organizing family group counselling but then Dad wouldn't do it so that was the end of that. Eva (16)

For this next family, however, the benefits of family therapy were realized, despite the father's refusal to engage. This process served to address the divisions within the family that Peled (2000) suggests can be caused by divided loyalties following parental separation:

We'd been through so much together and I think there was resentment towards each other. The family therapy was the basis or the foundation for the relationship I have with my brothers and sisters and with my Mum today. Colette (24).

Mediation, a dispute resolution service that is increasingly recommended for separating or divorcing couples in order to support them with their post-separation plans, continues to occupy a contentious space in the continuum of services available to those involved in separation where there has been a history of domestic violence. At the heart of this debate, as confirmed by Edwards *et al.*'s (2008) recent reflections on this service, and as confirmed by Greatbatch and Dingwall's (1999) evaluation of this service, is the concern that the need to treat both parties equally (which is the cornerstone of mediation), is not possible when couples do not share an equal relationship (which is a core issue with domestic abuse).

As a service offered to and engaged with by separating couples who needed to negotiate and agree arrangements for contact, mediation was cited infrequently during the course of this research. Participants who had experienced mediation expressed both positive and negative views of those experiences and of their expectations of this service:

We went to mediation and had a legal separation drawn up through that. The mediator was very good. Nothing changed within our lives in respect of the way we had done things ourselves. Steve (Father)

I know a mediator is going to do nothing for me. She'll [ex-partner] be dictating because she's a nurse, she's clever enough. Brian (Father)

Echoing the dominant research findings on mediation in the context of domestic violence, participant mothers stated they encountered further power and control exercised in the context of this process, arising from what they perceived to be the unwillingness or incapacity of the mediator to address their ex-partner's manipulation and sabotaging of the mediation process. This, they believed, enhanced their ex-partner's continuing power and control of them as mothers and over their children, ensuring that abusive relationships continued.

Focusing on Children

As Cunningham and Baker (2004) have argued, children have very specific emotional and mental health issues directly related to their experience of domestic abuse which requires therapeutic intervention. Peled's (2000) finding from research with adolescents of the conflicting feelings that these young people might have towards their father, suggests that an intervening period between separation and contact may be therapeutic for them to have an opportunity to process these feelings in a safe environment.

The participating children in this present study who were able to avail of group or individual interventions concerned with their pre-and/or post separation exposure to their father's abusive behaviour, described this intervention as a safe space that supported their recovery. Niamh (11) and Ciara (9) talk about what they found helpful:

> *[re group work] I got to talk about what had happened and I knew that everyone else there had been through the same as me.* Niamh (11)

> *I used to go to a girl called Eimear and she was a psychologist and she'd always have these sheets to do about feelings and stuff like that, she really helped me.* Ciara (9)

A small minority of children were engaged with professional services specifically related to their relationship with their father, straddling both the pre and post separation period, including advocacy and direct work, father-child relationship work and family work. Eva (16) reflects on the benefits of direct work while her mother talks about the advocacy dimension to the intervention:

> *In the beginning I was dragged into the social worker, but I don't think I'd be the way I am like now, be able to talk about things if I hadn't, it was a really good help.* Eva (16)

The support worker was advocating for the girls and she met with them and the report [Court] was written with them in mind and what they wanted. They girls felt understood and listened to. Mary (Mother)

While the above quotes illustrate positive engagement with services, the predominant experience of the participants in this research concerned the dearth of children's services. Long waiting lists for child psychology and psychiatry services meant that children did not get the responses they needed, when they needed it, a factor highlighted by Cunningham and Baker (2004) as critical to their recovery from trauma. The implications of this are reflected on by these professionals:

We're seeing them when they are a serious stage – we're into assessing damage limitation. P15

There's a list for child psychology so the damage is done to children and there isn't any time to heal or repair until it's too late. P25

Although refuge-based services for children would seem ideally placed, they are very much the exception rather than the norm in this jurisdiction, with women as the priority focus for all interventions, as this service manager explains:

We are stretched to the limit, maxed out with women's work. We are very aware of the dangers and damage to children but this is not something we can focus on. P27

Mothers and children also talked about being unable to avail of appropriate services as a result of what they described as fathers 'blocking' children's individual work and family therapy. They described this happening in two ways; firstly where fathers themselves would not engage with the service and secondly where they would not consent to the child's engagement, as these two quotes illustrate:

The support worker met with Dad three, maybe four times and tried to build up a programme that they would follow to re-establish contact but again Dad just wouldn't engage. Mary (Mother)

My Mom and my Dad had to sign the form to say I can go [for psychological help]. My Mom signed it but my Dad never signed it because he just doesn't care about my bad thoughts at all. Ciara (9)

Opinion is divided in the literature on why this non-engagement occurs. Some experts, like Harne (2004), consider the father's lack of insight or understanding into the child's need for this service, whilst others concur with Buchbinder and Eisikovits (2008), who question his ability to take responsibility for his behaviour. Even where insight into the impact on their children of this abusive behaviour and of their children's needs for recovery is demonstrated, others still echo Rothman *et al.*'s (2007) concerns about their unwillingness to modify their own behaviour in order to support that recovery. The next section explores this further.

Focusing on Fathers

Three key findings emerged in relation to the professional focus on fathers; firstly, the difficulty with, or lack of, engaging men in the services; secondly, the pessimistic views many professionals held of the capacity of abusive men to change, once they had been engaged; and, thirdly, the absence of any consistent and determined focus on men as fathers. In many ways these findings reinforced each other in a self-fulfilling capacity, with the construction of men as 'incapable' of change negating the need to either provide services or engage fathers in those services. While the previous sections illustrated examples of the men simply not engaging with services and occupying an inaccessible position of seeming infallibility, the findings of this study raise the question of whether men are not engaging with services, or whether services are not engaging with men.

The findings of this study highlight an explicit criticism of protective and supportive services to involve men, even at the most basic level, supporting Featherstone and Peckover's (2007) reference to the phenomenon of disappearing domestically violent men:

> *I've been at hundreds of case conferences, and even then they're absent, they're not held accountable or responsible in any way, they're invisible.* P1

Concurring with Featherstone and Peckover's (2007) assertion that integral to the intervention is the establishment of ways to engage with men about their behaviour, the issue of and difficulty with engaging men was one that participants were quite vocal on.

> *They will say the reason why there isn't a (service for men) is because men won't engage in that process because they won't accept that they are violent and abusive – it's her fault, kids fault, dogs fault, anyone's fault but not theirs.* P1

Many professionals referred to their services' practice of running parenting courses with 99% uptake by women. Pro-active attempts to engage men included the recruitment of male workers, the running of DIY and Social Clubs in an effort to present a less threatening and more appealing face to the service. The views of this mother are representative of the general frustration and disempowerment experienced in trying to engage the father with help in order to begin recovery for the children.

> *The Judge recommended that he has counselling; a counsellor at the family life centre did offer to see us after [separation] but he [ex] refused. The social workers did offer to get us counselling, the GP sent him to a psychologist but he wouldn't continue, so there have been several attempts to get him to deal with his anger and all his issues but he is resisting it.* Mary (Mother)

Moving to the second key finding, even when a connection was made between abusive men and professional interventions, the pessimism with which professionals regarded the capacity of abusive men to change emerged with a potent force from these findings. Some professionals believed that, by attending and completing a perpetrator programme, a man is signalling to his partner and his children that he is committed to trying to change his behaviour. Other professionals, however, were more cynical, stating:

> *There's a difference between attending a course and participating in a course. If they bring back a certificate to say they have attended the course – go in and wave a certificate to say 'I've done this'. As to whether it's been beneficial [or] challenging, whether the person has learned, is really another day's work.* P5

> *Some men won't change at all, some men might change radically and some men might change slightly. It's not uncommon for people who actually are on programs to talk the talk and walk the walk.* P14

Indeed one of the acknowledged criticisms of perpetrator programmes, particularly those run outside of the judicial system (e.g. MOVE), is the lack of follow through or accountability, particularly where attendance at a programme is used as a way to demonstrate that abusive behaviour has been addressed, without any proof or evidence that this behaviour has actually changed (Edleson & Williams, 2007).

Some professionals pessimistically challenged whether abusive men could engage in non-abusive, post-separation co-parenting because of *very self-righteous dogmatic single minded worldviews* (P15). Similarly other professionals believed that:

[It is] beyond the capacity of some men to get to the point of saying 'I have taken myself from this position where I am abusive and I'm in a position to offer quality fathering'. There're also gender specific issues here around the male in Ireland where there is a lack of language around emotion and management of emotion I would say there is a bit of catching up [on women] to be done. P6

Perpetrators are one of the most difficult client groups to work with. Particularly on mandatory programs because they are there and most of them don't want to be there and you're going to get minimisation, denial and blame. There are a lot of entrenched patterns of behaviour, maybe it's the way some men are socialised that some of their behaviour is acceptable and that it's normal. P14

Some of the findings of this present study support this cynicism, with fathers openly stating their derision for the programme and mothers supporting that finding from their experience:

It doesn't matter what this course is supposed to do, but it's not doing nothing for me. The only reason I'm doing it, is either I go on the course or I go to jail. I've no option. I go in there with a bunch of four or five fellows into a room and talk to them about your problems? I'm not into that, fuck that! Your own problem is your own problem. This course I'm going on is not worth jack shite, but what's the point. I can go away up the street to the pub and sit with six or seven of them and have the craic, it's the same thing. Brian (Father)

A third key finding of this research was that there was no evidence of the parenting concerns of abusive men being heralded by any organisation working with perpetrators of domestic violence, a finding that is consistent with Edleson and Williams' (2007) observation that the support for the *fathering* capacities of abusive men have largely been ignored by professionals. While there was broad recognition of the detrimental impact that exposure to domestic violence can have on children and on parenting, the content of perpetrator programmes reflected a cognitive-behavioural approach with a focus on the man's abusive relationship with his partner (as they have done historically). Two senior representatives from MOVE explained:

We have a child protection policy and so far that has worked. When we are looking at our programme and evaluating it, it is always from the viewpoint of safety of women and children, never just women. But that is as much as we are able to do in responding to the needs of children. Our remit isn't to extend any further than that. We don't have the resources at the moment. P23

[Parenting of abusive men] This isn't what MOVE's really meant to deal with – there is only so much that we can do. P17

Hardesty and Chung's (2006) call for the modification of programmes or the development of new ones aimed at meeting the needs of separating fathers and their children seems appropriate here, particularly in light of Fox *et al.*'s (2001) research with abusive men attending a perpetrator programme. Fox *et al.*'s (2001) study clearly highlighted evidence of a programmatic focus on fathering helping abusive men to understand the impact of their violence on their children. Outcomes for children in this present research, when their fathers did engage, were infrequently highlighted, but positive nonetheless when these were reported:

It's a lot of hard work because there is a lot of anger and when we do then it is very positive. P20

Research on outcomes from participation in these programmes is highly varied, with Gondolf's (2002, 2004) reviews claiming upwards of 80% cessation of violence, while other studies are somewhat more pessimistic and demonstrate limited effectiveness (Buchbinder & Eisikovits, 2008). Perhaps, however, as Buchbinder and Eisikovits (2008) and this participating father argue, the key to positive and successful outcomes is as much about the timing being right, about abusive men recognising the need for change and having the capacity to engage with change:

I needed to do it for meself, not for anybody else because I needed to take control of me life because me life was out of control. I was with people that had similar problems that I had, but also people ten times worse than I ever dreamedl. I went there for quite some time and it changed me whole outlook on life. Steve (Father)

Buchbinder and Eisikovits's (2008: 619-620) reference to the 'emerging construct in the therapeutic experience..of truthfulness towards himself and others' is evident in Steve's narrative above. These authors' assertion that violence and the willingness to change it are 'intentional acts which go beyond the specific behavioural level and define the person's being in the world' (ibid), demands a level of insight, empathy and responsibility, that many of the fathers in this present study were unable to demonstrate. Cognisant of the research evidence on demonstrating insight, as Steve above and the perpetrators in Rothman *et al.*'s (2007) study did, the potential disconnect between that insight and their subsequent intention or indeed capacity to alter their behaviour accordingly, is somewhat disconcerting where vulnerable children are concerned. Consequently, Bancroft and Silverman (2002) caution that programme completion should not be understood as 'safe parenting', and recommend

ongoing monitoring and assessment of risk to women and children for a defined period after the programme is over.

To conclude this section, the findings of this research confirm the critical need for abusive men to be engaged with, as fathers, for safe quality contact to be a realistic goal of professional intervention. Where this occurred in this present research, abusive men were enabled to reach a position where they could assume responsibility for their behaviour, and subsequently be supported in changing that behaviour. Protecting mothers and children whilst simultaneously holding abusive men responsible for their behaviour, demands an integrated service response, which the final section considers.

Focusing on integrated responses

There was no evidence from this present research of the empirically established connections between child contact and child abuse, informing services or programmes to address the needs of abusive men as fathers. Indeed, it would appear, as previous commentators have noted (Buchbinder & Eisikovits, 2008), that professional responses have been designed in the absence of any consideration of the abusive man as a father.

The complex, diverse and at times conflicting needs of the individual family members has prompted efforts in other jurisdictions to integrate the responses of child welfare, perpetrator programs and justice, holding in focus the needs of children where decisions are being made about contact with their domestically abusive fathers (Edleson & Williams, 2007; Hague, 2001). This integration needs to occur at both a conceptual and service delivery level. At a conceptual level this necessitates making the connections, or bridging the divide, between the three planets of domestic abuse, child protection and child contact, as illustrated earlier in this thesis (Radford & Hester, 2006). Recommendations from research support the need for 'co-ordinated' service responses as the optimum process for identifying domestic abuse, assessing risk and working with abusive men, abused women and their children, improving safety and enhancing accountability (Hardesty & Chung, 2006; Parker *et al.*, 2008). Indeed, Gondolf's (2002) conclusion that 'the system was what mattered', underscores the critical importance of the key organizations who work with both the victims and perpetrators of domestic violence working together. This issue was also stressed by the professionals participating in this present study:

> *We can't respond to everything and this is why we need to be working together, there needs to be that link not only as a kind of information source to be able to support the women better but so that we're not just working with him in isolation.* P17

The difficulties in achieving inter-agency and inter-professional collaboration have been extensively researched, and working together in this field has not been without its pitfalls and problems (Hague, 2001). On the one hand there have been historically polarised positions occupied by those advocating for men and for women, with professionals charged with the protection of children often occupying a most uncomfortable space somewhere between these two diametrically opposed positions (Rivett & Kelly, 2006).

One issue that has entrenched these polarised positions has been the absence of perpetrator programmes that are mandated through the courts and the suspicions and accusations that fester regarding the perpetrator's ability to use attendance at a programme to support his application for custody/contact without any evidence that his abusive behaviour has been challenged (Radford & Hester, 2006). Those who run 'non-mandated' perpetrator programmes are therefore, by proxy, seen as supporting this system. However, despite the empirical support for mandated programmes, which demonstrate consistently higher rates of programme completion and lower violence attrition rates for perpetrators when compared with their voluntary participant counterparts (Gondolf, 2002), these did not operate in the jurisdiction where this research was carried out (Debbonaire, 2004).

The need for raised awareness within the judiciary about the dynamics of domestic violence, tighter and more consistent sanctions imposed on men who perpetrate violence and reforms in the civil and district courts were also raised consistently by participating professionals and supported by the literature (Hardesty & Chung, 2006). The critical importance of stringent and streamlined assessment (of both risk and parental capacity) processes was also highlighted in order to maximise safety and accountability and provide rigorous reports to the court upon which informed decisions could be made (Walby & Myhill, 2001).

