

## Protective mothers: Women's understandings of protecting children in the context of legal interventions into intimate partner violence

Mandy Morgan  
Leigh Coombes

*Massey University, Aotearoa/New Zealand*

*There has been increasing recognition that children are harmed by witnessing assaults or abuse that their mothers experience as victims of intimate partner violence (IPV). At the same time, an expectation that mothers can and will protect their children from harm is widespread. This paper discusses how mothers' understandings of protecting their children are intertwined with the complexities of IPV in the context of legal interventions. We draw on accounts by mothers and advocates who participated in two qualitative studies evaluating of the kinds of services provided for them after criminal justice interventions brought their partners before a specialist family violence court in Aotearoa/New Zealand. Although we did not specifically ask about protection of children, crucial issues around their children's safety were frequently addressed by the women and their advocates during the interviews. We discuss how the women made sense of their responsibilities for protecting their children at different times during their relationship and how the meaning of protecting their children changed as they engaged with court processes and advocacy services.*

In the literature on child abuse and neglect, protective mothers proactively safeguard their children from harm (Salter, 2014). Yet in the context of intimate partner violence (IPV), protective mothers are simultaneously subjected to an ongoing pattern of emotional, psychological, physical, sexual, and financial abuse: victimised themselves by their partners who are frequently their children's fathers or father figures in their children's lives. Violence and abuse often continue even if, or when victimised mothers separate from their partners, with child custody and access issues providing a context in which abusive ex-partners can use tactics such as abduction threats, child neglect or manipulation of access arrangements in attempts to regain control of the children's mothers (Elizabeth, 2015; Morrison, 2015; Toews & Bermea, 2015; Zeoli, Rivera, Sullivan, & Kubiak, 2013).

Intimate partner violence (IPV) is now also widely recognised as harmful to children (Coulter & Mercado-Crespo, 2015; Powell & Murray, 2008). Not only is there broader recognition of the co-occurrence of intimate partner and child abuse within households (Jeffries, 2016), legislation in Aotearoa/New Zealand, as in Australia and other western nations, defines child abuse so as to include

witnessing violence perpetrated by one adult against another within the household (New Zealand Domestic Violence Amendment Act, 2013; Banner, 2015; Hart, 2013). As Hart (2013) argues, this is a significant legislative change that has potential to recognise how coercion and control is experienced by children as abuse. Yet it also poses a further complication for protective mothers to safeguard their children from harm.

Legal and community interventions to protect women and children constitute a complex network of different legal jurisdictions, such as criminal and family law, as well as public policy settings that understand the problems of IPV differently (Powell & Murray, 2008). For example, while domestic violence legislation may provide for mothers to apply for orders of protection for themselves and their children, common law may also provide for them to be charged with failing to protect their children from their partners' violence, without recourse to defences that take account of her victimisation (Midson, 2014). Failure to protect laws are child-centred, while domestic violence legislation is victim-centred (Lindauer, 2012) and evidence from the United States (U.S.), Aotearoa/New Zealand and the United Kingdom (U.K.)

shows that mothers are increasingly subject to failure to protect laws in the context of IPV (Banner, 2015; Lindauer, 2012; Midson, 2014). Reviewing several cases across these jurisdictions, Midson connects the predominance of victimized mothers charged with failure to protect their children with social expectations that “a mother will go further in order to protect her child” (2014, p. 304).

In this paper, our concern with how mothers understand their experiences of protecting their children in the context of legal interventions into IPV arises from growing disquiet in the research literature with various tensions that arise at the intersections of social expectations and stereotypes with the approaches of disparate jurisdictions, statutory and community organisations involved in interventions to protect victims of intimate abuse and hold offenders accountable for perpetrating violence.

That mothers are widely expected to be able to protect their children from the harms of witnessing violence perpetrated against them is evidenced through Weisz and Wiersma’s (2011) U.S. study showing a broad consensus that mothers should be held accountable for not protecting their children from witnessing their abuse even when they cannot stop their partners from abusing them. These expectations are framed by social stigma associated with IPV victimisation where there is a public perception that victims of IPV are complicit with their perpetrator and stereotypes of victims as failing to protect themselves by staying with or returning to their relationship with their abuser (Meyer, 2015). Blaming victims for complicity with their abuser and the stigma of IPV victimisation have been associated with women and children’s reluctance to disclose IPV (Stanley, Miller & Foster, 2012), further entrenching the perception that women fail to protect their children by refusing to proactively seek help to end violence against them. In this context, the implication for mothers is that they might best prevent the harms of IPV by separating from their violent partner, seeking out the

help that might be needed to do so from the community agencies, like women’s refuges and advocacy services that can provide specialised support, or engaging with criminal justice or family court systems.

