

# Dewar Research

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Mr Anthony Douglas,  
Chief Executive,  
Children and Family Court Advisory Support Service,  
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21 March 2005

Dear Mr Douglas,

## **CAFCASS Consultation Draft Domestic Violence Assessment Policy**

This response to the CAFCASS consultation on draft domestic violence assessment policy is made on behalf of Dewar Research. Dewar Research is a private initiative formed in 1996 to collate information available in the public domain in order to encourage more informed debate of social issues. As such, it calls on professional and academic expertise as required.

Since 1996, Dewar Research has taken a particular interest in the issue of domestic violence and has undertaken research of its own in this field. A report giving the main findings of a 2001 survey by Dewar Research of 100 male victims of domestic violence was published in October 2004. This and other Dewar Research publications and information on the issue can be viewed on the Dewar Research website (<[www.dewar4research.org](http://www.dewar4research.org)>).

### **Matters of serious concern**

While Dewar Research very much welcomes the general commitments given in the foreword to the draft policy to "treating all service users fairly" and to ensuring that "the issue of domestic violence is approached in an informed manner", there are several aspects in the document which give rise to serious concern, since they are likely to mitigate against such commitments and thus undermine the veracity and sincerity of these statements.

These aspects are dealt with in the following sections of this response but mainly concern the biased and misleading exposition of domestic violence (in para 1.3 of TOOLKIT Vol 2), and the absence of any consideration of several related and fundamentally important issues. These lead Dewar Research to pose fundamental and serious questions as to the way in which male victims of domestic violence and abuse would experience the future CAFCASS service.

The brief exposition of domestic violence proffered in the draft policy is based on highly selective sources. Those sources are derived from a view point in which domestic violence is exclusively perpetrated by males against females. Significantly, few of the references quoted are derived from peer-reviewed academic research in reputable scientific journals. The one or two that are, eg. Davies

and Carlson, 1987<sup>(footnote 1)</sup>, deal specifically with the experiences of women victims and their children. More alarmingly, a number of the other references quoted as underpinning the CAFCASS draft policy are from authors whose writings are known to be antithetical to men in general. For instance, one author, whose work is quoted in the draft policy, and whose opinion has been used quite extensively in relation to matters of child contact and the family courts, wrote a book on child sex abuse which was exposed for its extreme bias and prejudice as long ago as 1993 for proposing that all men are child sex abusers. (see Thomas, 1993, p199).

The use of such biased sources, and of a framework designed to deflect attention away from and totally ignore the contrary findings of scores of scholarly and reputable gender-neutral studies of conflict in couple relationships for a total sample size now exceeding 150,000 people, is presumably meant to disguise the reality that domestic violence is shown by such research to be an equal opportunity scourge, with both women **and men** being victims (see Fiebert, 2005. Bibliography). Significantly, none of the main assertions made in the CAFCASS draft policy are supported by this corpus of academic research findings.

As a result, the exposition is unbalanced and biased, and likely to mislead many practitioners. The exposition in para 1.3 reflects, therefore, either an ignorance of the wider picture of the results of domestic violence research (including by the Home Office) or a wilful distortion of the picture. It is the antithesis of an “informed manner” about the issue, which is unworthy of a professional organisation seeking to treat all service users fairly.

The omission from the draft policy document of any specific consideration or mention of men as victims of domestic violence from female partners, and the service considerations CAFCASS needs to address in relation to such men and their children, is significant. Academic research has demonstrated the extent of officially sanctioned historical lay prejudice and discrimination against such men, which used to express itself through Skimmington processions (see George, 2001; 2003). This prejudice against male victims of female violence has been shown to be more severe than that experienced historically by male homosexuals (George, 1998). The CAFCASS draft policy can, by its failure to address such matters, be accused of furthering such prejudice by seeking to incorporate into its policy and professional practice a ‘Skimmington-type’ victimisation of father victims of female perpetrated domestic violence. This would be a violation of Article 3, at least, of the European Convention on Human Rights.