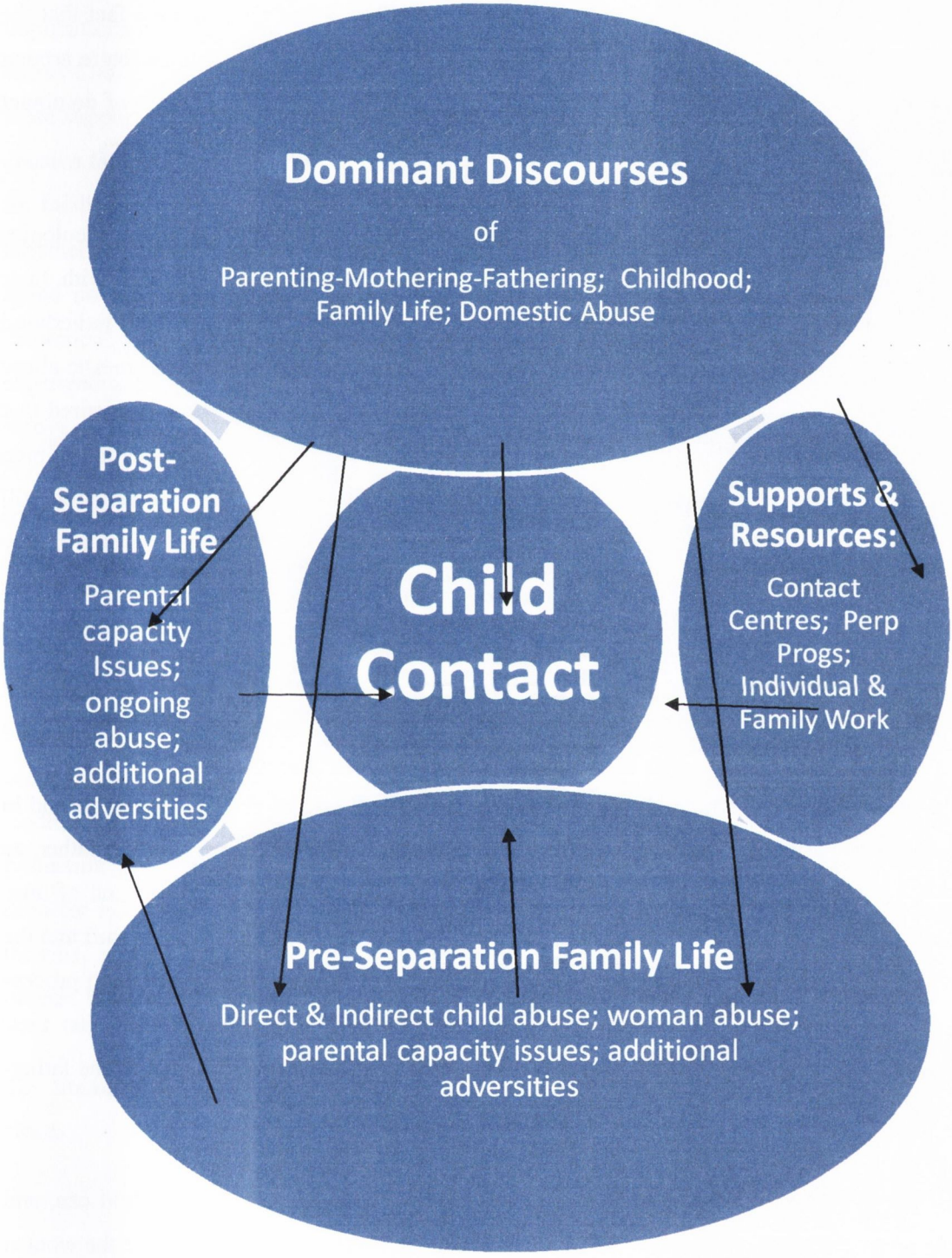
Chapter summary

This chapter has explored the phenomenon of 'quality contact' from two dimensions. Firstly, at a personal level, this chapter identified and discussed the attributes, attitudes and parental capacity necessary for engagement in post-separation father-child relationships to be maintained and sustained. The parallel influence of other intimate relationships, both within and immediately outside of the familial unit, such as the inter-parental relationship and subsequent partners and/or children, was also identified as a direct determinant on the paternal relationship. The second dimension discussed in this chapter concerns the formal supports and resources deemed integral to the provision of safe quality post-separation contact, particularly where capacity at the personal and interpersonal level is compromised. The key findings from this present study on this second dimension concern firstly, the

absence of an infrastructure of supports specifically designed to meet the needs of families in this context, most commonly occurring in the form of 'contact centres' in other jurisdictions, and secondly, the absence of consistent professional responses to the safety needs of these families. The third key finding concerns the lack of therapeutic attention to the needs of all the key players in the post-separation contact debate – children, mothers and fathers – with a stark and noticeable absence of an engagement with the father-child relationship. Whether through professional or service availability or indeed unavailability, or resistance on the part of fathers themselves, a particularly cynical and pessimistic construction of abusive men and their fathering appeared to prevail, the combination of which rendered engagement and positive outcomes difficult to conceive.

Before moving on to the tenth and final chapter of this thesis, this chapter will end by summarising the key findings of this research, as presented over the last four chapters. The overview of findings is presented in diagrammatic form to support this discussion.

Diagram 1: Summary of Key Findings



Summary of key findings

The diagram above (Diagram 1) provides a graphical representation of the dynamics of post-separation contact for the children and families who participated in this research. As can be seen, central to this diagram is the child and his/her contact with his/her father, reflecting the fact that the contact phenomenon is located at the nucleus of this research. Four concentric circles rotate around the contact experience representing the key influences on that contact experience; those of dominant discourses, pre-separation family life, post-separation family life, and supports and resources.

As the findings have illuminated, there are a number of dominant discourses or prevailing ideologies that directly and indirectly influence children's experience of post-separation contact with their fathers. Resonating with the literature reviewed, dominant constructions of motherhood, fatherhood and childhood influenced how the family were responded to pre-separation, when the domestic abuse came to professional attention. Pre-separation, constructions of blame and responsibility ensured that mothers were held accountable for their children's protection while a pessimistic construction of men as difficult to engage rendered them unassailable. Post-separation, this dominant construction still held mothers as responsible, but in addition to being responsible for their children's welfare, they were also held accountable for ensuring the fathering relationship was maintained. Abusive fathers who wanted contact with their children post-separation were constructed as a positive influence on their children's lives, in the absence of which, children would suffer. This ensured that paternal involvement was now possible because domestic abuse was understood to end with separation.

The findings from this research also identify a particular construction of children as vulnerable and in need of protection. While in the pre-separation period the protection required is from their father, as noted above, this particular concern about their vulnerability dissipates with the separation of their parents. In the post-separation contact domain perceptions about children's vulnerability shift and the protection they are deemed to require is protection from involvement in the decision-making process regarding contact arrangements. Their perceived vulnerability is connected to a belief that their mothers have a potent influence over them, an influence that is deemed as detrimental to the father-child relationship.

The reality of post-separation life, however, is that the abuse of the mother and the child can, and does, continue post-separation as illustrated in Diagram 1 and evident in the accounts of the women and children who participated in this study. The experience of contact for many of the children and young people in this research was tainted with abusive and compromised fathering and over-shadowed by the abusive family history. In addition, the difficulties mothers experienced with lone parenting were exacerbated by the financial insecurity of unsupportive ex-partners and legal bills

arising from continuous court appearances, and by restricted social networks and compromised mental health.

The supports and resources available to, and drawn upon, by different family members had implications for their recovery from the impact of domestic abuse; the damaged relationships and the scars of trauma that necessitated professional intervention to support that recovery. The availability of these supports was influenced by prevailing discourses on need, capacity and risk. Simply stated, if abusive fathers are not understood to be a risk for children, post-separation, there is therefore no need for facilities and personnel to monitor that risk. This research found no contact centre facility in this jurisdiction suited to meet the specific needs of families with a history of domestic abuse. It also found no meaningful efforts to engage with abusive men, as fathers, whether at a philosophical, theoretical, therapeutic or legal level. Similarly, participating children and their mothers cited variable experiences of engagement with the therapeutic and support services deemed necessary for their recovery. Where participants had been able to avail of services, their experience was largely positive. However, long waiting lists and the role the father was perceived to play in limiting the impact of the service, whether through his own non-engagement or through him 'blocking' the child's access to the service were also cited as difficulties.

As the arrows in this diagram illustrates, the experience of contact for the child in this research was influenced by many competing factors, yet the child and his/her contact experience was found not to have any overt influence on those competing factors, reflective of the silent and invisible position they occupy in contact decisions and the contact experience. When they were given a voice, through the medium of this research, the children and young people clearly indicated that they did not want protection from the debate and the decision-making process. Instead, they spoke of their wish and need for meaningful and active involvement in decisions that affect their lives and reflected on how their life experiences had been compromised as a result of their exclusion from the decision-making process that had determined their contact arrangements with their fathers.

The final chapter in this thesis reflects on the issues outlined above and draws this discussion to a close.

CHAPTER TEN

DISCUSSION AND CONCLUSION: COLLIDING PARADIGMS

> Prominent clinicians who work with high-conflict families describe the children as the 'invisible causalities of the custody wars that are fought in their name' (Roseby & Johnson, 1998: 308).

In response to the 'invisible' position children have historically occupied within the research and domestic abuse agendas, and perhaps more importantly within the discourse on post-separation contact with domestically abusive fathers, this thesis has provided children and young people with a prominent place at the research table and has given voice to their lived experiences. By recognizing children as active social actors and 'experts' in the stories of their own lives (Christensen & Prout, 2005), this current study goes some way to fill the void created by the adult dominated research portfolio. It also reflects a commitment to honour our responsibility, both internationally under the UNCRC (1989) and domestically according to the National Children's Strategy (Department of Health and Children, 2000: 31) to give children a voice' in matters that affect them. Also pertinent in the Irish context is the constitutional position of children and their rights in relation to the centrality of the family, a debate which has ebbed and flowed with the political tide of interest, but is of critical importance to the positioning of children in Ireland within the post-separation context (Kilkelly, 2008).

Seeking an in-depth understanding of the experience of post-separation contact for children and young people with their fathers, where there has been a prior history of domestic violence perpetrated by the father against the mother, sixteen children and young people aged seven to twenty-four years of age participated in twenty in-depth individual, joint or focus group interviews. With a primary emphasis on directly capturing and representing the views and experiences of children and young people, this mixed-method research design also engaged with mothers, fathers and a range of professionals, employing both quantitative (survey) and qualitative (in-depth interviews) methodological approaches, with a view to gaining an in-depth understanding of the phenomenon of contact.

As highlighted in the opening chapter of this thesis, a number of specific gaps in the empirical knowledge base provided a clear rationale for this study. Firstly while the domestic abuse research and literature has been systematically developed, this has, until more recently, focused predominantly on the adult, or more specifically, the woman's experience (Kelleher & O'Connor, 1995), with concurrent observations and theoretical debates on the male perpetrator (Bancroft & Silverman,

2002). Secondly, the empirical knowledge bases on both domestic abuse and on separation and divorce have developed significantly but largely independently of each other, leading to a disconnection between the two fields of knowledge. This detachment also prevents the findings and insight achieved in one site critically informing policy and practice on the other (Jaffe & Crooks, 2004). Thirdly, although research detailing children's experiences of exposure to domestic abuse, from their own perspective has grown considerably over the last three decades, it is nonetheless still in its infancy (Holt *et al.,* 2008). Furthermore, there is a dearth of empirical knowledge representing children's views and experiences of post-separation contact with a domestically abusive father. By focusing on the child's subjective experience of post-separation contact, this study adds to the small bank of international research and initiates Irish research on this topic. This present study has also focused this enquiry through a child centred lens as opposed to the feminist or masculinity lens more historically employed. From a social constructionist perspective, this thesis has therefore given primacy to the subjective experiences and constructions of children and young people. Understanding the key participants and their experiences through this constructionist lens, renders it possible to view the 'circular process' inherent in social constructionism, with each person, by virtue of their attitudes, actions and expectations, influencing the other, within their own cultural context (Payne, 2005: 3).

Notably absent from this 'circular process' is an understanding of the fathering practices of abusive men from their own perspectives, with the existing research reflecting a rather negative and deficit-based analysis of this subject matter (Bancroft & Silverman, 2002; Holden & Richie, 1991). While this is wholly understandable given the material they are working with, it is, as Perel and Peled (2008: 459) assert, somewhat 'one-dimensional' and does little to support our understanding of how abusive men experience fathering, and, perhaps more importantly, how that understanding could usefully inform perpetrator interventions (Peled & Edleson, 1999). To that end, the inclusion of six fathers in this present study provides useful subjective data, albeit from a very small sample, to add to the findings of Fox and her colleagues' research in 2001 and Harne's (2004) UK study.

This research is also located at a time of fundamental changes in familial and gender relationships, with economic, socio-demographic and socio-cultural change reconfiguring family patterns in Ireland (Fahey & Field, 2008), mirroring concurrent developments elsewhere (Collier & Sheldon, 2006). The changes in family roles and forms have confronted the contemporary father with a rapidly changing social reality, including changes in family structures, in gender relationships and in the status of women in the workplace, alongside an emerging shift in societal expectations regarding what constitutes a 'good father' (McKeown, 2001; Perel & Peled, 2008). These expectations of men as fathers have expanded their traditional male 'breadwinner' role to one encompassing increased levels of emotional engagement with their children (Lupton & Barclay, 1997). Accompanying these increased expectations inherent in the reconstructed ideology of the 'so-called new-fatherhood' is a

concurrent and contradictory process – the 'fragmentation' of fatherhood (Collier & Sheldon, 2006: 6), with a growing presence of women in the workforce and an increase in marital breakdown and the subsequent numbers of women parenting alone. The entrance of women to the work force is said to have disturbed the established gendered division of domestic work, in that working women who began contributing to the family income felt they were entitled to domestic support from their male partners, whilst the justification for men's limited domestic support (breadwinning) was no longer completely valid (Allen & Hawkins, 1999). Paid employment for women has also challenged men's primary role as breadwinners, and with that, their identity (Collier, 2001).With divorce legislation only available in Ireland since 1997, it is just in recent years that the relatively new social phenomenon of divorce has impacted on Irish society (Fahey & Field, 2008). However, as Collier and Sheldon (2006) highlight, as fatherhood becomes uncertain and insecure, so too are the expectations of their involvement becoming more demanding. Simpson *et al.* (2002: 201) eloquently refer to the untying of the 'herculean knot' of father-child relationships arising from divorce and separation which 'dislocates' fathers in relation to their children.

As the 'herculean knot' unravels despite the ideological tide of 'new fatherhood', Rhoades (2002) notes the emergence of a new discourse or reconstruction of post-separation parenthood; based on what Smart and Neale (1997: 336) consider is 'an idealized vision of the symmetrical family where power and roles are equal'. This new discourse or reconstruction of post-separation parenthood has been established through legislative reforms in many jurisdictions within a regulatory framework that endorses the concept of shared parenting as the 'ideal custodial arrangement for children' (Kurki-Suonio, 2000: 183-184). Furthermore, Kaganas and Day Sclater (2004) argue that there is not just one, but often a range of competing discourses against which separating and divorcing parents are required to position themselves and their children. Those competing discourses include the dominant welfare discourse and the human rights discourse, which, according to Kaganas and Day Sclater (2004), conceptualises the issues in fundamentally different ways. For example, under the dominant welfare discourse, divorce (and parental separation) is perceived to be damaging for children and society (Neale & Smart, 1999). Children are conceptualised as particularly vulnerable and therefore need their parents to 'manage' their divorce properly, engage in co-operative parenting and be committed to continued non-resident parent-child relationships. The 'best interests of the child' are equated with protecting children from exposure to, and involvement in, this process and in promoting post-separation contact. The human rights discourse similarly underscores the right of the child and the non-resident parent to continued contact, but also recognises the child's right to be part of the process where decisions are being made about their lives (Piper, 1999). Opinion diverges, however, within that discourse regarding the agency of children and whether their best interests are served by affording them the right to participate or by protecting them from the perceived harm that participation in adult affairs would incur (Kjorholt, 2002). This tension is also encapsulated in the

rights versus welfare debate centred on a particular concern that rights to participation risk over-burdening children with responsibility and thus potentially jeopardizes their right to protection while simultaneously denying them their 'childhood' (Morrow, 1999).

