



Child Contact Centers and Domestic Abuse: Victim Safety and the Challenge to Neutrality

Violence Against Women

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Abstract

Child contact with a nonresident father who has perpetrated domestic abuse has gained policy and research attention. Both feminist social policy and family law research identify the role child contact centers can play in facilitating contact in these circumstances. Drawing from a literature review carried out by the authors, this article examines the priorities that underpin feminist social policy and family law disciplines and how these manifest in research on contact centers and domestic abuse.

Keywords

child contact, domestic abuse, family law, social policy

There are few more difficult or more important challenges for the family law system than dealing with cases where family violence is an issue. . . . Violence is bad for everyone, and particularly dangerous for children, whether or not it is directed specifically at them. (Justice Richard Chisholm, 2009, p. 4)

Introduction

For most children, sustaining contact between a child and a nonresident parent is beneficial (Hunt & Roberts, 2004; Pryor & Rodgers, 2001). However, contact with an abusive nonresident parent can have a negative effect on children. Such contact provides an opportunity for abuse to continue and has the potential to be both physically and emotionally

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harmful for children and their mothers (Jaffe, Lemon, & Poisson, 2003). A key question for policy makers and practitioners is whether such risks are invariably present in the context of domestic abuse. Is it possible for contact in such circumstances to be beneficial to children? Can settings for safe and beneficial contact be organized and identified? Are there arrangements that will allow children to receive positive benefits from such contact while minimizing risks of harm to both children and their mothers?

In recent years contact centers have emerged as an innovation in social provision to facilitate contact between a child and the nonresident parent in difficult circumstances where contact cannot otherwise take place. Such circumstances include concerns about the risk posed by the nonresident parent to the child or resident parent, or where the nonresident parent is seeking to reestablish contact after a prolonged period of absence. The role that contact centers have in facilitating safe and beneficial contact in the specific circumstances of domestic abuse has been examined and debated within various disciplinary contexts of the research literature. This article draws from a literature review on Anglo-based legal systems' use of contact centers in the specific context of domestic abuse carried out by the authors, on behalf of the Scottish Government in 2009 and 2010. The review resulted from the government's National Domestic Abuse Delivery Plan for Children and Young People.

This article discusses the intersection of research on this subject between feminist social policy and family law disciplines and examines how contact centers can exemplify both theoretical and practical differences between the two disciplinary perspectives. The article concludes by offering suggestions for future research.

What Are Contact Centers?

Contact centers have developed differently across jurisdictions. Different origins have meant that the significance attached to specific issues has varied between countries. Broadly speaking, the Australian and American contact center movement developed in response to concerns about child abuse, where issues of risk and safety were of particular salience. In the United Kingdom, contact centers developed in response to concerns about the absence of nonresident fathers from the lives of children (Harrison, 2006). However, as this article discusses, risk and safety are increasingly issues with which contact centers in the United Kingdom must contend.

Typically, Scottish contact centers are represented as an intermediary presence or facility that promotes contact between a child and nonresident parent. Scottish contact centers are generally nonprofit organizations. Provision is largely unregulated and several geographical areas do not have any contact centers (Relationships Scotland, n.d.). Contact centers can be used at the start or end of visits, so that the child is exchanged from one parent to the other without the parents having to meet. Some centers only provide a venue for contact to take place. Others also supervise the interactions that take place during visits. The type of provision that takes place at contact centers can generally be categorized according to the level of supervision that they offer during contact. In Scotland, there are three main types of contact provision: supported contact, supervised contact, and statutory supervised contact

Supported contact/supervision of venue contact—Low vigilance contact, typically with more than one family per room and more than one family per worker. The venue itself is supervised but there is no supervision of the parents. . . . Centres take a neutral stance and do not comment on the quality of parenting. However, centre staff will intervene where there is perceived danger of abuse of the child.

Supervised contact—High vigilance contact, typically with one family per room and with at least one mutually agreed third party monitoring contact. This does not involve reporting or assessment.