In the view of Dewar Research, the CAFCASS draft domestic violence assessment policy urgently needs re-writing so that practitioners are given genuinely informed and unbiased guidance on the nature of domestic violence. This is particularly so in the light of human rights and sex equality law now applying, including the new Directive (2004/113/EC) requiring the equal treatment of men and women in the access to goods and services, including by public bodies such as CAFCASS.

The remaining sections of this response deal in more detail with Omissions and Specific Comments. References and two attachments are also provided to support the arguments made.

A copy of the main text of the response is enclosed on disc for your convenience. Dewar Research would be pleased to clarify any of the arguments made in criticism of the draft policy and to provide further information, if required.

Yours sincerely,

David Yarwood  
Research Coordinator

## OMISSIONS

There are several important issues likely to be relevant to the work of CAFCASS which are not considered at all in the draft policy. Unless these are anticipated and properly catered for in the final CAFCASS assessment policy guidelines, such omission could result in many users not being treated fairly.

These issues include:

- domestic violence and residence when the perpetrator is (or has been) the resident parent
- plight of children who remain with violent mothers after parental separation because the mother's violence is ignored.
- prevalence of false allegations during residence/contact proceedings
- no sanctions or procedures for dealing with, or protection against, false allegations
- child abuse in the form of deliberate denial of contact for no good reason and of parental alienation
- no publicly funded refuges for battered fathers and their children
- few treatment programmes (outside prison) for violent women

### ***(1) Domestic violence and residence***

The emphasis throughout the draft policy document is on domestic violence and contact, this underpinned by the implied assumption that it is always the non-resident parent who is, or has been, the perpetrator. Given that men are the majority of non-resident parents, the implication is that family violence is essentially male-to-female. There appears to be no recognition that, at least in some instances, the concern should be about domestic violence and the resident parent, most of whom, of course, are female.

As discussed in more detail later in this response, nearly all academic and other reputable gender-neutral studies of domestic violence have found that there is an almost equal numerical culpability between the sexes in intimate violence. This research has shown that when only one partner in an intimate relationship uses acts of assault against the other partner, it is just as likely to be the female partner as the male partner who is solely responsible. Thus, in approximately 25% of assaultive relationships, only the male has assaulted the female partner, whilst in another approximately 25% of relationships, it is only the female who has assaulted her male partner.

Increasingly, research studies of male victims of domestic abuse and violence are being published (for examples, see George, 2003 and Dewar Research website). These show consistently that men suffer domestic violence and abuse that is comparable with what has been termed a 'battering' relationship in relation to women victims. The research shows also that where a father is being battered by his female partner, it is highly likely his parenting role is also being denigrated and demeaned as a part of the female's strategy of abuse, and that threats will have been made to deny him contact with the child/ren should the relationship breakdown. It is becoming increasingly clear that in a significant proportion of cases where female partners seek to deny or frustrate contact between fathers and their children, the background to this is a violent and abusive female partner intent on pursuing by such emotional means her abuse and control of the male after the couple have separated.

This is one of several fundamental problems with family conflict which the CAFCASS draft policy appears not to recognise, leading to concern that CAFCASS is biased, prejudiced and unprofessional towards its male clients. The draft policy could be used to provide protection for male victims and their children, but in its present form it shows every inclination that it will not be so used. Indeed, there are worrying comments made that seem to suggest that where CAFCASS practitioners assess that they are dealing with violent and abusive female parents who have residence of children, they are more likely to recommend that there should be 'no contact' if the abusive female parent continues her campaign of abuse of the non-resident male parent. This is totally unacceptable.

## **(2) *Plight of children who remain with violent mothers***

Surveys of male victims of female domestic violence, including the 2001 Dewar Research study, have shown that many 'battered' fathers who report the violence face being ousted from the family home, so losing residence of their children to the violent mother. Not only does this leave the children at risk, since they lose the protection of the father, but it often leads to total loss of child contact with the father. Violent women will often try and use authorities like the police as a part of their campaign of abuse of the male partner. Such women have been found to call out the police far more often than genuine female victims and been shown to try to pressurise police officers to arrest their partner. (See 1998 *Dispatches* male victims survey on Dewar Research website) .