An inherent tension therefore prevails regarding how the best interests of the child are constructed both within and across those discourses. This tension centres on the question of how far we are prepared to go in according children the authority to pursue active yet appropriately child centred involvement - should the phenomenon of the 'best interests of the child' be constructed by adults or informed by children?

This tension becomes most acute when we acknowledge, as other seminal works have done, the presence of domestic abuse in the contact debate. Taking one step back from the child contact discussion, and to the pre-separation intact family arrangement on 'planet child welfare', the discourse of domestic abuse conceptualises mothers as victims and fathers as perpetrators and, as such, children as vulnerable arising from the father's *presence* not his absence (Radford & Hester, 2006). According to this paradigm the best interests of the child are therefore achieved by protecting children from their abusive fathers. Reflecting on the construction of abusive men, Scourfield (2003) asserts that, while abusive men are perceived as dangerous, it is mothers who are constructed as responsible for removing their presence from the child's life, lest they be accused of failing to protect. In this reconstruction of blame and responsibility, the abusive man disappears from professional attention while the non-abusive mother finds her mothering scrutinized. Furthermore, whilst placing responsibility for that protection with the mother, the discourse and practice of child welfare demonstrates scant regard for her protection needs as well as her ongoing protection strategies, and minimal interest in the source of the problem – the abusing father (Farmer & Boushel, 1999; Scourfield, 2003). Although conceptualised as a child protection issue while the family was intact, separation of the parents nullifies this concern, and with it, the construction of the father as 'dangerous'. Arguing against this, Jaffe and Crooks (2004) assert that the presence of domestic abuse demands a paradigm shift from the drive towards post-separation joint custody and the 'friendly parent' construct, on the basis that the playing field is not even and the non-resident parent is not necessarily friendly.

Herein lies a paradigmatic conundrum and indeed one could argue a paradigmatic collision at the very core of the issue of contact in this abusive context. The prevailing discourse which esteems the continued role of the father in children's lives post-separation is grounded in certain constructions about fathering, mothering and children's needs in the context of need, capacity and risk. Attempts to transplant this discourse are essentially rejected within a context where domestic abuse prevails, as fatherhood, motherhood and childhood are constructed through different lenses and with a different

understanding of need, capacity and risk. It is noteworthy and somewhat paradoxical that the relationship that dominates the debate in child contact is the one that technically does not exist anymore, that of the separated parents, whilst the best interest of the child becomes subsumed under an argument about truth and lies, blame and responsibility, rights and welfare. The outcome of these debates and tensions, as found by this research, is that the current construction of post-separation family life supports the ongoing and often unmonitored involvement of domestically abusive men in children's lives, based on the belief that post-separation contact serves children's rights and is in their best interests. The evidence from this mixed method study involving 16 children, 228 mothers, 6 fathers and 30 professionals, challenges this belief. This final chapter firstly draws on the key findings of this study and situates them in the literature before concluding with some recommendations for policy and practice.

Problematic Presumptions

The findings of this research challenge what have been identified as the two prevailing assumptions guiding post-separation contact arrangements regarding the 'best interests of the child' (Piper, 2000; Roche, 1999). These concern firstly, the automatic assumption that post-separation contact is in the child's best interests; and secondly, that participation in the decision making process regarding post-separation contact arrangements is harmful for children.

Constructing post-separation parenting: In 'the best interest of the child'.

The construction of post-separation parenting within which children are conceptualized as vulnerable and in need of co-parenting, has led to what Smart and Neale (1999) describe as a concerted effort to socially engineer the domain of family life by 'changing the very nature of post divorce family life' (Smart, 1997). Collier's (2006) observation of the repositioning of fatherhood within that process of social engineering, which reconstructs the idea of the 'good father' in post-separation arrangements, was also reflected in this research. Previously constructed as problematic because of the child's exposure to their abuse of the mother, the findings from this research highlighted a combination of disappearing and disregarded histories of domestic and child abuse overshadowed by a potent perception of the child's need for continued paternal involvement:

> *Judge ordered all children to have contact, even though incident [of physical abuse] with older son, Judge said 'children need their father, he is the only one they have'. SO5*

As the above quote reflects, even where a father has been abusive to his child, the absence of the father in the child's life is considered by the relevant professionals involved to be more harmful than the experience of his abuse. Constructed as an adult or inter-parental problem, domestic abuse was not perceived by the majority of participants in this research to be an issue worthy of consideration when the initial plans for post-separation contact were being made. Mirroring other research findings (Peled, 2000; Radford & Hester, 2006), it was not just social and legal personnel who subscribed to the construction of the father as central to post-separation parenting; the mothers and children in this research also acknowledged and largely embraced this dominant discourse. Despite their own abusive relationship and without exception, participating mothers considered the role of their father important in their child's life. Similar to Radford and Hester's (2006) findings, this sometimes involved considerable effort on their part, involving both physical work, and as Seery and Crowley (2000) considered, 'emotion work', to ensure contact happened. This not only prevented them from severing their connection to their abusive ex-partner, but also, for over two thirds of mothers completing the survey in Phase One and all Phase Two mothers, resulted in the continuation of the abuse they sought to end. Their explicit support of the father-child relationship challenged the 'gate-keeping' role that abused women are accused of exercising in the post-separation period (Simpson *et al.,* 2002). Rather, it was more reflective of a 'gate-opening' commitment to supporting this relationship (Seery & Crowley, 2000). In the 'circular process' of reconstructed post-separation life, mothering and motherhood were also reconstructed.

Allen and Hawkins' (1999) assertion that the cultural construction of mothering makes the relinquishing of maternal responsibility difficult for mothers in the post-separation period resounded in this research. The nine women who were interviewed in Phase Two described pre-separation family life as grounded in a traditional model of parenting and family life, with stay-at-home 'nurturing' roles for them as mothers, complemented with hands-off 'breadwinner' roles for their ex-partners. Although these mothers expressed clear commitment to continuing fathering involvement in their children's lives, they also expressed feelings of displacement when this new paternal role encroached, in theory anyway, on what had been their role and their territory, with, for example the physical care of children particularly where over-night contact was concerned. This displacement also resulted in feelings of guilt at what they perceive to be their neglect of the mothering role, particularly where children were unhappy with contact and their physical or emotional needs were not being met, along with regret and ambivalence in relation to their own encouragement of that contact.

> *I don't know am I doing the right thing or not. The whole time I am questioning myself – was I right to leave him, were they better off then? Are they better off now? Would they be better off without him? I come up with different answers every-time and I wonder will I ever know or by then will it be too late. Sometimes I think I am the crappiest mother alive.* Claire (Mother)

The incongruent drive to support what they perceive as inappropriate contact, along with their innate need to protect their children from harm, often results in allegations of gate-keeping and mendacious mothering. It also mirrors, to a degree, a dual and simultaneous construction of motherhood as both 'natural' but also deeply problematic and in need of scrutiny and regulation (Collier, 2001). Indeed such is the strength of the ideology of motherhood that mothers are held, and indeed hold themselves, responsible for the care and protection of their children, whilst simultaneously being blamed, and indeed blaming themselves, when that does not happen (Farmer & Bushel, 1999). Collier (2001: 521) concludes that the evolving debate on familial roles and family life have relied to a great extent on an 'optimistic' model of fatherhood that assumes men share equally in the work and life of the family. The new ideology of fatherhood has, according to Collier (2001), diminished and undermined the role of the mother, described by Fineman (1995) as one of 'motherhood descending'.

As mothering and fathering are reconstructed to 'fit' the paradigm of post-separation family life, so too is the shifting position of children apparent within the debate. This was particularly evident in the narrative of children and young people who identified themselves as 'whistleblowers', as it was upon their disclosures of abuse that their parents separated, initiated predominately by their mother under pressure from 'social services' to 'protect their children'. The dual or split construction of children as in need of protection from an abusive father within a domestic abuse paradigm, whilst simultaneously in need of a fathering relationship as dictated by the dominant welfare discourse, is palpably evident in this quote:

> *I didn't get it you know, I still don't get it....how can the same person be bad for ya one minute and good for ya the next when nothing has changed. He is still the same person, he just doesn't live with me Mam – so it was her fault, was it, the abuse she got? I don't think so because I lived with both of them, together and then each of them separately after they split up.* Colette (24)

Reflecting existing research (Peled, 2000), the conflicting feelings of love and hate, of yearning for and rejection of a fathering relationship also emerged with clarity from the children's narratives.

> *Lots of the time I really, really, hate him, but at the end of the day, he is still my Dad.*
>
> Rachel (11)

Continued relationships with their fathers were important for all of the participating children and young people, although not many asserted they had achieved that, and some had given up trying. For many of the children and young people, the relationship with their father was the conduit through

which they maintained important links with their extended families and, without which, the door to their father's side of the family remained tightly shut.

Consistently emerging from the children's narrative was the non-engagement of their father with therapeutic intervention, which from their point of view, signalled a lack of any expression of remorse or accountability by him for his abusive behaviour. In this context, children constructed themselves and their mothers as powerless to effect change in their circumstances, whilst their father remained '*untouchable*' and '*beyond the law*' (Colette, 24).

This resonates to some degree with Collier's (2006) assertion that professional assessment of an abusive father's capacity to parent is often concluded without any discussion or agreement on what constitutes 'good enough' parenting, or, as Harrison (2006) posits, little evidence of 'safe parenting'. Just as there is evidence in this research of concerns expressed about father-child contact being dismissed without investigation, so too were post-parenting plans made without attention to the detail of what that might entail, other than the logistics of time and place (Harrison, 2006).The domestic abuse was consistently considered an adult affair, a feature of the adult relationship which was no longer a child welfare concern, as opposed to a feature of personality, psychology, social skill or indeed parental deficit. Separation effectively defused this concern and the 'need' for the father in the child's life reappeared with a potent affirmation. Reflecting on this process, Bailey-Harris *et al.* (1999) assert that this reflects an overwhelming regard for the importance of the nuclear family, a trend which is consistent with constructionalism in modern family law (Dewar, 1998). While research has consistently highlighted the risks associated with post-separation contact for both women and children with a domestically abusive man (Radford & Hester, 2006), post-separation contact is nonetheless considered the 'preferred' vehicle for continued father involvement. Mothers and children who resist or object to the contact arrangements are reconstructed respectively as malicious and brainwashed and as the history of domestic abuse disappears, so too does the child's right to be heard.

Participation or Protection? Constructing children within the contact debate

Pryor and Rodger's (2001) identification of three separate areas to the debate provides a useful point of reflection in this current study. These concern firstly, children's competence to participate, secondly, their construction as either 'beings' or 'becomings' (Hogan, 2005) and thirdly, children's interest in or willingness to participate.

Firstly, on the issue of competence, the question is raised as to whether children can articulate an understanding of what is happening in their family, why their parents are separated and what their

wishes are in relation to contact with their father? The young participants in this research clearly demonstrated that they could articulate through a variety of means employed to engage them, age appropriate understandings of what was happening in their family and could provide coherent and rational reasoning to support their position on contact with their father. Whilst the majority of the participating children and young people were unhappy with their current arrangements for contact, and indeed could provide consistent reasoning for this, this did not necessarily mean they wanted an end to contact – in fact very few did. They expressed a deep yearning for a different kind of relationship with their father, a meaningful relationship that could exist independently of their parents' relationship, as this nine year old explains:

> *Visits should be about the kids, not the adults.* Sara (9)

They also expressed a need to be informed in an inclusive manner of what was happening to their family, and varying levels of desire to have a choice in their participation in that debate. Overwhelmingly, the articulate, insightful data drawn from the children's interviews in this research concur with Butler *et al.*'s (2002: 99) view that 'they are also the most reliable witness of their own experience' and also confirms their competency to understand and manage their post-separation lives.

So what was their experience of participation? Who has consulted with them and did they feel listened to and included? Echoing Piper's (1997) and Sawyer's (2000) findings that professionals rely on, and in fact assume that, parents will consult their children, mothers predominantly cited themselves as the person who had consulted with the child, when that did happen. A critical finding of this research, however, was that when the children and young people were asked about their experience of consultation with their parents, many children did not recall being informed or understand what was happening at this traumatic time in their lives. Professional reliance on parents to keep their children informed is further reliant on an assumption that those parents are emotionally available to their children and subscribe to the belief that the children should be involved (Buchanan *et al.,* 2001). The findings of this research, therefore, question how children's competency to participate can be adjudicated on in the absence of any attempt to meaningfully engage them in the debate?

Powerful assumptions about competence and welfare may militate against a child ever being heard, particularly if the child's views run contrary to those universally held assumptions. As such, many children in this research were ordered to engage in contact because a prevailing professional view presumed it was good for them and indeed was their right. As many others have noted already, the strength of this prevailing view, combined with fluid notions of age and maturity (Kilkelly, 2008), includes children's views when they want contact but overrides them if they don't (James *et al.,* 1998; Stanley, 2006). The imposition by the UNCRC of restrictions on participation based on age and

maturity grounds has been criticised for rendering such participation at the discretion of adults and vulnerable to the powerful assumptions and constructions of children, childhood and the family (Smith *et al.,* 2002). This research, however, found no evidence of systematic application of age and maturity indices to participation, rather a potent blanket exclusion of children of any age participating in the process and a subsequent denial of real participatory rights. The absence of real participation was justified by legal personnel in this research on both competency and welfare grounds, (Roche, 1999), as reflected succinctly by this professional participant:

> *I fail to see an appropriate place for children in my court, in the family law court.*

Pryor and Rodger's (2001) second question relates to the manner in which children are understood or constructed; whether children are viewed as experts on, and indeed in, their own lives (Christiansen & Prout, 2005) or constructed as incomplete and in a process of 'becoming' rather than 'being' (Hogan, 2005)? This second question illustrates the debate that has become polarized on the issue of whether children should have rights equal to those of adults or be protected by adults. In agreement with Collier (2006), this positioning of the child as vulnerable within the welfarist discourse emerged as problematic in this research. As many critics have already observed, dominant constructions are found to interpret, understand and process the child's voice in questionable and one could say inaccurate ways (Piper, 2001). It can also run counter to what children want and what is 'in their best interests' (Dunn, 2002; Smart *et al.,* 2001, 2000; Smart, 2002). This next quote from Eva illustrates this point.

> *All the times we don't want to see him and there was statements and everything and that wasn't taken into account at all. They [fathers] should be investigated properly, and have proper detailed statements from children whether or not they want to see them, instead of assuming it was good for ya and you'd miss out otherwise. They thought we were missing out..but how can you miss something if you never rightly had it.. I've never had it so I can't miss it.* Eva

Despite clear rhetorical commitment to the concept of children's rights, as evidenced by the international and domestic embracing of the UNCRC, the findings of this present research on post-separation contact highlight a rather conservative approach to protecting rather than empowering children and viewing them through a protectionist lens (Mantle *et al.,* 2007; Piper, 1999). Kaganas and Day Sclater's (2004) observation that how children are understood or constructed in terms of their capacity or their vulnerability determines how they are responded to, resonates loudly from the findings of this research. A clear commitment to a protectionist or welfare agenda (Mantle *et al.,* 2007), which participant professionals justified on competency and welfare grounds (Roche, 1999), grounded in the belief that such involvement made 'unreasonable demands on their maturity' (Pryor

& Rodgers, 2001:112), manifested itself in considerable ambivalence and concern expressed about the appropriateness of children's involvement in this domain.