Statutory supervised contact—High vigilance contact, typically with one family per room and at least one worker monitoring contact. This typically involves reporting or assessment. Scottish centres do not generally provide statutory supervised contact. (McConnell-Trevillon, Coope, Postan, & Lane, 2004, p. 2)

Child Contact and Domestic Abuse

Contact centers are used to allow children to receive what positive benefits contact with a nonresident parent may bring when there are concerns about the safety and welfare of the child. They aim to provide adequate protection and measures that minimize risks of harm. Reasons why contact centers may be particularly useful in circumstances of domestic abuse are apparent when we consider the research on children and domestic abuse. This body of research highlights key reasons why contact with a nonresident father who has perpetrated domestic abuse can be problematic.

Domestic Abuse Negatively Affects Children

Studies have shown that children living with domestic abuse exhibit higher rates of depression and anxiety (McClosky, Figuero, & Koss, 1995) and are more likely to exhibit symptoms associated with trauma (Graham-Bermann & Levendosky, 1998) than the general population of children. Studies have also shown a correlation between domestic abuse and the direct physical and sexual abuse of children (Edleson, 1999; Goddard & Hiller, 1993).

Contact Can Provide Opportunity for Abuse to Continue

Domestic abuse does not necessarily end when parents separate, and contact with a nonresident parent provides further opportunities for abuse. Violence can become more severe when women leave abusers (Mullender et al., 2002; Statistics Canada, 2001), and child contact has been identified as an opportunity for postseparation violence in a number of studies (Aris, Harrison, & Humphries, 2002; Hester & Radford, 1996). Between 36% and 76% of abused women experience postseparation violence (Fleury, Sullivan, & Bybee, 2000; Humphreys & Thiara, 2003); 96% of women whose children had contact arrangements with an abusive ex-partner reported postseparation violence.

Principles Underpinning Family Law

Welfarism is a key concern of Scots family law. The welfare principle that treats children's interests as paramount under the Children (Scotland) Act 1995 recognizes children's particular vulnerability and acts to ensure that their interests are not overlooked in parental disputes. However, a common criticism of the welfare principle is that it is ambiguous and indeterminate (Eekelaar, 2002). A lack of clarity about what constitutes a child's best interests has the potential to lead to contact decisions based on assumptions of what constitutes a child's best interests, rather than on a rigorous and objective assessment.

The welfare principle has also received criticisms from feminist scholars. Wallbank (2010) argues that the current U.K. policy climate that places great emphasis on continuing contact between children and nonresident fathers is dangerous. Debates about fatherhood have focused on mothers preventing fathers' relationships with children, rather than on fathers who do not maintain contact with children or on the gendered reality of parenting (see also Boyd, 2003). Wallbank (2010) warns the current policy discourse, which is dominated by the "alleged benefits" of contact with nonresident fathers, risks conflating the welfare of children with the needs of their fathers.

Feminist scholars also raise concerns about the adequacy with which family law treats domestic abuse. They argue that domestic abuse is often overlooked or less likely to be assessed as a child welfare issue than would be the case in proceedings that relate to child protection (e.g., Brown, Sheehan, Frederic, & Hewitt, 2001; Buchanan, Hunt, Bretherton, & Bream, 2001; Radford & Hester, 2006). As a result, contact decisions are made without fully understanding, assessing, or taking into account risks posed by the perpetrator. If levels of risk are not appropriately understood or assessed, unsafe contact arrangements with inadequate levels of supervision and vigilance can result. So, although contact centers may play an important role in supporting or supervising contact when there is domestic abuse, the critical role that legal systems have in making safe contact decisions, and the policy environment in which they operate, should not be ignored.