Often victim fathers only remain in a relationship with a female batterer so as to protect their child/ren.

As long ago as 1992, the House of Commons Select Committee recognised that so called 'battered husbands' were a reality when, on its own volition, it included reference to the academic law paper by Bates (Bates, 1981) which identified that examples of 'battered husbands' could be found from even a superficial search of family law cases. The omission of any reference to male victims in the CAF/CASS draft policy over twelve years later is a huge indictment that must, if radical change is not made, leave the CAF/CASS policy wide open to challenge under the European Convention on Human Rights, 1950, under violation in particular of Article 3.

## **(3) *Prevalence of false allegations during residence/contact proceedings***

There is almost no information on this from the UK courts since suspected or proven perjury is not followed up by the family courts. This was indeed openly admitted by Baroness Ashton of Upholland (Parliamentary Under-Secretary of State, Department of Constitutional Affairs) in her evidence to the Commons Constitutional Affairs Committee enquiry on Family Justice : the operation of the family courts (Fourth Report of Session 2004-05, HC 116-1, 2 March 2005, page 34, ref. Q 439), who said "we do not have any statistics about unfounded allegations because, as they are unfounded, they are not pursued".

However, Canadian experience suggests that allegations of domestic violence or child abuse peak at times of residence/contact proceedings, and moreover, in the words of a family court judge, "perjury is rife in the family courts". (See Report of the [Canadian] Special Joint Committee on Child Custody and Access, *For the Sake of the Children*, December 1998). Evidence to the Committee from child protection agencies across Canada suggested that a large proportion of such allegations were deemed to be false or malicious, mainly to gain advantage or delay in court decisions. It is arguable that the situation is similar in England and Wales, particularly in view of the secrecy surrounding family proceedings.

In a recently published study (Sarantakos, 2004), evidence from Australia revealed the extent to which falsehood and perjury by violent women is a problem. Families were studied in which men had complained of female violence and where women had complained either that it was the man who was the violent partner or that their violence towards their male partner was only in self-defence. The study was undertaken some considerable time after breakdown and legal proceedings, etc. had concluded. The man, woman, children of the relationship, and the woman's mother were all interviewed. In 88% of cases, the woman's claim to have been the victim and not the perpetrator of violence were rejected by her own children and her own mother. Subsequently, the majority of women when confronted by their children's and their mother's testimony admitted they were the violent party in the relationship and that their male partner had been their victim. However, previously the majority of these violent and abusive women had successfully convinced court welfare officers, police officers, courts and social welfare agencies, that they were victims at the time of relationship breakdown. It is probable that a similar study undertaken here in the UK would find exactly the same result.

***(4) No sanctions or procedures for dealing with, or protect against, false allegations***

It is not surprising that false allegations of domestic violence or child abuse peak at times of residence/contact proceedings, since they are relatively easy to make, difficult to defend, and can be made with relative impunity.

CAFCASS should be alert to the possibility of such allegations being made in family proceedings, particularly by vindictive or hostile parents, and ideally should have in place measures or sanctions for dealing with them or preferably deterring them. Regrettably, the draft policy is silent on such possibility, which rather compromises the general commitment of CAFCASS to treat all service users fairly.

***(5) Child abuse in the form of deliberate denial of contact for no good reason and of parental alienation***

It is clear from public and judicial discussion of contact issues that deliberate denial of contact of children with the non-resident parent and of parental alienation by the resident parent against the non-resident parent, are still not seen as forms of child abuse, even when there is no good reason for such actions. This was particularly evident from the conclusions of the recent Commons Constitutional Affairs Committee Report on Family Justice referred to above, which did not even consider this aspect.

CAFCASS should be particularly concerned at this lack of recognition of the emotional and psychological harm to children that can result from unreasonable denial of contact and from wilful alienation. It is therefore dismaying that the CAFCASS draft policy totally ignores this aspect.