While not specific to the context of IPV, the common law duties of mothers to protect their children from harm in Aotearoa/New Zealand largely involve notifying authorities, such as police or child protection services, removing the child from the situation in which they are at risk, or seeking help (Midson, 2014): those same proactive steps that the stigma of IPV makes difficult for women to take. In other jurisdictions, in Australia, Canada and the United States, children’s exposure to IPV is specifically included in definitions of abuse and neglect that are mandatory to report to authorities, with one U.S. state including the failure of a parent to apply for legal protection from violence within the family in their definition of child neglect (Mathews & Kenny, 2008). Perhaps paradoxically with the intent of the legislated definitions, disclosure of IPV is thus inhibited by mothers’ fears that their children will be removed from their care by statutory agencies for child protection (Keeling & van Wormer, 2012). Such agencies may also require mothers to undertake “self-improvement” programmes such as parenting training, or counselling that affirms a woman’s responsibility for any re-victimisation she experiences from her (ex)partner (Meyer, 2015) and re-asserts the victim-blaming social stigma of IPV.

Although the widespread expectations that mothers experiencing IPV can and should protect their children by separating from their violent partners, disclosing intimate violence and abuse within family court systems dealing with child custody after separation does not ensure that mothers’ proactive strategies to protect their children are recognised and supported. Family courts are reportedly lacking in lawyers, child advocates, mental health professionals, court appointed guardians and mediators who have specialised training in, or experience working with, the dynamics and patterns of IPV (Fields, 2008; Jeffries,

2016). Despite increasing numbers of custody disputes involving allegations of intimate partner and child abuse, as well as contemporary directives for family court professionals to consider the impact of IPV and child abuse in custody determinations, research across jurisdictions in Australia, New Zealand, the U.K. and the U.S. demonstrates an overriding assumption that children's best interests are served by ongoing relationships with both parents (Elizabeth, 2010; Flood, 2010; Jeffries, 2016). In Ireland, Naughton, O'Donnell, Greenwood and Muldoon (2015) found evidence that judges trivialised women's allegations of IPV and drew on idealised versions of nuclear families to support pro-access decisions.

The increased risk of violence to women who end relationships with abusive partners and the ways that controlling abusers use custody or access of children to continue abusing the child's mother are not considerations in many judicial decisions or in the evaluations of professionals whose expert advice informs those decisions (Fleury-Steiner et al., 2014; Elizabeth, Gavey & Tolmie, 2010, 2012; Harrison, 2008; Jeffries, 2016; Watson & Ansis, 2012). Research with mothers who have been involved with family court matters in the context of IPV has found cases where the court system explicitly failed to protect them from experiencing re-victimisation from their (ex)partner during court required mediation processes (Rivera, Zeoli & Sullivan, 2012).

Arguably, women who disclose their victimisation and the risks that their children face to the professionals and officers of family court are often those who meet the social expectations of protective mothers, since they are compliant with expectations that they will notify authorities and seek assistance to proactively safeguard their children. Yet most judges in the Naughton et al. (2015) study and in cases discussed by Salter (2014), pathologised or problematised women who were proactive for long-term protection of their children. In these cases, mothers had disputed decisions to allow contact between their children and their (ex)

partners, or removed their children from the country in which their (ex)partner resided when it became impossible to protect their children from further harm without doing so. A particular form of pathologising mothers who respond to fear and concern for their children's safety by challenging custody and access is the use of the construct of 'parental alienation' by many court evaluators, including psychologists, psychiatrists and social workers despite the American Psychological Association disallowing it as a psychological diagnosis and it being inadmissible in court (Davis, O'Sullivan, Susser & Fields, 2010). Mothers involved in cases where professionals working in the courts have minimised, trivialised or pathologised their accounts of victimisation by their partner and their concerns for their own and children's safety, may be understood as experiencing secondary victimisation through the victim-blaming, disempowering processes to which they are subjected as they take proactive steps to protect their children from further harm (Rivera, Sullivan, & Zeoli, 2012).