Neale (2002) condemns this orientation for critically limiting children's participation, for positioning them as subordinate to adults, vulnerable and in need of protection, and for rendering their right to speak at the discretion of the adults' judgment. Research engaging with children as young as four years of age has challenged the use of age as an barometer of competence, demonstrating children's competence to discourse on aspects of family life providing age-appropriate measures are employed (Sturgess *et al.,* (2001). This, of course, challenges the adults involved, be they researchers, welfare officers or legal personnel to adapt their position to the children's capacity instead of using the children's capacity to engage in adult debate as the indicator of competence (Thomas & O'Kane, 2000). The employment of a variety of data collection tools in a variety of interview settings in this research supports this assertion.

The third question posed concerns whether or not children actually want to participate in the decision-making process? It also addresses their need for choice in that endeavour: both the choice to participate and some control over the manner that participation might take. While the first part of this question (ascertaining if children want to participate) is contingent to a large degree upon the prevailing adult consensus as discussed above, the latter half of this question (choice of mechanism for participation) is entirely reliant on the structures in place to realise child participation. Kilkelly (2008: 1.022) asserts that unprecedented legislative developments and a 'relatively extensive policy base' have led to administrative and political structures that can, in theory anyway, begin to place children's rights at the heart of the debate. At a more micro level however, Kilkelly's (2008) criticism of the structures and mechanisms to enforce those rights was supported by the findings of this research, rendering children largely invisible in the decision-making process, a concern expressed by this professional:

> *It is extraordinary that children are rendered voiceless within domestic violence situations and the system compounds that by not giving them a voice before the court.* P5

While some children clearly subscribed to a rights discourse that saw their active and vocal participation in a mature debate, others were more reticent to 'interfere' with what they perceived to be a forum for adult decision making. None of the young participants, however, expressed a desire to direct or control the manner in which decisions would flow, rather they wanted a chance to be heard and for their experience to be respected.

However the absence of systematic mechanisms for including children's voices, such as court welfare officers or children's representatives, meant that their inclusion was dependent on professional will or interest and not based on rights. This represents a serious violation of their right to participate under Irish, European and International law and a counter-indication of their best interests. Where they were consulted, the overwhelming experience of those minority children was that their views were neither listened to nor taken seriously. The findings concur with Laing (2006) who observes that claims to proceed in the child's best interests cannot be valid where the child's view is not sought, not heard or not considered.

In search of an answer to the contact conundrum

The discussion thus far has established unequivocally that contact decisions are made against a backdrop of the social construction of fatherhood, motherhood, childhood and family life. This, however, appears to occur largely as a conceptual debate without attending to what fathers actually do when they do see their children and what children think about that experience. In an attempt to answer to the question posed by the 'contact conundrum', of how best to *safely* end the adult relationships whilst *safely* and appropriately maintaining the parent-child relationships (Simpson *et al.,* 2002), this discussion now focuses on stripping away the rhetoric of discourses and paradigms regarding child, childhood and families in order to find out what the key participants 'actually do' in relation to contact, what they think about what they do, and how this relationship, deemed crucial and fundamental for child welfare, is supported and protected.

The Contact Experience: When discourse defies belief

Concurring with the existing research portfolio (Buckley, Holt *et al.,* 2007; McGee, 2000; Peled, 2000), the findings presented in Chapters Six and Seven paint a largely negative picture of contact for the majority of participating mothers, fathers and children, confirming the empirical concerns for the continued abuse of women and children through contact. Irregular and inconsistent, or conversely rigid paternal behaviour, was a common complaint emerging from the findings, reflective of what is critically perceived to be a construction of fatherhood in terms of 'rights' to children, rather than nurturance of them (Peled, 2000; Reece, 2006; Rhoades, 2002). The findings presented in Chapters Six and Seven also confirm previously expressed concerns about the quality of parenting of abusive fathers, their compromised insight into their children's needs and their willingness or capacity to put those needs before their own (Howe *et al.,* 1999; Perel & Peled, 2008; Reece, 2006; Sturge & Glaser, 2000). The father-child relationships, as they are described by the participating children, mothers *and* fathers in this research, are notable by the marked absence of reciprocity and of nurturance (Peled, 2000). They further reflect a discernible lack of prioritising of children's needs (Bancroft &

Silverman, 2002), a lack of interest in them and an unwillingness to spend time with them fuelled that apathy & frustration (Rheece, 2006).

The research inquiry also revealed more serious concerns about the protection and welfare of both children and their mothers, arising from the contact experience, echoing existing empirical findings (Brown & Alexander, 2007; Radford & Hester, 2006). This simultaneously confirms the empirically established correlation between child contact and child abuse (Aris *et al.,* 2002; Brown & Alexander, 2007) and also challenges the assumption that separation terminates domestic abuse (Jaffe *et al.,* 2003). This research study found evidence of emotional, physical, verbal and sexual abuse, of both children and their mothers, in addition to concerns regarding child neglect and child abduction. There were similarities and differences noted when the findings of this research were analyzed against the existing research knowledge. Similar to the testaments of the children in Mullender *et al.*'s study (2002), the children participating in this research clearly articulated their distress, their sense of powerlessness and their constant watchfulness and fear of what could or might happen. In response to an ongoing sense of being unsafe, they described strategies aimed at minimizing their exposure and protecting themselves, and often also their mother and their siblings. Contrary to existing research (Brown *et al.,* 1998; 2001), neglect was a consistent feature of this research, manifesting itself in the absence of financial support, the neglect of the child's physical, medical and mental well-being and their safety. Also, as previous research has established, child abuse in the context of post-separation parenting was found to typically involve multiple forms of abuse, 'at the more severe end of the child abuse continuum' (Brown & Alexander, 2007:14). These were more commonly a characteristic of court-ordered cases.

The impact of these experiences on the participating children and young people was evident in their descriptions of lives tainted by sadness, confusion, anger, disappointment, fear and anxiety, that found expression in emotional and behavioural difficulties, poor self-esteem and problematic school attendance or alternatively over-academic achievement; aggressive or introvert behaviour patterns; self-harming and substance abuse. There was a potent sense of loss – loss of 'family', of extended family through family divisions (Radford & Hester, 2006); loss of innocence through exposure to, and involvement in, domestic abuse; loss of childhood through over-parentification (Lapierre, 2008); loss of a 'father '(Smith-Stover *et al.,* 2003); loss of friends and of neighbourhood; and, to some degree, a loss of identity. There was also evidence of resilience in the face of these adverse experiences, supporting Gelles and Cavanaugh's (2005) caution against an automatic equation of exposure to domestic abuse with negative outcomes for children.

Analysis of the children and young people's narratives in this present study concluded that all but one of these young participants expressed an unfulfilled yearning for a relationship with their father, an

ambition only one considered she had achieved. For others, relentless disappointment and distress led them to conclude as Leah (12) did:

I'm fed up waiting for him to be a father

While many of the children and young people had 'father presence' in their lives, their narratives concurred with Pyror and Rodger's (2001) assertion that *'the mere presence of fathers is not enough'*. What is important and what was absent for many of them was authoritative parenting as reflected in encouragement, love, warmth and interest in them and their lives, all elements that are consistently linked with well-being (Pryor & Rodgers, 2001). In addition, the findings of this research identified no relationship between the frequency of father-child contact and child outcomes (Buchanan *et al.*, 2001); rather they highlight the quality of the father-child relationship as critical to those outcomes. Loar's (1998) contention that regular visitation should not be equated with parental commitment or quality contact arrangements resounded in this research, with participants describing regular yet rigid visits with fathers who were angry or simply lacked the fundamental skills to interact with their children. There was no evidence in the narrative of the participants in this research of commitment to post-separation fathering and fathering capacity, which are at the heart of authoritative parenting, (Simons *et al.*, 1999).

The children described rigid and authoritarian contact experiences that neither met nor were responsive to their needs, while the narrative of the father's interviews reflected a potent rights- based approach to contact and one that was not necessarily child centred or child led. The absence of father 'presence' from the epicentre of the children's lives, as opposed to his existence on the periphery of their worlds, rendered the father-child relationship meaningless for many of the young participants *and* for the majority of the fathers interviewed in this research. With many of the essential ingredients of the recipe for quality contact missing, this research echoes Bailey-Harris *et al.*'s (1999) question about whose needs contact was meeting and whose rights were being acknowledged?

Many observers stress the need to understand the father-child relationship in the context of the other existing inter-dependent familial relationships, with fathers influencing their children directly through their interaction with them and indirectly through their interaction with other members of the child's network (Marsiglio *et al.*, 2000). The most significant other relationship is, of course, that between the mother and father, with research finding that inter-parental conflict can negate any benefits accrued from contact, particularly where that conflict is high (Amato & Rezec, 1994).

For many of the families, the conjugal dynamics at the root of the relationship failure (Smart & Neale, 1999) remained firmly locked in a time warp of unresolved conflict that contact continued to inflame.

In the absence of an infrastructure of support around contact, the flame of conflict, apathy, fear and blame continued to burn. Many of the factors the literature identified as negatively influencing quality contact relationships were clearly apparent in this research, including conflictual inter-parental relationships; fear and mistrust (Trinder *et al.,* 2002); chaotic or non-existent contact (Cardia-Voneche & Bastard, 2007); unresolved paternal loss from the separation from their children (Stewart, 1999); inter-parental criticism and difficult relationships with stepparents (Greif & Kristall, 1993). Where contact was working, both parents had, to a degree, accepted their roles and conflict was contained or diverted. This tended to be the exception rather than the rule and required intensive support and intervention to achieve.

Supporting contact: the evidence

As in other areas of law regulating parent-child relationships, the debate frequently focuses its energy on the logistics of contact – location, frequency and duration, with little attention to the content and structure that contact time will take, and subsequently with limited ability to improve or repair damaged relationships or regulate parent-child interaction or parental behaviour (Loar, 1998). The absence of an assessment of paternal capacity, or more importantly of the risks an abusive man might pose to his children and/or their primary carer, combined with no interventions designed to address the needs of domestically abusive men, increased the vulnerability of the key participants: children, mothers and fathers. Fathering deficits, or risks that were not identified or addressed, rendered mothers and children in a continued state of risk, a state that was not acknowledged or addressed with appropriate intervention.

The imposition of supervision on a contact arrangement, a facility applied in many other jurisdictions, frequently only added fuel to the fire as the absence of professional supervisory facilities rendered relatives the supervisory arm of the legal system, and that arrangement either broke down or was ineffectual in either regulating the father's behaviour or protecting the child. The two existing contact centres were neither designed to meet the specific needs of domestic violence cases, nor, as a result, could confidently assert their ability to do so. Despite this, domestic abuse cases were being processed through these centres in the absence of any other alternative. Child and family support or therapeutic interventions were notable by their absence or their inaccessibility through waiting lists or the need for both parents to consent to treatment. When children were professionally supported, they and their parents highlighted these interventions as positive.

In light of the findings of this research, which concur to a large degree with the existing empirical knowledge base but also contribute to the body of knowledge in this field, this discussion now moves

to reconsider and reconstruct the dominant discourse on child welfare as it applies specifically to the needs of the key participants involved in domestically abusive families.

Reconstructing the dominant discourse: conceptualizing children's post-separation needs within a paradigm of domestic abuse.

This research has explored how the key participants involved in the business of post-separation contact where there has been a prior history of domestic abuse, negotiate and participate in the experience of contact. This research has also observed how the actions and histories of those same participants disappeared and re-appeared as the conceptual and paradigmatic lens of professional interest changed along a trajectory from the pre-separation intact family phase, through separation/divorce and on to the stage of post-separation contact. Of critical interest however, is that, as the position and needs of children within this research process became more visible when viewed through a social constructionist lens, so too did their silence, their sadness and their powerlessness.

Concurring with Jaffe and Crooks (2004), this research asserts the need to recognise and embrace the relevance of domestic violence in child contact cases. This demands a significant paradigm shift to prioritise the construction of fathers as 'risk' in the context of post-separation father-child contact. Doing so does not mean prioritising finding ways to exclude fathers from children's lives, as the findings of this research conclude that this is clearly not what children want. When offered a 'wish' in relation to their father during the research process, none of the sixteen children and young people wished for his or her father's absence from their lives. Moreover their wishes reflected the yearning for a different kind of relationship, one based on reliability & predictability:

> *That he would turn up every week and when he did turn up that he's be on time so we wouldn't be wasting half the day looking out the window..* Rachel (11)

On the absence of fear:

> *Not to be afraid that he'd hit ya...* Sean (7)

> *There was always the fear of what he could do to you, not necessarily what he did do, but the fear of what might happen...*Colette (24)

On feeling loved and important:

> *Parents aren't supposed to say mean horrible things and make you feel bad. My Dad makes me feel bad and stupid but my Mum doesn't. Mum says me and Todd are the most important things in her life... I know that's true 'cos she doesn't make me feel bad and stupid.* Ciara (9)

And on a quality relationship:

> *'All we ever wanted was a proper Dad, and that's not rocket science'... he just has to spend time with us.* Eva (16)

This paradigm shift requires a reconsideration and perhaps a (re)construction of the child in post-separation domestic abuse contact cases. How are their 'best interests' determined? How is their welfare ascertained? Where are children positioned within this debate? Are they considered competent and integral to the discussion? If so, how is that determined and reflected in their participation in the process; and if not, on what grounds is their incompetency determined and their welfare secured. It is also about ascertaining if and how abusive men can be 'good enough' fathers to their children. The final sections will address these questions.

Positioning abusive fathers in the post-separation 'domestic abuse' contact debate: balancing risk, vulnerability and need.

Two issues have emerged with clarity from this research regarding the father-child relationship in post-separation domestically abusive families. These concern firstly, the contraindications between the essential ingredients for quality contact and the profile characteristics and parenting capacities of abusive men; and secondly, the manner in which the 'system', by adhering steadfastly to a dominant discourse on fatherhood, motherhood and childhood, maintains the split construction of men as abusers and as fathers, thereby preventing any reconciliation of the issue of inappropriate and abusive contact for the key players involved. The first issue has been explored through the literature in Chapters Three and Four, and again in terms of its emergence in this study, in Chapters Six and Seven and, as such, will not be explored in detail at this juncture. The latter point, however, demands some further exploration, both in terms of how abusive men's behaviour is constructed and then dismissed or reinvented.

Collier (2001) argues that the prevailing structure of gender neutrality has diverted attention away from what men actually do by problematising a conceptual notion of men's gender. As such, instead

of dealing with the problem of men's behaviour, particularly in a post-separation context, the perceived problem is the cultural construction of fatherhood and how that constrains fathers against realising their fathering aspirations. Drawing on a substantial body of research, Collier (2001) suggests that the new paradigm of fatherhood has infiltrated the practices of the family law courts, with perhaps the most potent example being the issue of post-separation contact between fathers and children. In this drive towards an ideological notion of the harmonious divorce (or separation), underpinned by an ideological construction of fatherhood, the issue of violence has been sidelined (Collier, 2001). Indeed, the findings of this research conclude, as Smart and Neale (1999b) have done, that the position of family law is such that the notion of a father being harmful to his children is practically inconceivable. This reflects a new model of parenting and family life that is grounded in a number of assumptions about the welfare of the child, specifically the critical importance of maintaining the father-child relationship post separation or divorce. Commenting on the UK, Collier (2001: 529) suggests that this model is also grounded in a gender-neutral understanding of parenting, one that is based on the idea of joint parenting during marriage and partnership following separation, and one where the father-figure has been reconstituted as a 'father 'for life''.

Rather than approaching the phenomenon of the family with preconceived gendered or indeed gender neutral ideas of fathering and mothering, Collier (2001) urges us to look at what men and women actually do. This allows us to focus on the reality rather than the rhetoric of family life and family practice, which, Collier (2001) surmises reveals a gendered practice of parenting, characterized by persistent divisions of domestic and child care labour on gender lines. Moving through Hester's (2004) 'solar system', distinct gender patterns are also immediately identifiable. Anderson and Umberson's (2001) reflections on 'gendering blame' resonate in this present study, with women held responsible on each planet: for ensuring their own safety on planet domestic violence, their children's safety on planet child protection and the father-child relationship on planet child contact. Walker and McGraw (2000: 288) suggest that, instead of placing responsibility on mothers for the protection of their children from abusive fathers or placing responsibility on them to facilitate responsible fathering, we should be questioning what responsibility 'men have for being responsible fathers'. In posing this question, Walker and McGraw (2000) also highlight that while *ideally* men and women would share equal responsibility for domestic and child care tasks, we don't live in such a world, aspirational as that might be. Instead we should reflect on the real world and construct responsible fathering as it reflects that reality.