***(6) No publicly funded refuges for battered fathers and their children***

This stark fact is nowhere mentioned in the draft policy. Although such provision is not the direct province of CAFCASS, its policies and treatment of father victims of domestic violence and their children must be influenced by this total lack of provision. It is thus pertinent to ask how CAFCASS intends to deal fairly with battered fathers and their children, as one group of service users, as it promises to do in its general commitment, particularly as battered fathers are perhaps its most disadvantaged and disempowered group.

***(7) Few treatment programmes (outside prison) for violent women***

This fact is also nowhere mentioned in the draft policy, perhaps because the authors have really believed the dubious assertion (made in para 1.3 of TOOLKIT Vol 2) that women are generally violent only in self-defence. Gender-neutral studies refute such generalised assertion, as discussed below in this response.

However, the lack of treatment programmes for violent women is a disadvantage to many violence-prone women who do wish to do something about their condition. As a result, male partners and children suffer needlessly, since society still does not take violence by women seriously. (See copy attached of paper by Kierski, 2002).

## SPECIFIC COMMENTS

### **Foreword**

#### Definitions

The proposed definition of Domestic Violence is inconsistent with definitions used by other agencies, and could lead to confusion. The emphasis on ‘power and control’ in relationships is misleading, since there are other primary reasons for intimate conflict. Research has shown that in the general population, in many instances only a single minor act of assault occurs, and that the prevalence of relationships in which there is a ‘battering’ type relationship based upon the abuse of power and control is not the major prevalence of domestic violence. Whilst it is recognised that in relationships that break down, there is likely to be a higher prevalence of such ‘clinical’ relationships, the CAFCASS assessment policy must be based on the ability to assess appropriately across the spectrum of ‘domestic violence’, and not to stereotype the phenomenon as only ‘male-on-female’ and only about ‘power and control’. It must also recognise that some females may abuse for ‘power and control’ motives just as some men do.

#### Policy Objectives

- “The issue of domestic violence is approached in an informed manner ..”. This will hardly be the case if some of the stereotypical assertions made in para 1.3 in TOOLKIT Vol 2 are taken seriously.
- Any screening must be applied in an equitable manner: para 1.3 in TOOLKIT Vol 2 does not inspire confidence in this.

### **ASSESSMENT PROCEDURES**

#### 1 Screening for Domestic Violence

Para 1.0 This proactive approach is to be deplored when **no** allegations have been made. It could be seen by some aggrieved parents as an encouragement to make false allegations, particularly as CAFCASS appears to have no sanctions or procedures to deter these. It is curious that screening is aimed only at domestic violence, and not at other dysfunctional or culpable parental behaviours, which could be just as traumatic for children.

Fathers, who have been victims of domestic violence, have hitherto reported that when they complain of being so victimised in Family Law proceedings, they are invariably told that ‘domestic violence’ is not relevant to their application for contact with their children. It is to be hoped that now under the new policy, such fathers will be able to voice their concerns and not have them dismissed, covered up, trivialised, ridiculed or treated in an unfair and biased prejudicial manner by CAFCASS practitioners.

Para 1.3 The CAFCASS draft policy does not inspire any confidence that practitioners will really be impartial in applying such checks, which must include equally checking the experiences of adult males for victimisation.

Para 1.8 Parent’s statements can also be false or malicious and this needs to be recognised.

#### ***Confidentiality***

Para 1.14 “..we cannot support arrangements [for child contact] that could place a child at risk of harm.” This is acceptable only if CAFCASS practitioners are quite sure about this and are alert to the possibility of false allegations (of domestic violence or child abuse) being made by one parent against the other in order to prejudice and delay decisions about residence and contact.