Researchers have also considered how professionals working with mothers in community and statutory agencies understand protection of children by women who are experiencing IPV. In an Israeli study using focus group methodology to investigate shelter/refuge workers perceptions of mothering by women in shelters, Peled and Dekel (2010) identified a deficit perspective of victimised women's mothering skills in the discussions with the participants. Although the shelter workers understood that any deficiency in maternal skills was excusable given their clients' victimisation by partners and the significance of the problems they were facing in their lives, little attention was paid to the women's strengths and competencies. The researchers also found evidence that a binary choice between 'staying' or 'leaving' their relationship operated with regard to women's responsibilities for protecting themselves and their children from their partners' violence. Leaving their partner was emphasised by the shelter workers as the

most appropriate response to abuse to enable to women and their children to live more safely.

In Australia, Douglas and Walsh (2010) investigated advocates' experiences of the way that child protection workers perceived the mothers they were working with. Participants identified victim-blaming and mother-blaming as key issues in their dealings with child protection workers, with the complementary concern that a double standard operated for mothers and fathers in cases where the women were victimised by their partners: perpetrators were perceived as 'good fathers' yet victimised mothers were held responsible for the safety of their children.

From research in community and courts, recent evidence provides support for Lapierre's (2008) description of a pervasive model of maternal failure and deficit influencing social policy and shifting focus away from perpetrators of violence. Mothers experiencing IPV potentially risk diverse sanctions relating to their children's experiences of their victimisation, as broadly as victim-blaming social stigma and as specifically as trivialising post-separation re-victimisation within court systems or punitive requirements from child protection authorities.

In the complexities of legislative, community and policy arenas where interventions to protect women and children from the harms of IPV are differently focused and co-occur with victim- and mother-blaming social expectations of violence prevention, literature arguing for better understanding of the dynamics and effects of IPV on victimised mothers has proliferated. For example, Stanley et al. (2012) highlight the dangers of assuming that separation from a violent partner reduces risk of harms from IPV since violence often continues after separation, and appeal to social workers to refrain from setting separation as a goal of intervention. Jeffries (2016) draws the legal profession's attention to research evidence on post-separation violence, including incidents where the severity of assault is lethal. Lindauer (2012) argues that it is unrealistic

for social workers and courts to have the expectation that victims will obtain orders of protection or separate from their partners, without accounting for the complexities of financial abuse and social isolation associated with IPV.

There have also been calls for understanding that IPV has negative impacts such as anxiety or depression arising from inequality of power and affecting mothers' parenting capabilities (see for example, Craigie, 2011). Midson (2014) argues for the legal creation of an 'affirmative defence' for mothers charged with failure to protect their child, taking account of the circumstances of her victimization when considering whether or not she could reasonably be expected to have taken the kind of proactive steps assumed to be protective, such as notifying authorities or removing the child from the risk of violence or abuse. In each case, the call for increased understanding of the way in which protective mothers' strategies for protecting their children are impacted by the dynamics of power and control in IPV seeks to re-dress a context in which social expectations and social stigma related to intimate victimisation compromise women's and children's ongoing safety in the context of complex legal interventions.

Increasingly in the past decade, there has also been more research attention paid to the meaning of protection of children in the context of IPV for those most personally affected (Lapierre, 2010; Nixon, Bonnycastle & Ens, 2015; Wendt, Buchanan, & Moulding, 2015). In a study involving adults who had witnessed IPV in their homes as they were growing up Buchanan, Wendt and Moulding (2014) found that participants did not expect their abusive fathers to protect them, and while some held their mothers responsible for their victimisation, many were ambivalent, sympathetic towards or puzzled by their mothers' repeated victimisation. While the researchers discussed the connection between the pervasiveness of mother-blame in social attitudes to IPV and the adult children's expectations that their mothers would protect them from their fathers' abuse

by leaving, they also found evidence of diverse and responsive strategies that the children recognised their mothers had used to protect them. Nonetheless, the mother-child relationships reported from these adult children's perspectives were intertwined in complex ways with the children's perspectives and expectations of their mothers' protection. For instance, women were more likely than men to report changes in how they understood their mother over time, and understanding of the complex implications of her victimisation, yet neither women nor men reported changes in their lack of expectation of protection from their fathers.

