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Mums in court

The Court Support 4 Kids program at Sunshine Magistrates' Court has enabled over 100 women with children to obtain their intervention orders. Without this program many of the women would not have been able to go through the process.

inbrief

- › The Court Support 4 Kids program provides playful and therapeutic support for children who attend court with their mothers as a result of family violence
- › While a child's safety and welfare is intrinsically linked to the mother's safety and welfare, children require a different and tailored response
- › The program has also identified a number of gaps in the family violence court system, including the need for safety information and risk assessments and better legal support for women and children

Court Support 4 Kids is the first program of its kind in Victoria. It was established 18 months ago by McAuley Community Services for Women after it became apparent that many women attending court were unable to complete their intervention orders because of a lack of appropriate childcare on the day of the hearing.

'Women were in an extremely difficult position. On the one hand, they were expected to turn up to court after a violent incident, often to face their aggressor. On the other hand, they were having their matter adjourned because they had children with them,' explains McAuley Community Services for Women CEO, Jocelyn Bignold.

'This was potentially a very dangerous situation. Children, in the meantime, were being further traumatised because they were forced to sit through the retelling of what was happening between their parents.

'It was an unacceptable situation, and we felt the need to act. Mothers had few alternatives. Occasional childcare has too short a time to accommodate a day in court and long-day care is impossible to access at short notice. Many women could not call on family and friends to help out for a variety of reasons,

including fear for their safety or because the family was not aware of the violence.'

McAuley Community Services for Women runs Victoria's only 24/7 accessible safe house. In the week that a woman stays in the crisis accommodation, they are able to access legal, medical, financial and emotional support and advice.

'Getting an intervention order in place before a woman leaves our services is always high on the agenda, as is support for children who have already been through enough and need space to play and be kids,' Bignold says.

Connecting through play

With funding from the Barr Family Foundation, McAuley Community Services for Women engaged an experienced social worker to run this pioneering outreach service. It is an extension of the organisation's childrens program that uses play therapy as one of its service responses to help children begin to express their feelings about what has happened to them and their family.

Each year, McAuley Community Services for Women accommodates and/or supports around 200 to 250 children, from infants to young people aged 16-18 years. Its case workers have



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witnessed children as young as three years old trying to run away from home, six-year-olds exhibiting distress at being unable to protect their mothers, school-age children too frightened to go to school while their mothers are at court, and children expressing relief when they know that they are included on their mother's intervention orders.

The inaugural Court Support worker, Winter, describes the role as two-fold: to help women successfully complete their family violence-related legal proceedings and to minimise further trauma to children by offering a safe and positive diversion through creative play.

'In essence, I became an advocate for the rights of children who were attending court with their mum, as well as an information source for women who did not understand the system or the processes. [I also worked] to link women to support services in court,' Winter says.

The process at the court usually begins with over-the-counter registration followed by a police interview to discuss their case. Women may then be referred to a women's health service or court worker for assistance. Finally, women will go into the courtroom to give evidence in order to get an interim intervention order. They must return two weeks later to get the order finalised. The necessary steps can be exhausting for all those involved and particularly stressful for those at the end of the court list.

From August 2014 to July 2015, Winter supported 393 children and young people three days a week. On average, six women attended court alone each week with children and relied on the program to complete their intervention order. Young people aged 16, who are applying for an intervention order, have accessed the program as well.

Winter uses toys, games and art as ways to connect with children and gently explore their thoughts, feelings and emotions. This approach has helped to expose incidents of family violence directly on children, as well as other abuse. On average, Winter has made two referrals each week to child protection, counsellors and lawyers as a consequence of her "playing".

'The program is not only about working with individual children, but it gives me the chance to watch how siblings work and play with each other, and to encourage them to share, talk and be kind,' she says.

'Their experiences are terrible, but through all that you can see in their >>

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young faces a real courage and strength. Often their mum is traumatised by the violence she has experienced and can be emotionally unavailable. I find connecting through play is not only a means of distraction, it also allows the children a chance to explore their feelings, to laugh and truly engage with someone. One day a mum was watching as I played with her children. She told me it was the first time she had seen her little girl laugh in a long time.'

Right to a voice

The Court Support 4 Kids highlights the long-held view that, while a child's safety and welfare are often intrinsically linked to the mother's safety and welfare, a child's needs are often different.

'Children are often described as the "forgotten" or "silent" victims. Our program puts their right to a voice alongside their mothers right to safety in a hands-on approach which is unequalled elsewhere in Australia,' Bignold explains.

'We know that there is a strong evidence base linking the physiological,

psychological and emotional impacts of family violence on children. Our direct work with children, at a particularly dangerous and intense time for them, is supporting children in a way that has not happened before.'

The sentiment is echoed by a mother who used the Court Support 4 Kids program:

My husband had been exposing our three-year-old to multiple forms of family violence for an extended time, and she is particularly sensitive to the situation going on around her. I arrived to get an intervention order. I knew it was going to be a lengthy wait and it was going to have an adverse effect on her. I had not prepared myself, so imagine my relief when I was approached by the court support worker.

'She was able to engage with my daughter, provide her with a hand-knitted teddy and let her know she was safe. She distracted her during my emotional and teary intervention. For the first time in

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months I have glimpsed my happy, gregarious and infectiously sweet little girl. There are no words to describe the positive effect this person has had on my daughter's young life at a time when there is not a lot that is stable and safe.

Jocelyn Bignold says that this mother has put her finger on what people within the system know—that children experience family violence differently from adults and require a different and tailored response.

'The Court Support 4 Kids program places children at the heart of what is a difficult time for mums. We have developed the service using our expertise and experience of working with children and their mothers,' Bignold says.

Plugging gaps in the system

Since it began, the program has also exposed—and plugged—a number of critical gaps in the family violence court system caused by the overwhelming number of family violence matters being dealt with each day. This includes enabling women to access critical safety information and risk assessments when at court, as well as the need to provide better legal support.

Magistrates and case workers report they are struggling to complete case loads, and the added complexity of children in court makes a difficult situation even harder. The physical layout of court spaces makes them unsafe for all court users, including women and children.

'We used our firsthand experience in court to inform our recent submission to the Royal Commission into Family Violence. In our submission we called for changes in this area, including the need for all courts to be audited for safety and

for all new courts to be designed with safety at top of mind and with a safe, physical space for children,' Bignold explains.

The submission also highlighted that the lack of childcare and support for children in the court environment can affect women's ability to access justice.

'The unintended consequence is that women are unable to follow through with an intervention order. That needs to change now,' says Bignold.

Winter agrees that this is a critical issue. 'Magistrates often (erroneously) think that women coming into their courts are well prepared and represented. By having someone on hand to look after the children, women have more time to understand what is about to happen.'

While the Royal Commission's findings did not recommend the expansion of this specialist children's program, McAuley Community Services for Women is not standing still.

'We believe it should be funded and that the investment will reap more benefits in the long run; not least enabling around 300 to 400 women in each Court to complete their intervention orders,' says Bignold.

The program has received enthusiastic support from the Magistrates' Court of Victoria and McAuley is seeking funding to extend it across the state. Bethany, in Geelong, has been the first to take up a partnership to deliver the service locally.

'It is a small program but its ripple effect has been enormous, providing a critical stepping stone to helping women and children become safe,' says Bignold. ■

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