### **TOOLKIT Vol 1**

#### Overlap between Domestic Violence and Child Abuse

Para 2.1 False or malicious allegations of domestic violence or child abuse tend to peak at times of residence and contact proceedings. The Canadian Special Joint Committee Report referred to above

found unequivocal evidence of false allegations and CAFCASS practitioners should be made fully aware of this reality. CAFCASS procedures should be alert to the possibility of such malicious and false allegations being made, and should have mechanisms to screen for them and measures to ensure they do not subvert legal proceedings, cause injustice, and work against children's best interests.

### Specific Issues

Para 6.10 Why is no mention made of the total lack of refuges for battered fathers, even for those disabled, and their children? At present, such victims have little choice but to remain in the violent relationship. Without CAFCASS recognition of their plight, what are such victims to do if the violence becomes intolerable?

## **TOOLKIT Vol 2**

### Context of Domestic Violence Assessments

#### *Domestic Violence and Gender*

Para 1.3 The very selective theories presented represent a distortion of what over one hundred and fifty reputable gender-neutral research studies have actually shown applying in democratic western societies. Regrettably, the draft policy merely repeats the now discredited stereotyping of 'male-as-perpetrators' and 'female-as-victims'. These 150 or more studies have a total sample size of over 150,000 men and women subjects who have reported either as victims or perpetrators or both. The body of evidence shows that it is now impossible to maintain that only women are victims, since women report in these studies, for instance, assaulting male partners who they themselves report have never assaulted them. A full bibliography of studies demonstrating that both women and men experience victimisation has been prepared by Professor Martin Fiebert in his "annotated bibliography of world-wide studies relating to male victims of partner violence" which can be viewed at <<http://www.csulb.edu/~mfiebert/assault.htm>>. A copy of this list is attached.

What is even more remarkable about these studies is the fact that few of them commented to any extent on the results showing male victimisation and female perpetration. This resulted from the manner in which early reports of husband abuse by Professor Murray Straus and his colleagues (see Steinmetz, 1977) lead to threats, including death threats, being made against him, his colleagues and others, who initially sought to expose husband battering (see George, 1994). More recently, however, a number of authors have overcome these concerns such that a growing number of authors have addressed the issue of female perpetrated assaults on male partners seeking to establish it as an equally prevalent phenomenon alongside male assaults on intimate female partners (see McNeeley and Robinson-Simpson, 1987; Flynn, 1990; Macchietto, 1992; Straus, 1993; George, 1994; White and Kowalski, 1994; Straus, 1998; Goodyear-Smith and Laidlaw, 1999; Coney and Mackey, 1999; Archer, 2000; Hines and Malley-Morrison, 2001; Archer, 2002 ; George, 2003; Kelly, 2003; Straus, 2005).

In a meta-analytical study of the whole body of gender neutral conflict tactics survey studies then available, Archer, 2000 was able to substantiate using this powerful analytical tool that a higher prevalence of women assault their intimate males than men assault their female partners. Thus it was deduced that women were more likely than men to use one or more acts of physical aggression and to use such acts more frequently than men. However, when injuries were assessed, two women were injured by their male partner for every man injured by his female partner. In a further similar study, Archer (2002) noted that women were more likely than men to throw something at their partners, as well as slap, kick, bite, punch and hit with an object. Thus, although more women tend to be injured or report being frightened than men by domestic violence, all such studies have shown an almost equal culpability between the sexes in violence or aggression in couple relationships.

Generally, and by their own admission, females have been found in CTS studies to be the sole perpetrator of violence in about one quarter of cases, with males the sole perpetrator in about the same proportion. Hence, these studies show there are as many male sole victims as sole female victims. In the remaining 50%, both partners have used physically aggressive acts against the other.

It is often assumed that where both partners use assaults, it is the male who is the prime perpetrator and the female is merely acting in self-defence. Whilst undoubtedly this is true in some relationships, when questioned in a British study (Carrado et al, 1996) only about 20% of women who admitted assaulting a male partner said they did so out of any kind of self-defence need. Similar findings have been made in Canada, and it has been noted that when both partners use acts of physical aggression against each other, it is most often the female partner who was the initiator of violence (see George, 2003, p35).