There has also been increasing research attention paid to addressing the perspectives and understandings of mothers with regard to their protection of children in the context of their own victimization. Two projects with women in the U.K. (Lapierre 2010; Radford & Hester, 2006) found that participants prioritised their children's protection and safety, providing and caring for them in ways they understood 'good mothers' would do, even while living in the threatening context of partner violence. Lapierre (2010) identified a lack of social recognition of the complexities of intimate partner violence that affected mothers' proactive strategies for protecting their children. Peled and Gil (2011) found that mothers were primarily concerned with creating a buffer between the children's lives and the violence that they themselves experienced. It was as if the women 'split' the two dimensions of their home-life in an effort to ensure their mothering was as unaffected by their victimisation as possible, and their children protected from the effects of witnessing violence. Such a difficult separation required the women to engage in multiple strategies aimed at keeping their experiences of emotional and physical pain from impacting on their mothering, by minimising the violence they experienced, being compliant to avoid arguments, remaining silent about their victimisation, and presenting themselves as optimistic and positive role models for their children. The success of the women's

attempts to keep the world of mothering separate from the world of victimisation is questionable, yet their strategies appeared to maintain their confidence in their mothering skills and preserve their dignity as good mothers who prioritise their children.

Similar protective strategies were identified earlier by Radford and Hester (2006) and more recently by Nixon et al. (2015). Among the additional strategies reported in these studies were the efforts of mothers to sustain the social perception of their family's stability and normality; their choices to leave the family home to prevent further violence or stay because their children needed a father (Radford & Hester, 2006); their attempts to seek help and support (Nixon et al., 2015; Radford & Hester, 2006); and their efforts to educate their children on IPV dynamics to prevent them from experiencing violence in their own relationships (Nixon et al., 2015).

Wendt et al. (2015) described the strategies identified in their study with mothers experiences of IPV as a 'continuum' that involved both acts to prevent physical violence and verbal abuse of the children, and constant processes of providing stability, normality and a sense that the children's environment was violence-free. Participants also spoke of their compliance with controlling partners to preserve the image of a 'good father' and loving family for their children. Yet there were limitations to how well they could protect their children. At times, they were feeling so overwhelmed by hopelessness and fear that their strategies failed. Feelings of shame and guilt emerged when their fears, anxieties or hopelessness affected how they treated their children. Efforts to sustain their families for the sake of their children conflicted with the realisation that eventually no matter what strategies they used, they could not protect their children as well as they wanted to. The researchers argued that maternal protectiveness in the context of domestic violence cannot be well understood without an analysis of the complexities of gender power relations, and attending to these complexities also requires noticing when the

focus of attention for protection remains on mothers so that fathers who perpetrate violence appear to have less responsibility for protection (Wendt et al., 2015).

While there are now more studies focusing on mothers' perspectives on proactively protecting their children in the context of IPV, and considerable consensus on the complicating social expectations of mothers and their influence in different legal interventions, our concern is specifically with how mothers *understand* protecting their children within these complex contexts. The strategies that mothers use to protect their children have been categorised as short and long term and characterised as creative, flexible, organised and variable according to children's everyday "physical and emotional wellbeing" (Nixon et al., 2015, p.4). To extend these analyses, in the following sections we report on a study attending to the ways in which women who are embedded in the legal system as a means of intervention for their safety from IPV make sense of proactively protecting their children.

#### **The current study**

Protective mothering in the context of IPV is one aspect of a larger study investigating women's experiences of the coordinated community and criminal justice response that formed the specialised Family Violence Court established in Waitakere, New Zealand (WFVC). While the larger study focused on the services provided for women, and how their safety was enhanced or compromised through their engagement with court processes and community services involved with the court, issues concerning their children's safety were crucial for the mothers in our studies, the women's advocates and for ourselves (Coombes, Morgan, Blake, & McGray, 2009; Morgan, Coombes, Te Hiwi, & McGray, 2008). In this particular location, more than half the women who sought the services of the refuge advocacy services were mothers (Coombes, Morgan, & McGray, 2007). From the WFVC studies, we became aware of the importance of understanding how the women made sense of protecting their children and the difficulties they faced in the context of legal

intervention into their intimate relationships. The women's advocates also raised issues that they faced when children were involved in their clients' cases, and we included their experiences within our analysis to enhance appreciation of the complexity and challenges that protective mothers face as they engage with services explicitly aiming to enhance their safety and that of their children.