However, when the reality of the fathering of abusive men is established, a problematic and complex picture emerges (Perel & Peled, 2008). Here we are faced with compromised and poor quality fathering on the one hand and the expressed yearning by fathers for a different relationship on the other. Running alongside that yearning, as found in this research and as described by Fox and her

colleagues (Fox & Benson, 2004; Fox, Sayers & Bruce, 2002), was the expression of feelings of guilt, shame, remorse and responsibility regarding their abusive behaviour, with varying degrees of conviction in terms of their desire for reparation. Furthermore, while the current empirical evidence regarding the capacity of abusive men to address and to alter their abusive behaviour is somewhat pessimistic (Harne & Radford, 2008), their ability to address their fathering is difficult to ascertain in the absence of any concrete attention to support change and monitor fathering behaviour within perpetrator interventions.

Rakil (2006: 190-191) posed the question: 'is it possible to be a good father and a violent husband at the same time', particularly given the empirical evidence demonstrating the impact of domestic abuse on all members of the family? Indeed, many observers acknowledge the difficulty reconciling the split construction of abusive men and fathering. This split construction has been found by this research and elsewhere (Jaffe *et al.,* 2005) to be vividly apparent in the differential responses to abusive men/fathers in both the criminal and civil courts in cases of domestic abuse and child contact respectively. In the former, we have noted that men can be sanctioned for their abusive behaviour, whilst in the latter, the same man is given parental responsibility. Rakil (2006) further asserts that this split construction is also apparent at an individual level with evidence suggesting that abusive men struggle to acknowledge the impact of their abuse on their children and on their parenting. In response to Rakil's (2006) question, while on one level the research evidence and testimony from children could lead one to conclude that 'no', abusive men cannot be 'good enough' fathers, the reality is rarely that simple. While some children are clear that they do not want continued contact with their father, many are more ambivalent and many more are very clear that this relationship is important to them (Peled, 2000). Clearly a comprehensive assessment process is crucial to ensure the wishes of all involved are heard and the safety of women and children attended to. As this thesis has established, while the traditional response has been to focus responsibility for child protection *and* for the father-child relationship on the mother, the conclusion of this thesis supports Rakil's (2006) call for a shift in the focus from what mothers and children are or are not doing, to the father's behaviour. Returning to Rakil's (2006) question, this research concludes that, to be an abusive man is not to be a good enough father, but qualifies this assertion by stating that this does not negate their capacity to *become* good enough fathers by addressing their abusive behaviour and acknowledging the impact this behaviour has on their children. When this happens, they then become the primary problem, held responsible for *both* their abusive behaviour *and* their fathering. Mandating perpetrator interventions with core modules on fathering is one way to address this issue and a clear attempt at fusing the inherent split construction. This module could address the perceptions and expectations that abusive men hold of their fathering and promote active engagement with their understanding of the impact of their abuse on others, and indeed could promote empathy with their children. Concurring with the findings of this

research, as explicitly stated by the participating children and young people, abusive men need to take responsibility for their abusive behaviour *before* they can be good-enough fathers (Rakil, 2006).

Rhoades (2002) refers to the tension inherent in the question of which is more damaging for children: contact with a domestically abusive man or no contact at all? While attempts to resolve this tension have resulted in the use of contact centres, this has proved problematic on a number of fronts. Not only are they not available to any appropriate degree in the jurisdiction within which this research was conducted, but their availability in other jurisdictions had led to the very thing we are trying to avoid: a growth in the construction of child welfare based on the belief that the 'denial of contact is more damaging' for the child and a disappearance of the perceived risks associated with domestic abuse (Simpson *et al.,* 2002). While, to date, this has been described as disadvantaging and indeed enhancing the vulnerability of children and mothers, this research also argues that fathers too are short-changed in this process. The small number of participating fathers in this research expressed a deep yearning for a better quality of relationship with their children, reflective of the empirical evidence (Fox *et al.,* 2002). While the capacity of those fathers, or indeed the fathers of the sixteen participating children, to achieve that was not possible to establish within the remit of this thesis, what was established was the inability of the system regulating family life to address it, assess it or enhance it. Simply stated, the potential for abusive men to become better fathers cannot be accommodated or responded to within a system that only recognizes vulnerability arising from their absence and not the vulnerability and indeed risk that accompanies their presence. Citing Giddens (1991), Featherstone and Peckover (2007: 182) conclude that this represents a lost opportunity for engaging with men as fathers at 'fateful' moments in the lives of families. While constructing men alternatively as perpetrators or as fathers obscures and ignores their multiple realities (Featherstone & Peackover, 2007), lack of integration of the diverse strands of these families' lives will continue to contribute to the continued invisibility of domestic abuse in contact cases, the disappearance of children's needs and the silencing of children's voices, thereby ensuring they continue to be the ammunition as well as the victims (Jusitce Wall, cited in Kaganas & Day Sclater, 2004).

Positioning children in the post-separation 'domestic abuse' contact debate: seen but not heard?

> Where the assumption is that children are rational and entitled to have a say, the likelihood is that more children will 'volunteer' a view; where the assumption is that children are vulnerable and should be protected from decision-making, then it may be that only the more assertive will even get to articulate their view.
>
> Trinder (1997: 302).

Three issues emerge as central to the debate. Firstly whether or not children should be participants in the deliberations about post-separation contact; secondly the manner in which that participation takes place and thirdly the relative weight given to their views, or simply put, what happens to their views?

Regarding the first issue, the debate around children's participation in the decision-making forum of post-separation contact has revolved around the welfare versus rights debate as explored in detail earlier. The process of reflection on that debate, which has involved the inclusion of children and young people in this research, leads this thesis to conclude that promoting children's welfare by protecting them from involvement in the process is somewhat akin to closing the stable door after the horse has bolted and adds further insult to the injury of their invisibility within the domestic abuse domain. Concurring with other observers (Butler, 2002; Thomas & O'Kane, 1998), it is palpably apparent that children *are* already involved in the process of their parents' separation or divorce and that, furthermore, the reality of their exposure to domestic abuse has been emphatically established and remains unquestioned. This experience therefore needs to be acknowledged and respected. Roche (1999) asserts that this respect is reflected in their right to participate, while Emond (2008: 192) suggests that the manner in which participation is achieved represents a 'finely balanced position between recognising and respecting the abilities of children whilst at the same time viewing them as inherently vulnerable'.

The second issue concerns the manner and means by which children's views are ascertained. The starting point of this thesis is to concur with Mantle *et al.* (2007: 792) who argue against a 'naïve positivism underlying any assumption' that the views of the child are simply 'out there waiting to be collected'. It is also pertinent to note that, while on the one hand the oppressive context of domestic abuse may not have facilitated free expression, resulting in the child's need for considerable support and preparation in order to be able to participate, the evidence from this and other research nonetheless attests to children's participatory competence (Neale, 2002; Smith *et al.,* 2003). This current research therefore supports Smith *et al.*'s (2003) criticism of the 'escape clause' against children's participation that is provided for by the imposition of standards of age and maturity, and supports the view that the argument should not be one of proving the child's ability to participate but more one of responsibility on adults to be competent enough to elicit those views in the context of a trusting relationship with the child. Similarly, Thomas and O'Kane (2000) argue that when children are judged incompetent to participate, we should perhaps firstly question if the methods used to elicit their views were appropriate and secondly were they 'competently' administered. Indeed, the issue of competency emerges with clarity concerning the skills and proficiencies of professionals to elicit those views, by engaging in a wide range of methods including interview, observational and play methodologies (Mantle *et al.,* 2007). This also involves, as Smart (2002) has argued, the practice of allowing the child speak and the skill of eliciting their views, but also the ability to hear what they are

saying, a process Schofield (1998) asserts is more complicated than simply obtaining a view from the child. Agreeing that this is a highly complex task, Hester *et al.* (1994) suggest it involves attention, not only to what they are saying, but also a consideration of what they are not saying, via their non-verbal messages. It requires an adept understanding of the psychological complexity of children and an ability to understand their 'internal world', particularly where abusive experiences have rendered them confused and vulnerable (Schofield, 1998: 430). It may well also demand time for trust to develop in order for the child's voice to materialize.

Those involved in the business of 'ascertaining children's views' also need to heed Mantle *et al.*'s (2006) concern against children's voices being 'filtered' in a three-pronged process: through the professionals own personal history, through current practice ideology that perhaps relies on developmental understandings of capacity, and finally by the structural constraints of family law which may place time and other limitations on the completion of court reports. Time pressures and case load demands may result in a fall-back position of relying on assumptions about the best interest of the child in general rather than attending to the needs of the child in question (Piper, 2000). Faced with the decision of transposing the child's testimony into the report for the court, James *et al.* (1998) suggest that, while some practitioners use direct quotes from children in order to represent their views as accurately as possible, others 'interpret' the child's views for the court, which raises obvious questions about the accuracy of that representation. Arguing against this Trinder (1997: 302) recommends instead that professionals adopt 'a stance of uncertainty, treating each child as unique and avoiding expert or adult constructions of what that child is like'. Attempting to resolve the problem of balancing the child's own view of their best interests against the professional's adult judgment of those same interests, James *et al.* (1998) advocate for the direct involvement of children in the writing of their own testimonies to the court, perhaps via a letter to the Judge.

Having ascertained their views then, the next question concerns what happens to those views? The children and young people in this current research concluded, as other research has done, that their voices were 'seldom heard and if heard, usually discounted' (Morrow, 1999: 154). Roche (1999: 71) suggests that this occurs when the child's narrative is filtered through professional adult lens, a lens that views this narrative as 'inherently suspect', particularly when it does not conform to the dominant discourse and in a climate that views children as unreliable (Neale, 2002). Guided by a futures orientation, Neale (2002) asserts that court process is focused on what is considered to be in the child's future interest, even where that contradicts the child's unique construction of their own welfare. Roche's (1999:33) suggestion 'there is no single voice of childhood' is a theme taken up by other observers who argue against 'blanket rules' governing a 'theoretical' child's needs (Neale, 2002: 468) as these rules or presumptions render the need to consult with children somewhat superfluous. From its social constructionist position, this present research also argues against those

blanket rules, advocating instead for an approach which views each child as unique and prioritises his or her subjective views and experiences. Conversely, the family law system operates according to a paradigm that promotes children's welfare by limiting their involvement and stands in stark contrast to the position of children in public law, urging one to ask– what is different? Are children within the care system more competent to participate or less in need of protection from the decision-making process? One could argue the opposite given the fact that for all intents and purposes, they have lost both of their parents and are now being parented by the State. This thesis has already established that the elements required for quality contact apply across both public and private law domains, so the position of children should also apply consistently across both domains.

This current research confirms children's competence to participate in the discussion about their experiences: their past as well as their future. The testimonies from children also confirms previous research findings that participation may help children in understanding more fully what is happening in their families and also accept more readily the decisions that are being made for them (Smith *et al.*, 2003). The participating children and young people in this research did not expect nor did they want their views to be determinative but believed that it should be given appropriate weight. Their intimate knowledge of, and unique position within, their own families warranted the respect that listening to them would accord, as they felt that this would demonstrate to them a clear sense that what they thought was important. Echoing Schofield's (1998) assertion, this was not viewed as a pointless exercise, even where their wishes were not reflected in the final decision.

This research also concurs with Masson's (2003: 80) observation that the construction of childhood in family law represents merely a 'need to comply with international standards' rather than a belief in a 'child's right to participate ', because in reality no fundamental restructuring of adult attitudes towards children has taken place, despite a clear rhetorical paradigm shifts. James *et al.* (1998: 155) conclude that, until a point is reached where the child is conceptualized as having an 'active agency', professionals will continue to struggle to recognise and assert the importance of children's thoughts, wishes and feelings in the decision-making process, because it is specifically these individual expressions that represent each child's unique individuality and agency. This, Roche (1999: 71) asserts, would require a 'major cultural shift in family law practice' to one that reflected a more appropriate balance between protection and participation in order to 'enable children to be heard without exploiting them, protect children without silencing and excluding them and pursue rigorous inquiry without distressing them' (Alderson & Morrow, 2004: 12).

Reflecting on the research process.

This research was designed and conducted in the spirit and with the challenge of the UNCRC, which asserts children's right to be heard on matters that concern them and in accordance with a definition of 'participation' as 'taking part' and, in particular 'the sense of knowing that one's actions are taken note of and may be acted upon' (Boyden & Ennew, 1997, cited in Morrow, 1999: 149). The methodological lens through which this research was designed viewed childhood as a social construction, rejecting the notion of a universal child and embracing instead the diversity of their experiences. In doing so, I was acutely aware of the influence and potential bias that my own social constructions and personal discourses could have and the need to protect against the 'filtration' of their stories.

Recognising children's right to participate in the research process acknowledges their agency, but that does not sit easily alongside the need for adults to 'approve of' or provide initial consent to that participation before it can be realised. Similarly, their participation in this research was hampered by their 'socio-political positioning' (Hood *et al.,* 1996: 126), whereby their participation was controlled by a hierarchy of gatekeepers including ethics committees, professionals, organizations and parents (Butler & Williamson, 1994; Masson, 2003).

The decision taken at the outset of this research to apply age restrictions on participation was taken in good faith and with the foresight of ensuring informed consent grounded in a protectionist rationale and with the support of dominant ethical research practice. With considered hindsight, the imposition of such limitations subscribed to dominant developmental constructions of capacity and harm (Powell & Smith, 2009) which the findings of this research have subsequently rejected. Instead the conclusion of this research concurs with Christensen and Prout (2002: 493) who argue against the legitimacy of viewing children as 'too young to understand', and instead assert that the manner in which they are informed, included and indeed interviewed enables or disables their participation.

Imposing such restrictions also potentially denied the voice of younger children in this debate. Two seven year olds were included because they asked to be interviewed following their siblings involvement. For one young boy, this presented a second bite at the cherry of participation after a disappointing experience of the process and outcome of involvement in a court ordered welfare report.

Issues of beneficence and maleficence were a focal concern given the emotive nature of the research topic and the potential for upset in the context of abusive life histories. Here is where the research actively listened to what children and young people were saying and respected their decision to

participate or remain silent, to activate or terminate discussions and to acknowledge their distress without making false promises of 'better days ahead'.

Powell and Smith's (2009) distinction between inherent and structural vulnerability of children and young people is a useful reflective point here. Whilst the inherent vulnerability of child participants is understood to arise as a result of their biological or developmental immaturity and requiring adult protection from harm, the structural vulnerability of children arises from a process which fails to take account of their agency and simultaneously disregards their rights.

Active and continuous reflection on and throughout the research process prompted me to be mindful of how issues such as my own gender, class, parental status or perceived power could influence the research process (O'Leary, 2005). In relation to children, Morrow and Richards (1996) urge reflection on the position the researcher adopts as it is from that vantage point children are being studied and understood. In this research study, this had a particular relevance where issues of children's competencies were concerned. With the issue of parenting a focal point of interest of this research, reflective practice also demanded a need to 'suspend judgment' (O'Leary, 2005: 68) and whilst being mindful of my own construction of motherhood, fatherhood and parenting, to hold those constructions in so far as that was possible, in the quest to ascertain the constructions of others.