Further, the finding in a national American study (Stets and Straus, 1990) that a pattern of severe female-to-male violence and minor male-to-female violence was three to six times more common than severe male-to-female violence and minor female-to-male violence, would seem to indicate many males seeking to restrain or defend themselves from more violent female partners. Hence, even amongst those cases where there are bi-directional acts of assault, assessment needs to be made as to which partner is using the more severe acts of violence, rather than just assume that the situation is a female victim who is acting in self-defence. The recent study of Sarantakos (2004) shows that some violent women will claim they are acting in self-defence when in reality their violence is anything but in self-defence.

The assertion that “men are more likely to be the first and last to use violence in a dispute”, is also NOT corroborated by detailed academic analysis of such studies, and must be viewed alongside the background of false propaganda that has regularly been promulgated as disinformation. That such disinformation has been used to try and discredit male victims has clearly been exposed by a number of authors, including Christina Hoff-Sommers (1995, see Chapter 9, Noble Lies, pp 188-208), whose account is particularly revealing.

Public policies, and now including the CAF/CASS draft policy, continue to ignore this reality of family conflict in western societies, with a consequent persisting neglect of and injustice to male victims and their children. This is beginning to be exposed as studies of the experiences of male victims are now appearing, and consistently male victims are unanimously very critical of agencies such as the police, courts and social agencies. In a study of the response of police and legal responses to partner violence in Edmonton, Canada, males were found to be disadvantaged and treated less favourably than women by the law-enforcement system at almost every step (Brown, 2004). This finding mirrors the responses reported by male victims in the UK as shown by a number of studies including two studies each surveying 100 male victims (see George, 2003 and the 2001 Dewar Research survey of male victims. (See Dewar Research website).

A summary of Government statistics on domestic violence in England and Wales over the last ten years can also be viewed on the Dewar Research website. It can be seen that now even in crime surveys, which tend to estimate fewer male victims, significant levels of male victimisation are becoming apparent. In Home Office Research Study 191, the first of a new generation of dedicated studies of domestic violence in England and Wales, 4.2 % of both men and women were found to have been assaulted by an intimate partner during the year preceding the study. In the latest Home Office detailed study for England and Wales, published under Research Study 276 in March 2004, it was estimated that in 2000 there were about 867,000 victims between the ages of 16 and 59 of actual physical assault in couple relationships, comprising 529,000 women and 338,000 men (a proportion of 39% male victims). For about half (49%) of victims, the assaults were classified as ‘severe’ (242,000 women and 186,000 men – a proportion of 43% male victims). Generally, about half of



male victims and about one quarter of female victims suffered no injury. Slightly more female victims than male suffered minor injury, and about twice as many females as male suffered moderate or severe injury, possibly reflecting the fact that where men are violent towards partners they are normally bigger and stronger.

Although such Home Office studies estimate that more women are affected by domestic violence than men, culpability must surely be regarded as being no less important than outcome when the protection of any children involved is the prime consideration, such as in the work of CAFCASS.

The assertions made in para 1.3(b) under the heading “Domestic violence and gender” are rejected as they are not in any way substantiated by gender-neutral research. Studies have explored the motives of women who admit assaulting a male partner and find that women assault male partners for reasons such as ‘they know their partners will not retaliate’, ‘to punish him’, and ‘to get through to him emotionally’, and to exert power and control over him, as well as for reasons such as ‘out of frustration’ or anger. (For discussion and references, see George, 2003 ).

In the final formulation of policy on domestic violence, CAFCASS must seek to ensure that it can henceforth respond to male victims in a fair and equitable manner and so protect children who have a victimised father. It must seek to overcome the bias, prejudice and abuse of human rights that has been previously been all too evident in its dealings with male victims of domestic violence, such that many children have lost contact with their loving and non-violent father.

#### A Findings of Fact

Para 1.7 Practitioners should also be alert to the possibility of false or malicious allegations being made at times of child residence and contact proceedings in order to gain delay or influence decisions. Where allegations are made and prove to be false or malicious, this should be a finding of fact with due consequence for the subsequent arrangements for the child/ren to protect the target parent and the child/ren.