#### **Method**

##### *Participants*

Collaborating with advocates at the refuge service formed part of our ethical protocol to ensure the safety of potential participants. As part of routine follow-up practices, the refuge conducted safety assessments of clients who were no longer involved in their partners' court proceedings and invited those women who were assessed as not currently at risk of harm to participate in the larger study. This approach meant that both current safety assessments and follow-up support were available to potential participants. While we interviewed 24 participants from a potential pool of 1464 clients whose partners' cases had been disposed, the protocol identified ongoing safety concerns for more than 50% of the service's former clients. Of those who declined to take part in the research, many did not want to revisit the time when they needed advocacy services, or did not want to talk about the court process because they had not wanted legal intervention into their relationship. Others had separated from their partners and while they appreciated the services, they didn't want to be reminded of their previous relationship. Some were unwell, either physically or psychologically. Some declined because their lives were too full managing childcare and work responsibilities. Others showed an initial interest in participating but cancelled scheduled interviews due to changes in circumstances.

Many of the former clients who declined to take part in the research re-engaged with services because of their ongoing safety concerns or because they were now involved with Family Court and

needed support. Twenty-one of the 24 women who participated in the larger study reengaged with advocacy services following their interviews. Reengagement with services supported the purpose of ensuring a safe recruitment strategy, but at the same time, put considerable pressure on the advocacy resources available to women in the area. Twenty-three of the twenty-four participants in the broader study were mothers who had primary responsibility for the care of their children.

Recruitment of advocates was purposeful, and we selected 3 advocates from the refuge service and 2 from separate organisations that were part of the community collaboration with the WFVC. All participants in the advocate group had been working with women engaged in the legal system and had between 5 and 15 years' experience in the sector, and together provided insight into the issues facing the many women who declined to, or were not in a position to participate.<sup>1</sup>

#### *Data generation.*

All participants took part in conversational interviews with either Māori or Pākehā interviewers depending on their preference. Interviews were conducted privately at either the participant's home or a local community service office depending on convenience and safety for the participant. Conversational interviews allowed participants to guide the conversation while also ensuring that it was relevant to the research goals. In the larger study, the community collaboration agreed to using Interpretive Phenomenological Analysis (IPA) (Smith, Jarman & Osborne, 1999; Smith & Osborn, 2003) and narrative analysis (Riessman, 1993; Polkinghorne, 1988, 1995) as these methods enable a participant-led idiographic focus in the data collection and analysis, as well as a focus on the meaning of key events and relationships for participants. IPA and narrative analysis also provide ethical advantages for researchers where participant safety is a concern, since there are opportunities for safety assessment through the process of arranging interviews, and their ideographic focus enables the identification of on-going

safety concerns throughout the phases of interview, transcript release and analysis. Interviewers were also able to identify unanticipated, significant information about specific instances of IPV and the complexities of legal processes as the women talked about their experiences.

As a result, we were able to gather detailed accounts to analyse the meanings of safety, protection, harm and violence from the participants' points of view as they talked about the key moments and relationships that were part of their engagement with the advocacy services in the context of the legal system. Interviews ranged between 40 minutes and 4 hours. All were digitally recorded and transcribed word for word, and returned to the participants in another face to face meeting for any amendments before the analysis stage. All identifying information was removed to protect confidentiality.

#### *Analysis.*

This paper reports the narrative analysis of themes relating to children through a temporal sequence that represents the links between the participants' experiences of protecting their children and their experiences of key events related to IPV and legal intervention: the history of violence in their relationship; their partner's arrest and their first contact with advocacy services; and their engagement with advocacy services. The narrative analysis of the themes aims to situate the women's proactive strategies for protecting their children in the context of their understanding of *harm at that time*, and the advocates' collective knowledge of maternal protection embedded in the complex relationships involved in negotiating safety.

#### *Analysis: Women's understandings of protecting their children through the process of legal interventions into Intimate Partner Violence*

The women who participated in our studies had been involved with the WFVC because their partner had been arrested for physical violence against them. It is rare for perpetrators to be arrested for psychological or emotional abuse, and although some offenders are prosecuted through the court

system for breaching protection orders, few of the women had been granted orders by the Family Court when their partner was arrested, and none of their partners had been arrested for breaching a protection order. The women's encounter with the criminal justice system, as victims of physical violence, was most commonly their first involvement with any legal intervention related to IPV.

After their partner's arrest, women participants had been provided with advocacy services available for victims through the WFVC's collaboration with community organisations. One of the court's goals was to improve safety for victims, and advocates from community services were granted speaking rights in the court so that the judges were made aware of safety concerns (Morgan, Coombes, & McGray, 2007). All the women participating in our studies received a range of services from victim advocates, including help to develop safety plans and prepare victim statements for court proceedings as well as referrals to other community services that could assist them with various needs, such as housing, finance or health services. By the time we conducted the interviews, all of the women had separated from their partners and had become involved with other agencies and legal interventions.