Recent amendments to the Children (Scotland) Act 1995 made by s.24 of the Family Law (Scotland) Act 2006 have attempted to clarify how courts determine children's welfare when making contact decisions. The amendment requires that courts have "particular regard" for how domestic abuse affects a child's welfare. Courts must consider the need to protect the child from domestic abuse, the effect that abuse has on the child, and the effect that abuse has on a parent's capacity to fulfill their parental responsibilities. These amendments have raised the profile of domestic abuse in family law. They also raise the potential for contact centers to become increasingly involved in facilitating contact between nonresident parents and children affected by domestic abuse.

Different Discourses, Diverging Priorities

Feminist and family law disciplines are influenced by different discourses. Feminist research on domestic abuse has a focus on victim safety (adult and child) and perpetrator accountability. In contrast, family law research focuses on the best interests of the child.

This includes encouraging and facilitating beneficial contact between children and non-resident parents. At first inspection these priorities appear compatible, but they often conflict in practice. The diverging priorities of feminist and family law disciplines are apparent when we compare Scottish and U.S. definitions of contact centers. It is clear from these definitions that these social provisions embody different theoretical stances of welfare and safety. For example, compare the following definitions provided by Relationships Scotland and the U.S. Department of Justice:

The central concept of a Child Contact Centre is to offer a safe, friendly, neutral, child-centred environment for children to meet with their non-resident parent or family member. (Relationships Scotland, 2009)

The visitation center is part of a larger community response to enhance the safety of child(ren) and adult victims and hold batterers accountable, while providing access to visitation and exchange services. (U.S. Department of Justice, 2007, p. 7)

The Scottish definition is rooted in a discourse that understands contact with a nonresident father to be beneficial for children. This is unsurprising given that the U.K. contact center movement emerged from concerns about increased levels of parental separation and the impact that the absence of fathers has on children. Conversely, the U.S. definition of a contact center is clearly rooted in feminist discourses emphasizing safety and accountability. Refocusing the aims of contact centers has obvious implications for policy and practice.

Findings From the International Literature Review

Despite major differences in substantive law, we found several common themes in research across jurisdictions. The provision of contact centers provides an analytic focus for viewing the intersection between feminist and family law disciplines, both theoretical and practical. We found three broad themes that highlight this intersection: neutrality of contact centers, dealing with risk, and exit from contact centers.

Neutrality of Contact Centers

One tension that emerges from the literature relates to the importance of neutrality. This issue resonates throughout the contact center literature and manifests itself in a number of ways. For instance, some contact centers do not participate in legal processes (Aris et al., 2002; Sproston, Woodfield, & Tisdall, 2004; Tutty, Barry, Weaver-Dunlop, Barlow, & Roy, 2006) or proactively intervene to address the reasons why families come to contact centers (Parker, Rogers, Collins, & Edleson, 2008; Sheehan, Dewar, & Carson, 2007). These centers believe that to do so would compromise their impartiality.

The potential for contact centers to meaningfully inform legal processes is limited even if center staff report what happened during a visit. Parker et al. (2008) highlight that

unproblematic supervised contact at a center does not necessarily mean that a perpetrator has stopped being abusive or that unsupervised contact is safe or beneficial for the child. However, the notion that centers could or should not address the reasons why families come to contact centers is contentious. It clashes with feminist discourses where a focus on risk and perpetrator accountability predominates.

We argue that neutrality also fundamentally compromises the family law child welfare principle, a principle widely enshrined in domestic and international law. While neutrality may be laudable, neutrality may not be possible or appropriate for contact centers. In general, their position of neutrality means they avoid addressing the reasons why families are referred there. Centers do not routinely try to engage adult or child victims with support services, nor do they engage abusive fathers with perpetrator programs. Furthermore, neutrality can inadvertently cause contact centers to minimize the fact that one parent has been abusive and that the child and other parent are the victims of this abuse. Thus contact centers risk downplaying domestic abuse and the impact it has on children and adult victims, as well as missing an opportunity for referral to social services.