#### 2. Implications for Parenting Assessments

Para 2.0 The practitioner should also consider, if he or she is treating “all service users fairly” (Foreword), the nature and scope of any abuse or violence by the main carer against the non-resident parent, either before or after parental separation. The making of false or malicious allegations of domestic violence or child abuse, particularly with manipulation of the child/ren, should be an important element in parenting assessment.

#### C Parenting Capacity

Para 2.10 The use of “expert” witnesses should be treated with much caution in assessing levels of risk. The credentials and impartiality of such witnesses must be open to challenge by and acceptable to both parents. So called ‘expert witnesses’ who are unable to acknowledge domestic violence as a social phenomenon affecting both men and women as victims, and both men and women as perpetrators, and who hold stereotypical views, should not be permitted to act as jointly appointed expert witnesses.

#### *Parents Relationship*

Para 2.12 Family dynamics are more complex than simplistic “power and control issues”. Behavioural dysfunction, mental and emotional states, illness, disability, alcohol and drug dependence, unemployment, and other personal and socio-economic problems, are as likely to be crucial factors in stressed couple relationships which result in violent behaviours.

Para 2.14 The text is clearly aimed at mothers who claim to, or have, suffered male violence and residence is not in dispute. It does not cover the situation where it is the mother who has been the perpetrator, but despite this still has residence of the children. The considerations outlined should also apply to non-resident parents who themselves have suffered violence by the resident parent and who are in dispute about residence.

### *Quality of Child's Relationship with each carer*

Para 2.15 "Good quality care from the child's resident parent or carer predicts a good outcome for the child". Whilst no one questions this, a good and meaningful relationship with the non-resident parent is also important. Dewar Research views with great concern the statement that the issue of contact with the non-resident parent becomes "more complex" if the care of the resident parent is questionable. Its own research and that within the literature raises the spectre that it is exactly where the resident female parent is violent to her male partner, and questionable in her care of their children, that often results in children losing contact with their father.

Dewar Research believes that research is beginning to show that it is a hallmark of the violent female that, once relationship breakdown has occurred, abuse of the male is continued by refusing or thwarting contact and by alienation of children against their father. In fact, such research shows that quite often such aligning and programming of the children against their father has been occurring as part of the abuse perpetrated by a violent female during a relationship. This is, of course, emotional abuse of children and must be recognised as such by CAFCASS practitioners.

CAFCASS needs to improve its performance immeasurably in this respect as it is reported too often that its practitioners either collude with violent females to help denial of contact with fathers, or find that they are unable to deal with the intransigence and intimidation of such a female, so overpowering their professional competence and integrity, with the result that contact is effectively thwarted. CAFCASS needs to adopt proven methods for assessing the extent of any brainwashing and alienation of children against non-resident parents, such as that published by the American Bar Association (see Clawar S. and Rivlin B. *Children Held Hostage: Dealing with programmed and brainwashed children. American Bar Association. 1991*) to improve the competence of its practitioners in dealing with violent and abusive females who seek to alienate their children from their father.

### 3. Contact arrangements

#### *Factors to consider*

Para 3.0 Assessing contact arrangements should normally only be necessary when domestic violence against the resident parent has been properly established, and should not be based merely on allegations.

Paras 3.2 and 3.3 The underlying assumption in these paragraphs is that it is the non-resident parent who has been violent or abusive. The CAFCASS final policy **must contain** considerations that should apply (in order for practitioners to treat all service users fairly) in circumstances where it is the resident parent who has been, or still is, the perpetrator, and contact is being unreasonably denied or obstructed.