This research set out on a quest to 'explore children's experiences of post-separation contact with their father where there had been a prior experience of domestic abuse perpetrated by ther father against their mother'. In setting this task, the challenge was to provide for their interpretation of their experiences. With mature hindsight, the research lens was already influenced by dominant constructions of abusive fathers and mothers as victims and with little insight into the victin status abusive men construct for themselves or of the complexity of the fathering relationship which many children wish to maintain, despite abusive experiences. While not subscribing to the dominant feminist discourse which questions the role of abusive men in children's lives, this discourse had nonetheless influenced my construction of fathering and my understanding of fathers' experiences. Reflective research practice was critical in stemming the tide of powerful normative models of motherhood and fatherhood and their potential to obscure the lived realities of people's lives.

Allison James (1995) has suggested that the ways researchers see children can profoundly inpact on the approaches to study them and on the construction they choose to subscribe to. There are obvious implications to the power the researcher holds in determining this view, in choosing the methods and in interpreting the data. James's (1995: 100) model of the social child, which envisages 'chidren as research subjects comparable with adults, but understands children to possess different competencies, a conceptual modification which....permits researchers to engage more effectively with the diversity

of childhood' is of particular relevance here. James (1995) suggests that, while this has implications for the methods employed to study children, they are nonetheless competent both to make decisions about participation and to provide valid data (Morrow & Richards, 1996). This does not imply that all children are at all times equally suited to be involved in research (Christiensen & Prout, 2002) nor does it mean we can assume that children are a homogenous group (Morrow & Richards, 1999).

The inclusion of children's experiences to a debate that has traditionally excluded them therefore brought with it a new complexity that needed to be understood, both within its own right and as it challenged traditional understandings of social relationships, family life and parental responsibility. This created new ethical dilemmas and, indeed, responsibilities for the researcher, not least the desire to accurately represent these diverse and at times conflicting interests. The kernel of the argument, and indeed the conclusion of this research process, is that ethical research practice is potently linked to the active construction of research relationships and cannot be based in presupposed ideas or stereotypes about childhood or children, or indeed for that matter motherhood or fatherhood.

Concluding comments

This thesis has responded to a significant gap in the empirical knowledge base by providing a unique insight into the phenomenon of child contact between children and their fathers living in Ireland, where there has been a pre-separation history of domestic abuse perpetrated by their father against their mother. While others have investigated matters relevant to this phenomenon, such as children's experience of domestic abuse (Buckley *et al.*, 2006), children's experience of parental separation (Hogan *et al.*, 2002), the experience of separated fathers (Ferguson & McKeown, 1998) and the issue of involvement of children in contact decisions (Morrow, 1999), this study presents findings that locate an understanding of the child's unique views and subjective experiences of contact with their domestically abusive father, within the domestic abuse history. In doing so, this study presents a child centred understanding of the relationship between domestic abuse and post-separation child contact, something that other studies have struggled to achieve and that relevant professionals struggle to understand. Also presented are findings related to the broader processes and dynamics that ultimately influence the subjective experiences of those children.

Throughout this study several themes have emerged. These include how the key participants involved in post-separation contact, negotiate, participate in and experience contact; how particular constructions and ideological assumptions of domestic abuse, parenting, post-separation family life and childhood have potently and pervasively influenced the contact experience; and how children are understood and subsequently positioned within the contact debate.

This study challenges the assumptions that domestic abuse ends with separation and that post-separation contact with domestically abusive men upholds children's rights and is in their best interests. While the first assumption sidelines the issue of domestic abuse, the second assumption is found to support the ongoing and often unmonitored involvement of domestically abusive men in children's lives. This study supports challenges to these assumptions with evidence of compromised fathering capacity, poor father-child relationships, the ongoing abuse of women and children through the facility of child contact, and negative outcomes for children. The findings also, however, confirm the strength of these assumptions which are so pervasive that the view that father-child contact is integral to children's emotional and psychological well-being has resulted in the suppression of an acknowledgement that contact with abusive fathers can be harmful to their children. Indeed, within the contact arena problematic paternal contact is consistently perceived to be less damaging than no contact at all, a view that ensures that no meaningful debate can occur in answering questions about whether or not contact should be promoted or facilitated and, if it should, what needs to happen for that contact to be constructive for children and their fathers.

Lack of attention to abusive men as fathers, or alternatively viewing them as *either* abusive men *or* fathers, not only undermines the support and protection needs of mothers and children, but also, as this research has shown, fails to challenge the potential of 'good enough' fathering through the provision of an infrastructure of supportive, protective and challenging interventions for all of the key players involved. The findings of this thesis therefore challenge those charged with professional responsibility for supporting, protecting or regulating the lives of the key players involved in the phenomenon of contact, and those involved in the contact decision-making process, to focus on the reality of abusive men's behaviour rather than an ideology of involved fatherhood. This demands a significant paradigm shift to prioritise the construction of fathers as 'risk' in the context of post-separation father-child contact. Doing so does not mean prioritizing finding ways to exclude fathers from children's lives; rather what is critical is to find ways to ensure and be assured that abusive men can be 'good enough' fathers.

Further assumptions about the competency and vulnerability of children rendered them silenced and powerless within and across both the domain of domestic abuse and child contact. Although it is claimed that children and their needs are the central consideration in the child contact debate, the decision-making processes reflects an implicit assumption that it is necessary to increase their protection by limiting their involvement in that process. Indeed, a belief in the need to consult was negated by an assumption that this would further harm and distress those children. Inherent in this is the assumption of knowing, in the absence of any consultation with children, what is in their best interests. This assumption can be challenged by the weight of evidence from the narratives and testimonies of the children and young people who participated in this research. Their accounts

highlight that, by according them agency in the contact process, they can feel accurately recognised as the experts of their own lives and life experiences. Indeed, if empowered to use their own voices, the unique stories of children and young people can provide the foundation for unique solutions to the challenges that they face in negotiating meaningful contact with their fathers. For this to happen professionals involved with children and families need to challenge their own belief systems and the structures within which contact has traditionally been negotiated and facilitated. They need to avoid being blinkered by expert or adult constructions or assumptions about *a* child and to adopt a position of uncertainty about what will be best for *each* individual child. Most importantly, they need to start from a position that accepts the uniqueness of *each* child and their lived experiences and to commit to practice that values and prioritises the right of children to use their voices to participate in decisions being made about them.

This study concludes by suggesting that the tensions and complexities involved within and across the constructions in the contact conundrum, need to be acknowledged before they can be resolved. Doing so involves a reconstruction of the key players within a discourse of the reality of contact in a domestic abuse context as opposed to the ideological rhetoric of post-separation parenting. Reconstructing the contact debate within this new discourse, involves acknowledging and addressing the pervasive and continued presence of domestic abuse; holding abusive men accountable for their abusive partnering and parenting, whilst simultaneously viewing them through a dual lens of risk and vulnerability; and repositioning children as central to this debate so they do not continue to be silenced victims in an ideological battle fought on their behalf but in the absence of their voice.

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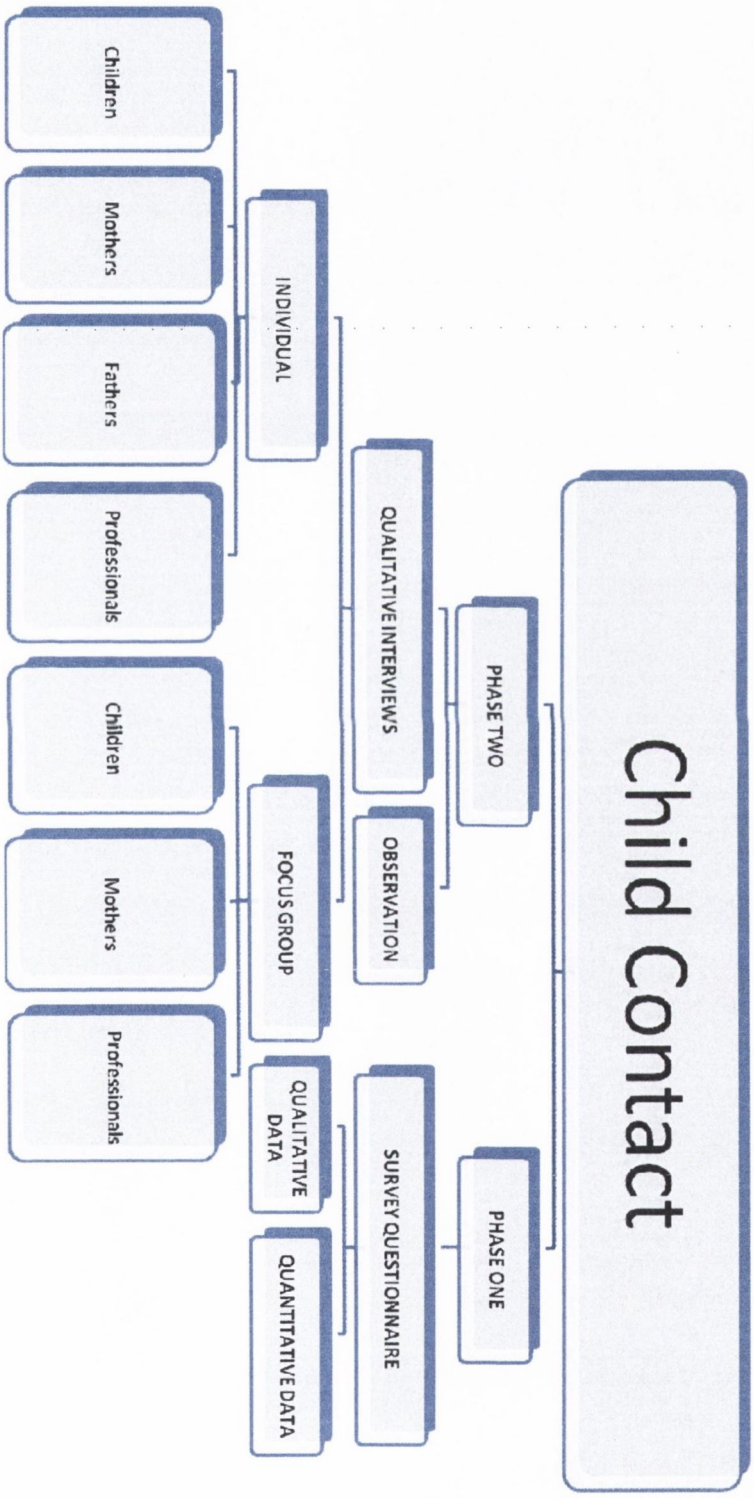
APPENDICES

APPENDIX 1:
Overview of Research Design & Methodological Process



APPENDIX 2



Children, Fathers and Domestic Violence:

An Exploration of the Childs Experiences of Post-Separation Contact with their father.

Code Number:

This research is being conducted by Stephanie Holt, with the co-operation of the National Network of Women's Refuges and Support Services. Stephanie is based at the Children's Research Centre, Trinity College Dublin.

This questionnaire should be filled in for families where parents are <u>no longer living together</u>, where there is a <u>prior history of domestic violence</u>, <u>AND</u> where there <u>IS</u> contact between the children and their Father.

Worker Checklist

Please tick each box as the corresponding steps are completed;

- ☐ Ensure the code number on the front page of the questionnaire matches the code number allocated to this family on Form 7.
- ☐ Explain to the woman that the purpose of the research is to find out more about post separation contact for children with their fathers over the previous 12 months where there has been a history of domestic violence.
- ☐ State clearly that her involvement in the study is voluntary. In the process of completing the questionnaire, if the woman becomes upset, offer her the opportunity to continue to answer the questions, to complete it at another time or to terminate her involvement in the study.
- ☐ Explain that the questionnaire is completely anonymous, with no identifying information requested. All information will be treated confidentially, in accordance with the agency's child protection and welfare guidelines.
- ☐ Stress that her contribution is important and valued and that the information gathered could be used to help to improve, shape, or change services.
- ☐ Check back with the woman as you go through the questions that the answers you are filling in are an accurate reflection of the information she is giving you.
- ☐ Acknowledge the different position you are taking in gathering the data to your normal support role. Allow space at the end of the time filling in the questionnaire, to follow up on any of the issues raised, or ensure there is someone else available for the woman, should she need it.
- ☐ Advise her that the questionnaire will take approximately 40 minutes to complete.
- ☐ Place each completed questionnaire in a sealed envelope and store in a central and secure location.
- ☐ Please sign below, indicating that each of the above steps have been completed.

Signed_____

Part 1: Family Details

1. Age, gender and support status of each child

	Age of child	Gender of child – Male or Female	Is child engaged with any Support Service – Yes or No & Specify Service where known
Child 1			
Child 2			
Child 3			
Child 4			
Child 5			
Child 6			
Child 7			
Child 8			
Child 9			
Child 10			

2. How long are you and your child's father living apart?

(Please tick one box only)

[ ] LESS THAN 1 MONTH

[ ] 1 - 3 MONTHS

[ ] 4 - 6 MONTHS

[ ] 7 – 11 MONTHS

[ ] 1 - 2 YEARS

[ ] 3 – 5 YEARS

[ ] NEVER LIVED TOGETHER

[ ] MORE THAN 5 YEARS (PLEASE SPECIFY)

_____

3. Where does your child's father currently live?

[ ] IN THE SAME HOUSEHOLD / BUILDING
[ ] IN THE SAME NEIGHBOURHOOD OR TOWN
[ ] IN THE SAME COUNTY
[ ] IN AN ADJACENT COUNTY
[ ] IN AN NON-ADJACENT COUNTY
[ ] ABROAD
[ ] DON'T KNOW

4. Are either of you in a new relationship?

Mother: [ ] YES
[ ] NO

Father: [ ] YES
[ ] NO

5. Have either you had more children in a new relationship?

Mother: [ ] YES
[ ] NO

Father: [ ] YES
[ ] NO

Section 2: Contact with children

6. How frequently did each of the following forms of contact happen for the child/children with their Father, over the last 12 months?

If the information is different for each child, please identify the children using the numbers 1-10, as allocated to each child on page 1, inserting their numbers in the boxes as appropriate. This may result in more than one number in any of the boxes, as for example, child 3 & 4 have overnight visits, but child 1 & 2 only have non-overnight visits, perhaps because they are infants or toddlers.

	Daily	*At least once a week*	*At least once a fortnight*	*About once a month*	*Once, twice or a few times a year*	*Less than once a year*	
Overnight Visits							
Non-Overnight Visits							
Telephone							
Texting							
Letters/ Cards							
Photos							
E-mail							
Other- Please Specify							

Please use the space below and on the next page to comment on the frequency of contact – is it regular and consistent; irregular and sporadic; in keeping with agreements or unagreed/unauthorized contact.

_____

_____

_____

7. How was contact between your children and their father arranged?

[ ] COURT-ORDERED

[ ] FORMALLY AGREED OUT OF COURT

[ ] INFORMALLY ARRANGED

[ ] THERE ARE NO CURRENT OR PENDING ARRANGEMENTS FOR CONTACT

[ ] CONTACT ARRANGEMENTS ARE PENDING A COURT HEARING

Please state and give further details if this does not apply to all children in your family_____

_____

_____

_____

8. Supervision of Court Ordered or Formally Agreed Contact

	Was contact supervised? Insert YES or NO for each child	**If supervised, state supervisor's relationship to child**
Child 1		
Child 2		
Child 3		
Child 4		
Child 5		
Child 6		
Child 7		
Child 8		
Child 9		
Child 10		

9. Location of Contact. ***Please tick <u>ONE BOX ONLY</u>, indicating the <u>PRIMARY LOCATION</u> of contact for each child with their father. Please use the space below to give additional information if necessary.***

	Child 1	2	3	4	5	6	7	8	9	10
Father's Home										
Mother's Home										
Paternal Grandparent's Home										
Maternal Grandparent's Home										
Social Services Office										
Public Place										
Other Paternal Relatives Home										
Other Maternal Relatives Home										
Unknown										
Other (please specify below)										

10. Was your child/children asked what they wanted in relation to contact with their Dad? ***Please answer Y for yes or N for no for each child and specify who asked them.***

	Child 1	Child 2	Child 3	Child 4	Child 5	Child 6	Child 7	Child 8	Child 9	Child 10
Child WAS consulted										
Child WAS NOT consulted										

_____

_____

11. If children were consulted, were their wishes reflected in the decision made regarding contact with their father? ***Please tick either yes or no and give additional information if appropriate.***

[ ] YES **[ ] NO**

_____

_____

_____

_____

_____

12. If contact was court ordered, did you feel that your experience of domestic violence was taken into account in the decisions made concerning contact? ***Please tick either yes or no and give additional information if appropriate.***

[ ] **YES** [ ] **NO**

---

13. Please indicate how satisfied you are/were with contact arrangements, providing explanatory information where possible.