Dealing With Risk

Contact centers aim to have safe and beneficial contact between children and a nonresident parent. However, research such as that by Aris et al. (2002) has shown that contact centers are not always successful at protecting children and adult victims from further abuse or the threat of further abuse. Across jurisdictions issues of vigilance, screening, and dealing with risk have been identified as crucial in enabling centers to provide children and resident mothers with safe contact experiences.

In the United Kingdom, where provision is largely staffed by volunteers, studies have revealed confusion among parents, center staff, and referrers (including solicitors and court officials) about the levels of supervision offered at contact centers (Aris et al., 2002; Sproston et al., 2004; Trinder, Beek, & Connolly, 2002). Referrers and resident parents have assumed that all centers supervise the interactions taking place between the child and nonresident parent. However, some centers only provide “supported contact,” where the venue is supervised but interactions between the child and parent are not. This lack of clarity has the potential to lead to contact arrangements that do not provide levels of supervision adequate to deal with the risk posed by the nonresident parent. Parts of the United Kingdom (not yet including Scotland) have aimed to address this through policy and practice developments that include establishing service standards for varying levels of supervision and an accreditation process for their implementation (Harrison, 2006).

Feminist policy and research discuss steps that contact centers could take to minimize opportunities for further abuse. Aris et al. (2002) and Oehme and Maxwell (2004) highlight the importance of issues such as staff training, support to help children and mothers heal from abuse, safety planning, and risk assessment. However, there is a concern that protocols and procedures alone do not change practice. McAllister, Groves, and Davis (2008) address this with their revisioning of the purpose of contact centers. They describe contact center provision that acts as an intervention that *goes beyond observation*. Of particular

interest are ideas about how centers can hold abusive fathers accountable for their behavior. Drawing from the work of perpetrator programs, they highlight techniques such as helping fathers become accountable by understanding the effect that their abuse has had on their children.

How “safety” is understood in the context of contact has obvious implications for contact center policy and practice. There is a danger that safety at contact centers can be narrowly focused on safety and the physical environment (e.g., separate entrances and exits for resident and nonresident parents). While physical safety should not be minimized or ignored, attention must also be paid to the impact that contact has on the emotional safety of children and their resident parents (McAllister et al., 2008; Strategic Partners, 1998). This is particularly important in cases where perpetrators use a range of tactics to control their partner and child(ren).

Exit From Contact Centers

Contact centers are intended as a temporary or transitional measure to allow children to build relationships with parents (Furniss, 2000; Trinder et al., 2002). The ultimate goal is that eventually contact can occur without the need for support or supervision. However, for some families the level of risk will not dissipate over time. For others, this risk could perhaps be managed if steps were taken to address the nonresident parent’s abusive behavior. The absence of interventions to address the underlying reasons for referral to contact centers gives little cause for optimism that centers will only be temporary for these families. Contact centers need to be complemented with other specialist services if there is to be any realistic chance of developing an exit strategy that can safely step down from supervised contact to supported contact to unsupervised contact without contact centers (Sheehan et al., 2007).

Directions for Future Research

Our review identified gaps in the contact center research literature. To date studies have mostly demonstrated the rationale for contact centers and described provision and the characteristics of families who attend centers. While some studies have begun to examine the impact that centers have on child outcomes, this research is limited (Birnbaum & Alaggia, 2006). Further research is necessary to fully understand the role that centers can have in fostering beneficial relationships between children and nonresident parents. This gap in research is important in view of legal frameworks that make clear that parental rights to contact only exist when they are in the child’s best interests.

Family law research on contact centers, particularly in a Scottish context, could draw more extensively on findings from feminist research on domestic abuse, particularly on understanding and assessing risk and questioning neutrality. Both bodies of scholarship would also be enriched by the inclusion of children’s voices and perspectives of centers in circumstances of domestic abuse. The absence of children’s voices from these debates is particularly important because of the requirement in the United Nations Convention on the

Rights of the Child and Scots law to take children's views into account in major decisions that affect their lives, including contact with a nonresident parent.

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Bios

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