#### D Assessing Contact Options

Para 3.5 "Where contact is 'felt' to be in the best interests of the child ..". Surely, the presumption should be that contact with a non-resident parent is the norm, unless there is clear evidence that this would result in risk to the child. It is unacceptable that contact with a non-resident parent should depend on what a practitioner 'feels'. That such a statement is made in such a document reflects an apparent lack of professionalism in the way the draft policy has been formulated – it gives credibility to those who view CAFCASS as ideologically biased against non-resident parents. CAFCASS must establish proper procedures which are transparent and based upon objective academic research for its practitioners to follow, such that assessments are evidence based and as objective as possible. Private prejudice or ideology is not the basis for making proper decisions about the best interests of children.

"Effective child protection is provided through ensuring the safety and protection of an abused parent". This is to confuse protection of the child with protection of the resident parent. The effect could be to withhold child contact with a non-resident parent when there is in reality no direct risk to the child. In these circumstances, protection of the vulnerable parent can be provided by a series of measures, and only if these are then breached should the question of further contact be questioned.

Further, where the resident parent has been the violent parent and perpetrates further acts of violence upon the non-resident parent at contact times, CAFCASS practitioners should view this as reason for recommending a change of child residence and seek to prevent such violence continuing and leading to a total breakdown of contact.

### **TOOLKIT Vol 3**

#### Stage 2: The child from 3-4 years

*Health* (p3): What safe and supportive residence can be provided for a battered father (if all service users are to be treated fairly)?

#### *General*

The whole table should have an express caveat, such as that stated in 'bold' print on p3 of Appendix 1 to TOOLKIT Vol 4, that such indicators should not be used in isolation as 'proof' of domestic violence. The indicators listed cannot be related to one specific parental problem. They could also relate to another equally broad spectrum of experiences with which a particular child is struggling, eg. 'latch-key' children, or addictive or unloving parents. Food or poor diet might also contribute. To relate the distressed responses or indicators from a child, as listed by the table, directly to domestic violence, precludes a wider consideration of other possible salient factors.

### **TOOLKIT Vol 4**

#### Appendix 2

The table of General Risk Factors used by Hammersmith and Fulham DVIP is clearly aimed at female victims, eg. in the "History" section the wording: "Threatened to kill his partner/ex-partner", and in the "Attitudes about the violence" section: "Being unwilling to take part in a perpetrator programme", which is unlikely to apply to female perpetrators since few such programmes exist for them. CAFCASS must be more inclusive in its proposals and ensure that perpetrators of either sex are required to undertake such programmes.

It is noteworthy that the indicators do not include any that research would suggest are specific for situations in which there is a male victim and female perpetrator. The risk indicators of Appendix 2 are thus biased and unusable to assess such a circumstance. This must be rectified.

#### Appendix 3

Despite the more careful gender-neutral wording of this section, some of the suggestions made to abused parents are likely to apply in reality only to mothers, eg. "Take the children with you when you leave". If an abused father tries to do this, firstly he has no refuge to take his children to, and secondly, he is likely to be viewed (wrongly) by police and social agencies as having abducted them given the biased (and hence unlawful) manner in which such agencies sometimes operate.

#### Appendix 4

The various 'steps' listed in the table appear to assume that it is the non-resident parent who has been, or still is, violent, in particular 'step 3'. This appendix must include proposals that deal also with violent resident parents.

#### Appendix 7

The charity Families Need Fathers has not been included anywhere. Since this is the largest charity in the country helping children keep in contact with both parents, such omission seems curious, to say the least.

**Dewar Research**  
**21 March 2005**

## **Footnote**

1 See draft policy document, footnote 2, page 4

## **Attachments**

- (1) Kierski, Werner (2002). Female violence: can we therapists face up to it? *Counselling and Psychotherapy Journal* 12, 2002. This can be viewed on <[www.dewar4research.org](http://www.dewar4research.org)>
- (2) Fiebert, Martin S. (2005). References examining assaults by women on their spouses or male partners: An annotated bibliography. [Department of Psychology, California State University]. This can be viewed on <<http://www.csulb.edu/~mfiebert/assault.htm>> and also on <[www.dewar4research.org](http://www.dewar4research.org)> under 'Academic Studies'.

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