[ ] VERY SATISFIED

[ ] SATISFIED

[ ] NOT VERY SATISFIED

[ ] UNSATISFIED

[ ] VERY UNSATISFIED

---

14. Was there a domestic violence order in place when the contact arrangements were made? ***Please tick either yes or no and give additional information if appropriate.***

[ ] **YES** [ ] **NO**

---

15. Did/do you have any concerns for your child/children's safety and welfare, arising from their contact with their Father? ***Please tick either yes or no and give details if appropriate***

[ ] YES [ ] NO

se give details:

16. Did/do you have any concerns for your own safety and welfare, arising from your child/children's contact with their Father? ***Please tick either yes or no and give details if appropriate***

[ ] YES [ ] NO

se give details:

Any additional comments you might have on any of the material or issues covered in this questionnaire:

APPENDIX 3

Children, Fathers and Domestic Violence:

An Exploration of the Childs Experiences of Post-Separation Contact with their father.

Code Number:

This research is being conducted by Stephanie Holt, with the co-operation of the National Network of Women's Refuges and Support Services. Stephanie is based at the Children's Research Centre, Trinity College Dublin.

To be filled in with women who no longer live with their child's father, where there was prior domestic violence, AND where there is NO contact between the children and their Father.

Worker Checklist

Please tick each box as the corresponding steps are completed;

- ☐ Ensure the code number on the front page of the questionnaire matches the code number allocated to this family on Form 8.
- ☐ Explain to the woman that the purpose of the research is to find out more about post separation contact for children with their fathers over the previous 12 months where there has been a history of domestic violence.
- ☐ State clearly that her involvement in the study is voluntary. In the process of completing the questionnaire, if the woman becomes upset, offer her the opportunity to continue to answer the questions, to complete it at another time or to terminate her involvement in the study.
- ☐ Explain that the questionnaire is completely anonymous, with no identifying information requested. All information will be treated confidentially, in accordance with the agency's child protection and welfare guidelines.
- ☐ Stress that her contribution is important and valued and that the information gathered could be used to help to improve, shape, or change services.
- ☐ Check back with the woman as you go through the questions that the answers you are filling in are an accurate reflection of the information she is giving you.
- ☐ Acknowledge the different position you are taking in gathering the data to your normal support role. Allow space at the end of the time filling in the questionnaire, to follow up on any of the issues raised, or ensure there is someone else available for the woman, should she need it.
- ☐ Advise her that the questionnaire will take approximately 20 minutes to complete.
- ☐ Place each completed questionnaire in a sealed envelope and store in a central and secure location.
- ☐ Please sign below, indicating that each of the above steps have been completed.

Signed_____

Part 1: Family Details

2. Age, gender and support status of each child

	Age of child	**Gender of child – Male or Female**	**Is child engaged with a Support Service – Yes or No and specify where known**
Child 1			
Child 2			
Child 3			
Child 4			
Child 5			
Child 6			
Child 7			
Child 8			
Child 9			
Child 10			

2. How long are you and your child's father living apart?

(Please tick one box only)

[ ] LESS THAN 1 MONTH

[ ] 1 - 3 MONTHS

[ ] 4 - 6 MONTHS

[ ] 7 – 11 MONTHS

[ ] 1 - 2 YEARS

[ ] 3 – 5 YEARS

[ ] NEVER LIVED TOGETHER

[ ] MORE THAN 5 YEARS (PLEASE SPECIFY)

_____

3. Where does your child's father currently live?

[ ] IN THE SAME HOUSEHOLD / BUILDING
[ ] IN THE SAME NEIGHBOURHOOD OR TOWN
[ ] IN THE SAME COUNTY
[ ] IN AN ADJACENT COUNTY
[ ] IN AN NON-ADJACENT COUNTY
[ ] ABROAD
[ ] DON'T KNOW

4. Are either of you in a new relationship?

Mother: [ ] YES
[ ] NO

Father: [ ] YES
[ ] NO

5. Have either of you had more children in a new relationship?

Mother: [ ] YES
[ ] NO

Father: [ ] YES
[ ] NO

Part 2: Contact Details

6. Please tick <u>ONLY ONE</u> of the following as it applies to each child:

	Child 1	*Child 2*	*Child 3*	*Child 4*	*Child 5*	Child 6	Child 7	Child 8	Child 9	Chil 10
Contact court ordered but Mother refusing to allow it										
Contact court ordered but Children refusing to go										
Contact court order but Father not engaging										
Contact informally arranged but Mother refusing to allow it										
Contact informally arranged but Children refusing to go										
Contact informally arranged but Father not engaging										
Contact has not been organized or agreed at this point										
Contact has been refused by the Court										
Other (please specify below)										

Please use the space below to give some further details regarding the boxes ticked on the previous page.

_____

_____

7. **Was your child/children asked what they wanted in relation to contact with their Dad?** ***Please answer Y for yes or N for no for each child and specify who asked them.***

	Child 1	Child 2	Child 3	Child 4	Child 5	Child 6	Child 7	Child 8	Child 9	Child 10
Child WAS consulted										
Child WAS NOT consulted										

_____

_____

8. If children were consulted, were their wishes reflected in the decision made regarding contact with their father? ***Please tick either yes or no and give additional information if appropriate.***

[ ] **YES** [ ] **NO**

_____

_____

_____

_____

_____

_____

9. Please indicate how satisfied you are/were with contact arrangements, providing explanatory information where possible.

[ ] VERY SATISFIED

[ ] SATISFIED

[ ] NOT VERY SATISFIED

[ ] UNSATISFIED

[ ] VERY UNSATISFIED

10. If there was contact in the past, did you have any concerns for your child's safety and welfare directly related to contact? ***Please tick either yes or no and give details if appropriate***

[ ] **YES** [ ] **NO**

Please give details:

[ ] **YES** [ ] **NO**

Please give details:

Any additional comments you might have on any of the material or issues covered in this questionnaire:

APPENDIX 4

ORGANISATION NAME:

Section 1: Organisation/Service Details – To be filled in <u>ONCE</u> at the end of the Month for each organization.

1. Brief description of service and services offered (refuge/helpline/outreach/advocacy)

2. In the last month, how many families, with how many children engaged with your service?

   a. No of families ☐

   b. No of children ☐

3. In the last month, for how many families, with how many children, were the parents no longer living together?

   a. No of families ☐

   b. No of children ☐

4. In the last month, how many families, with how many children were engaged in post-separation contact with the father?

   a. No of families ☐

   b. No of children ☐

APPENDIX 5

Trinity College Dublin
children's research centre
research for children & young people

INFORMATION SHEET
Health Research Board Funded Study
Children, Fathers and Domestic Violence: An Exploration of Children's Experiences of Post-Separation Contact with Their Father

This research is interested in finding out more about the type of contact children and young people have with their Fathers, after their parents have separated and where there has been domestic violence in the home.

This study is particularly interested in talking to children and young people in order to directly capture and represent their views and experiences, of their contact with their Dad – the type of contact they have, the type of contact they want, and what they would like different, if anything, to make this experience more enjoyable.

This study is also keen to understand how Mothers *and* Fathers experience contact arrangements. Finally this research study will talk to the professionals involved with children and/or their parents in this context.

The information gathered may be used in two ways. Firstly in the form of a report for Trinity College Dublin, and secondly it may also be presented at conferences or in reports in order to make recommendation to support children and young people's quality contact with their Fathers. This information will be treated confidentially, so real names or details that might identify you will not be used.

Once this research project is finished, all data (tapes etc) will be destroyed.

APPENDIX 6 & 7

Children, Fathers & Domestic Violence: An Exploration of Children's Experiences of Post-Separation Contact with their Father.

Information Leaflet for Children & Young People



This leaflet provides information on the research study and aims to answer any questions you may have.

Who am I?

The study is being carried out by Stephanie Holt, a researcher from the Children's Research Centre, Trinity College Dublin.

What do I want to know?

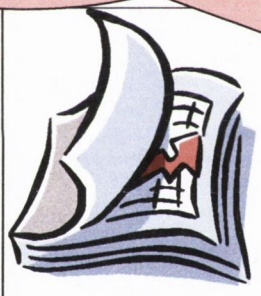
I want to find out more about the type of contact you ha
with your Dad, the type of contact you want, and what you
would like different, if anything to make this experience more enjoyable.

How can you help?

To help me do this, I would like to meet with you in a group with other children or young people your own age. Someone from MWSS will also be there. Your participation is important, because what you have to say is important.



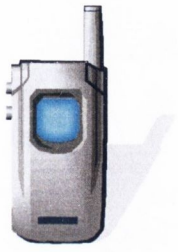
What happens to the information?



The information gathered may be used in two ways. Firstly in the form of a report for Trinity College Dublin, and secondly it may also be presented at conferences or in reports in order to make recommendation to support children and young people's quality contact with their Fathers. This information will be treated confidentially, so real names or details that might identify you will not be used.

It is important for you to know that you can decide not to answer any questions you don't want to and you can skip questions if you want. You can also decide at any time to withdraw your permission to take part in the study.

Trinity College Dublin
children's research centre
research for children & young people



If you would like more information please contact MWSS or Stephanie who will be happy to answer your questions.

Contact details the researcher:
Stephanie Holt 01 8963490



Thank you for taking the time to read this leaflet!

APPENDIX 8
Consent Form (Parents)
(For Child's Participation)

Health Research Board Funded Study

Trinity College Dublin
children's research centre
research for children & young people

Children, Fathers and Domestic Violence: An Exploration of Children's Experiences of Post-Separation Contact with Their Father

I _____ agree that Stephanie Holt from the Children's Research Centre, may seek my child's permission to participate in a research study looking at children and young people's experience of contact with their fathers, after their fathers are no longer living with them, and when there has been violence in the home.

I understand that:

The researcher will talk to my child/ren about their experience of contact with their Dad, after their Dad is no longer living with them, and where there has been violence in the home. She will also talk to my child/ren about their needs for services and support.

Someone from (local service) will be present when the researcher is talking to my child/ren.

Everything that my child(ren) talks to the researcher about is confidential.

However, if my child tells the researcher something that indicates that he/she might be in danger, the researcher may need to talk to somebody else about this. If this was to happen, the researcher will firstly:

1. Talk to my child and tell my child about their concern;
2. And where necessary talk to me and let me know what the concern about my child is.

I understand that I can change my mind about my child(ren)'s participation in the study at any time

Signed _____ _____

Parent Parent

_____ _____

Researcher Date

APPENDIX 9

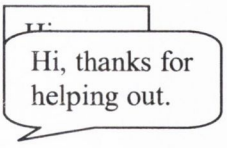
Consent Form (8-11yrs)

Health Research Board Funded Study

Children, Fathers and Domestic Violence: An I
Experiences of Post-Separation Contact with T...

Trinity College Dublin
children's research centre
research for children & young people





I have met with Stephanie Holt who is a researcher from the Children's Research Centre, Trinity College Dublin. She wants to find out more about what I think about the time I spend with my Dad, because he doesn't live with me anymore.

Stephanie will record what I say on a tape recorder so she doesn't forget what I say. When we are finished, she will write about some of the things I said in a report and this is because what I have to say is important. Stephanie won't talk to anybody about the things I say. If Stephanie is worried about me she might want to talk to somebody about it. If she is worried she will tell me before she talks to anybody else. I don't have to answer any questions I don't want and if I want to stop altogether all I have to do is say that I want to stop. Stephanie will make a photocopy of this letter for me to keep.

Somebody from (local services) will be with me while I talk to Stephanie.
I am happy to talk to Steph about myself and the time I spend with my Dad.

Signed (young person).....
Signed (researcher).....

Date .....

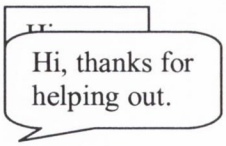
Consent Form (12-14yrs)

Health Research Board Funded Study

Children, Fathers and Domestic Violence: An I
Experiences of Post-Separation Contact with T

Trinity College Dublin
children's research centre
research for children & young people





I have met with Stephanie Holt who is a researcher from the Children's Research Centre, Trinity College Dublin. She wants to find out more about what I think about the time I spend with my Dad, because he doesn't live with me anymore.

I agree to talk to Stephanie about the time I spend with my Dad.
Everything that I talk to the Steph about is private. She will not discuss the information with anybody else

If I want to tell people that I took part in this study, that is ok, but I will not talk about anybody else who was in the group with me

I will only talk about what I want to talk about and I don't have to answer any questions that I don't want to

If I tell the Stephanie something that makes her worry about my safety, she will have to talk to someone who is responsible for me but she will not do this without letting me know first

I can decide to stop talking to the Stephanie at any time
Someone from (local services) will be present when I am talking with Stephanie.

Signed _____ _____

Young Person **Researcher**

Date _____

APPENDIX 10

Consent Form (15-18yrs)



Health Research Board Funded Study
Children, Fathers and Domestic Violence: An I
Experiences of Post-Separation Contact with Their Father

I _____ agree to talk to Stephanie Holt from the Children's Research Centre as part of a research study looking at children and young people's experience of contact with their Fathers, after their fathers are no longer living with them, and when there has been violence in the home.

I understand that:

- Everything that we talk about is confidential and will not be discussed with anybody else.
- If I want to tell people about my participation in this study, that is my choice. I will not talk about anybody else that participated.
- I will only talk about what I want to talk about and I don't have to answer any questions that I don't want to.
- If I tell Stephanie something that makes her worry about my safety, she will have to talk to someone who is responsible for me but will not do this without letting me know first.
- I can decide to stop talking to Stephanie at any time.
- Someone from (local service) will be present when I am talking with the Stephanie.

Signed _____ _____

Young Person Researcher

Date _____

Trinity College Dublin
children's research centre
research for children & young people

Consent Form (18yrs +)

Health Research Board Funded Study
Children, Fathers and Domestic Violence: An Exploratior
Experiences of Post-Separation Contact with Their Father

I _____ agree to talk to Stephanie Holt from the Children's Research Centre as part of a research study looking at children and young people's experience of contact with their Fathers, after their fathers are no longer living with them, and when there has been violence in the home.

I understand that:

- Everything that we talk about is confidential and will not be discussed with anybody else.
- If I want to tell people about my participation in this study, that is my choice. I will not talk about anybody else that participated.
- I will only talk about what I want to talk about and I don't have to answer any questions that I don't want to.
- I can decide to stop talking to Stephanie at any time.

Signed _____ _____
Interviewee Researcher

Date _____

APPENDIX 11: COMPOSITION OF PROFESSIONAL FOCUS GROUPS

FOCUS GROUPS

Group 1

Family Resource Centre Co-ordinator [P22]

ISPCC Representative [P21]

Gardai Inspector [P12]

Social Work Team Leader [P7]

Refuge Worker [P1]

Group 2

Senior Clinical Psychologist, Child & Adolescent Mental Health [P15]

Probation & Welfare worker [P2]

Solicitor, Legal Aid Board [P3]

Refuge Worker [30]

Family support Worker [P20]

Family & community Resource Centre Director [P28]

Group 3

Family Support Worker [P8]

Mayo Child Care Committee representative [P26]

Refuge Worker [P25]

Child Care Manager HSE [P4]

Family Resource Centre Director [P16].

Psychologist, National Educational Psychological Service [P6]

INDIVIDUAL INTERVIEWS

Solicitor, Private Family Law [P5]

Contact Centre Workers [P10 & 11]

Senior Probation & Welfare Officer [P13]

Training & resource officer, MOVE [P14]

Family Centre Worker with responsibility for working with separating & separated couples [P18]

Judge [P19]

Perpetrator Programme Co-Ordinators [P23 & 24]

Contact Centre Director [P29]

Senior personnel, Women's Aid [P27]

Senior personnel, MOVE [P17]

Legal (Family Law) Expert [P9]

APPENDIX 12

8 – 11 Year Old Vignette

Sarah

Sarah is 9 years old and she lives with her Mum and her brother Mark who is 11 years old. Sarah's Mum and Dad don't live together anymore and her Dad lives in another house in the same town. Her Mum and Dad split up last year because they were not getting on. Sarah's Dad was angry a lot of the time and her Mum used to cry a lot.

Sarah and Mark see their Dad every Saturday for a few hours. Sarah looks forward to seeing her Dad because she misses him, but Mark says he wants to stay home with Mum. Sometimes they have fun, but sometimes her Dad is still angry at her Mum and says mean things that upset Sarah and Mark. Her Mum says she wants Sarah and Mark to see their Dad, but Sarah is not sure her Mum really means it.

12 - 14 Year Old Vignette: Agony Aunt

Dear Agony Aunt

My Mum and Dad don't live together any more because of all the fighting. Me and my two brothers live with my Mum and see our Dad most week-ends. I kind of like that Mum and Dad are separated because the fighting has stopped – well mostly – but I don't like that I only see my Dad on Sundays, and sometimes not every Sunday if he is too busy. Sometimes we have fun with him, but sometimes he is in a bad mood and is angry at Mum and calls her names and we don't know what to say – then I don't want to be there with him. Mum and Dad said things would be better when they separated, but I'm not so sure.
What do you think I should do?

Claire, 13.

APPENDIX 13: Interview Schedule for Children

Do you ever have shared family activities involving both your parents? How do these go?

Why do you think contact stopped/never happened?

Patterns/amount and development pf contact?

Feelings at different points in contact, using feeling face cards?

Involvement in decision-making about contact?

Advice for children and parents on supporting children after separation and involvement in decision-making using vignettes?

Evaluation of contact arrangement?

Do you think both parents are happy with your contact with your Dad?

Are you able to change contact arrangements if you feel you need/want to?

Who do you feel has supported you during this time?

What happens if contact with your Dad clashes with a friends birthday party or a football game?

Do you get on better with your parents since they split up – do they get on better?

Were you asked where you wanted to live? Were you asked what kind of contact you wanted with your Dad?

What do you think about Dad's new home? Do you have your own room?

Does your Dad have a new girlfriend? Does your Mum have a new boyfriend? How do you get on with them?

Do either of your parents ever ask you to pass on messages to the other parent? How do you feel about that?

What has helped you to cope with your parent's separation?

What changes, if any would you make to the type of contact you have?

APPENDIX 14: Interview Schedule for Young People

1. Can we go back to when your parents separated and perhaps talk a little about what contact with your Dad was like?
   - What did you do?
   - Where did you go?
   - Did you enjoy it? If yes, what was good about it? If no, what didn't you like?
   - What would you have liked different?
   - Did you have your own room in your Dad's new place?
   - Did you feel safe? What made you feel safe? What didn't make you feel safe? What would have made you feel safe?
   - Did your contact with your Dad change over time/as you got older?
   - Was it regular and consistent or irregular and sporadic?

2. Do you remember ever doing family activities with both your parents after they separated?

3. Do you think your parents got on better after they separated?

4. How would you describe your relationship with your father?

   - What do you think makes a good Father?
   - What do you think would have helped you and your Dad have a better relationship/ enjoy contact?
   - What could your Dad have done differently?
   - Is there anything your Mum could have done differently?
   - Do you think both your parents were happy with the contact arrangements?
   - Did either of your parents have subsequent relationships?
   - How did that work out? Was the other parent ok with that? How did you get on with your parents' new relationship?

5. Supports – what was your experience of professional support/intervention after your parents separated?

   - What would have helped you in terms of contact with your Dad?
   - Would having someone else there, either a relative or friend, made a difference?
   - Would having somewhere supervised to go to have made a difference?

6. Experience of court – the legal system

7. How was it organised?
   - Who decided the arrangements?
   - Were you asked what you wanted?
   - Were you/would you have been listened to?
   - Did you ever say you wanted something different?
   - Were you listened to?
   - How flexible were the arrangements? Could they be changed if they clashed with something else?

Conclude: what advice would you give to another young person whose parents were separating? What do you think would help them?

APPENDIX 15
INTERVIEW SCHEDULES – MOTHERS

Start the group with the 'feeling cards' exercises
(lay out the feeling cards on the floor or table – about 10-15 feelings on laminated cards. Ask the women to take one or two, choosing cards that best reflect their feelings about the contact their child has with their ex-partner. Invite the women to introduce their feeling card to the group and talk about why they picked that card).

- **History & Nature of Contact**

Can you describe a typical contact for me? What happens? How does Dad collect the children, where do they go, what do they do? Is everybody happy with that? Do they have different types of contact – phone/e-mail etc?

What kinds of activities are you happy for Dad to engage in with the children?

What kinds of activities are you not happy for Dad to engage in with the children?

Would your children be aware of your feelings about contact?

Do you think they worry about you when they are with their Dad?

Do you trust him to keep your children safe? Why?

What help you trust him and not be worried about them?
What makes your child happy in relation to contact? What upsets them?

How has this experience impacted on her/him?

Do you and your ex-partner agree on parenting – for example bedtime rules, punishments, sweets & treats? What happens when you don't agree?

Are you happy with the amount of contact your child has with his/her Dad?

Do you think your child is happy with the amount of contact he/she has with her Dad?

Do you think your child's age or gender matter – does it matter if they are boys/girls, younger or older, in terms of how their Dad gets on with them?

Do you think your ex-partner's financial/economic situation matters in terms of the type of contact he has with the children?

How would you describe your ex-partner as a parent?

What do you think makes a good parent/Dad?

Do you see contact as a threat to either you or your children's safety and welfare?

Is resistance to contact therefore an attempt to protect you and the children?

Some mothers have described contact as time for themselves, a break – would you agree with that?
If you were to wake up tomorrow and everything was ok in relation to you, your ex and his relationship with his child, what would have changed?

- **Arranging & Negotiating Contact**

How are arrangements made?

Are the arrangements rigid or flexible?

Have contact arrangements changed over time?

- **Expectations & Wishes for Contact**

When you started separating, what were your wishes and expectations for contact?

What were your children's wishes and expectations for contact? How did you feel about that?

What were your ex-partner's wishes and expectations for contact? How did you feel about that?

Were the contact arrangements something you all sat down and agreed?

How were your children's wishes for contact reflected in the decisions made for them about contact?

If contact is/was court ordered, can you tell me about your experience of going to court re contact? Was the previous history of violence something that was taken into account when contact was ordered?

Do you think your child's welfare was the main influence when the decision was being made?

- **Where contact has stopped?**

Why do you think contact stopped?

How do your children feel about that?

How do you feel about that?

- **Pre-Separation & Nature of Separation**

Before you separated, can you describe the relationship your ex-partner had with his children?

What kinds of things/activities did he do with the children?

- **Sources of Advice & Support**

What sources of support/advice did/dowould you find helpful?

What support or advice did/do/would your children find helpful?
What support or advice did/do/would your ex find helpful?

- **Parental Relationship?**

How would you describe your relationship with your ex-partner- how do you get on, particularly in relation to the contact arrangements?

Do you get on better with your ex now that you have separated, the same or worse?

Do you think it is possible for you to separate out your relationship with your ex, to that of this relationship with your child?

Do you think children are given enough time to recover from exposure to domestic violence before having contact with their Dad?

Some mothers have said that their child's contact with their Dad stops them breaking free of their ex? Would you feel the same?

Some mothers would also say that their child's contact means that their partner can continue to abuse them? What do you think?

- **Concluding**

What advice would you give to someone who was separating from their partner and where there had been a history of abuse?

Is there anything I haven't asked that you think is important to know about children's contact with their Dad?

APPENDIX 16

Consent Form (Mothers)
(Parental Participation)



Health Research Board Funded Study

Children, Fathers and Domestic Violence: An Exploration of Children's Experiences of Post-Separation Contact with Their Father

I _____ agree to talk to Stephanie Holt from the Children's Research Centre as part of a research study looking at children and young people's experience of contact with their fathers, after their fathers are no longer living with them, and when there has been violence in the home.

I understand that:
The researcher will talk to me about my experience of contact with my child(ren) and my opinion regarding the needs of my child(ren) for services and support.

If I want to tell people about my participation, that is fine, however I will not talk about anybody else that participated in the study

Everything that I talk to the researcher about is confidential.

If I tell the researcher something that indicates that my child might be in danger, she may need to talk to somebody else about this. If this happens such information will be discussed with me before it is discussed with anyone else.

I can change my mind about my participation in the study at any time

Signed _____
Parent

_____
Researcher

Date _____

APPENDIX 17: Interview prompts for professionals

1. **Provide an overview of the research process;**

2. **Provide an overview of the key findings to date;**

3. **Invite comments;**

4. **Invite reflection on the relevance of the findings to the participants' own work;**

5. **Invite recommendations;**

APPENDIX 18
Consent Form (Professionals)



Health Research Board Funded Study

Children, Fathers and Domestic Violence: An I
Experiences of Post-Separation Contact with Their Father

I _____ agree to talk to Stephanie Holt from the Children's Research Centre as part of a research study looking at children and young people's experience of contact with their fathers, after their fathers are no longer living with them, and when there has been violence in the home.

The information that I give will be treated as confidential, within the boundaries explained to me, and my name will not appear in the study. I understand that anonymity cannot be guaranteed, as I may be identifiable from my comments.

The interview will be tape recorded for accuracy of transcription and no other purpose.
I am not obliged to answer any questions I don't want to answer and I can terminate the interview at any time.

Signed.....Date.....
(Professional)

Signed.....Date.....
(researcher)

APPENDIX 19
Consent Form (Fathers)
(Fathers Participation)



Health Research Board Funded Study

Children, Fathers and Domestic Abuse [alleged or otherwise]: An Exploration of Children's Experiences of Post-Separation Contact with Their Father

I _____ agree to talk to Stephanie Holt from the Children's Research Centre as part of a research study looking at children and young people's experience of contact with their fathers, after their fathers are no longer living with them, and when there has been alleged or confirmed domestic abuse in the home.

I understand that:

The researcher will talk to me about my experience of contact with my child(ren) and my opinion regarding the needs of my child(ren) for services and support.

If I want to tell people about my participation, that is fine, however I will not talk about anybody else that participated in the study

Everything that I talk to the researcher about is confidential.

If I tell the researcher something that indicates that my child might be in danger, she may need to talk to somebody else about this. If this happens such information will be discussed with me before it is discussed with anyone else.

I can change my mind about my participation in the study at any time

Signed _____
Parent

_____
Researcher

Date _____

APPENDIX 20

Information Sheet for Fathers

An exploration of the child's experience of post-separation contact with their fathers.

Stephanie Holt
Health Research Board Research Fellow
Children's Research Centre
Trinity College Dublin

Outline of research project

This research is interested in findings out about how children and their Dad's stay in contact after their Mum and Dad separate and where there have been allegations of domestic abuse by their father against their mother. To find this out, this study is interviewing children & young people, mothers and fathers, service providers and policy makers.

The information gathered may be used in two ways. Firstly in the form of an academic report for Trinity College Dublin (leading to the award of PhD) and the Health Research Board, and secondly in the form of presentations at conferences, or in reports in order to make recommendation regarding best practice with children and young people in the context of contact with their fathers. This information will be treated confidentially, so real names or details that might identify participants will not be used. Once this research project is finished, all data (tapes etc) will be destroyed.

The voices and experiences of fathers has not been really looked for or achieved so far in many areas of research. This silence has meant that what we know about Dad's relationship with their children, we have learned from mothers, children and a range of professionals. It is time to hear from fathers themselves. Your participation in this research is needed and it is valued.

Researcher Information

Stephanie Holt is an experienced researcher, lecturer and former social worker, in both child protection and family support services, with the HSE. She has researched and published on the area of domestic violence, child protection and family support and has a

proven track record for rigorous and ethically sound research, completed on time and to a high standard. All of the research she has conducted has been designed to include the perspectives of children and families, as well as including the views and experiences of other related adults such as professionals in the fields of domestic violence, child protection and family support.

APPENDIX 21

Interview Schedule Fathers

Explain purpose of research etc; Go through consent form & sign; Consent for tape

Separating and immediate post-separation period

Can we go back to when you and your ex-partner separated and perhaps talk a little about how the children's living arrangements and your time with your child/children was decided/negotiated?

Thinking back, what were your wishes and expectations for contact? Were they fulfilled? Were they realistic?

What were your ex's wishes and expectations for contact? Were they fulfilled? Were they realistic?

Were your children given an opportunity to say what they wanted in relation to who they wanted to live with and when and who they wanted to see? Who asked them? Were their wishes and expectations fulfilled? Were they realistic?

If contact was organised and agreed by the court, can you tell me a little bit about how that came about? What do you remember about the process? How did you feel? Were you happy with the outcome? Did you feel the decision made by the court was in the child's best interests? Was your child involved in the court process? If yes, what was that like for them? If no, do you think they should have been?

What do you think your children thought about your separation?

Current Contact Arrangements

Has contact changed over time, for better or worse? Why has that happened?

Describe what you do on contact? Where do you go? What do you do?

Are arrangements rigid or flexible? For example, if your child has something on, or something comes up for you when you are due to see your child, can contact time be reorganised?

Do you enjoy this time – what do you enjoy most about it? What do you find most difficult/challenging?

Are you happy with the amount of contact you have with your children?

Do you think your children are happy with their contact with you?

What do you think makes contact work? How can you make it work?

How are ongoing arrangements for contact made?

If you and your ex-partner disagree over contact arrangements, how do you reach a consensus?

If there are disagreements over contact arrangements, what do you think your children think about these disagreements? How do you think conflict between you and your partner impacts on your children?

What would help you in your contact relationship with your child?

Did your children receive any therapeutic help? Did that help/do you think that would help?

What advice would you give to another Dad in relation to making the best of his time with his children?

What would you recommend to a newly separated Dad?

Relationship with ex-partner

How do you separate out your relationship with your ex-partner to that with your child?

Are you happy with your ex-partner as mother?

How would you describe the communication between you and your ex-partner?

What impact has separation and your contact relationship with your child had on other areas of your life – employment, health, other relationships?

Post-separation parenting/fathering

What do you think makes a 'good father'? Do you think there are ever times when fathers should not be allowed to see their children?

If a child did not want to see his/her Dad, why do you think this might be? What do you think should happen in those situations?

What time, if any, do you think children need between their parents separating and the contact starting with their non-resident parent?

In what way do you think Dad's find post-separation parenting challenging? In what way do you think they might find it rewarding?

If contact has stopped, why do you think that has happened?

Do you ever have shared family activities involving both you and your ex-partner? How do these go?

Do you think both you and your ex are committed to you seeing your children?

How does your ex support your relationship with your child (does she accept your role as non-resident parent)?

How do you support her in her parenting of the children (Do you see your children's mother as their primary carer)?
Would you encourage your children to indulge their mother on Mothers day? Would she do the same for you on Fathers day?

Do you share in the decision-making regarding your children? How does that work? Do you go to school meetings? Who decides coming in times (at night)? Do you both have the same set of rules?

Do you think your children miss their mother when they are with you? How would you help them with that?

Do they miss you when they are with their mother? How does she help them with that?

How would you feel if your ex-had a new partner? How would you feel about your children spending time with that new partner?

How would your ex- feel about you having a new partner and her spending time with her children while they are with you?

Where do you get your advice and support?

Advice for newly separated Dad's.
What is contact for? How would you explain it to another father?
What services & supports would support fathers at this time?