In the following sections we discuss the ways in which participants made sense of proactive strategies for protecting their children in three specific contexts: Before their partner's arrest; as they engaged with advocacy services provided as their partners were prosecuted in the criminal justice system; and after the disposal of their partner's criminal case, when they separated from their partners and became involved with Family Court matters related to their children's custody and access arrangements. We begin each section with an overview that locates the women's understandings of protecting their children in the context of their involvement with legal interventions into IPV and the processes through which they engaged to move towards living more safely with their children.<sup>2</sup>

*Before his arrest: A history of violence.* Participants' experiences of violence in their relationships varied, but each described a history of physical violence by their partner, in some cases going back many years. We were not surprised by this, since it is widely understood that incidents of intimate partner violence are rarely reported to police, and that there are even fewer arrests than reported incidents (see for example, Burton, 2008; Garner & Maxwell, 2009; Groves, & Thomas, 2013; Hester, 2005). In our analysis of women's accounts of the violence they experienced prior to their partner's arrest, we identified a number of stereotypes that influenced participants' understandings of IPV, including in relation to the protection of their children.

When they spoke of their experiences of protecting their children during the pre-arrest period of violence in their relationship, the participants recalled that physical harm was the focus of their attention, which fits with a stereotype of violence as physical assault. Some spoke with us about making decisions to protect their children from possible physical harm by putting themselves at risk.

*I actually stepped in, like one [verbal] incident... [I said something] and I was standing sideways at the bench and he kicked me... . (WP)*

Others told us that their partners did not physically hurt the children.

*He wouldn't attack [the kids] ....But he didn't mind doing it [to me] in front of them. (WP)*

*You know, and the last thing in the world is that I would want him to hurt my [child] and he never ever did. He was always lovely, you know, which was hard.... (WP)*

For these women at these times, protecting their children meant ensuring their partner did not physically assault the children. Their understanding of violence as physical assault was also influenced by



stereotypes of IPV as battering that involves frequent and extreme physical violence, and some participants told us they had not recognised that their partner was violent because they compared their situation to this stereotype. We noticed that when participants understood IPV in relation to a stereotype of physical battering, they minimised the seriousness of assaults they experienced, and spoke of them as occurring relatively infrequently.

*At the time I didn't even recognise it as violence to be honest, I just thought, 'it's normal, just a couple's tiff', I thought. (WP)*

*... over the years there was a bit of violence, the odd punch or the slap, that sort of thing. (WP)*

Associated with the stereotype of physical battering was an image of perpetrators as cruel individuals, who habitually resorted to violence,

*... it was hard to actually tell the doctor he had done that to me because [partner]'s such a nice person. (WP)*

Understanding their partners through such a stereotype of batterers also meant that the women regarded them as good fathers, so long as they did not assault their children.

*There were times when you couldn't have asked for a better dad as a kid. (WP)*

We interpret the women's accounts of their concern to protect their children throughout the history of physical violence against them in their relationships, as confirming other researchers' conclusions that mothers usually prioritise protecting children (Peled & Gill, 2014; Radford & Hester, 2006), even while they are being attacked. Women rarely fail to protect and shield their children in these circumstances (Radford & Hester, 2006). At these times, participants understood that keeping their children from witnessing assaults against

them was another proactive strategy they needed to protect their children.

*My son has never witnessed like any of it, he's a heavy sleeper and he never ever witnessed any of it. (WP)*

In a social context where they could not identify their experience within stereotypes of battering, they took responsibility for managing their partner's physical violence against them, engaging strategies to placate him and accepting blame for their victimisation.

*I looked at him and I thought something isn't sitting right and I thought, "oh god", I automatically thought of the [other] incident and thought, "oh cripes", so keeping things very low key, like he's big and could hurt me, really badly and also the kids were there. (WP)*

*And all the time all the family members used to come over, relatives from [geographical location]. I had hid the truth from everybody because I kept thinking it's probably me, it's probably me. (WP)*

The processes involved with participants' comparisons of their situations with stereotypes of IPV as physical assault and battering not only involved minimising violence and blaming themselves for their victimisation, but also keeping their partner's assaults hidden from others as a strategy to protect themselves, their children, and their partner from the social stigma of IPV.

*I felt a lot of shame as well. I was really, really ashamed and embarrassed. (WP)*

*A few months down the track I started noticing little things about him... and I just kind of let it go, and once he started hitting*

*me and stuff like that I didn't tell anyone. (WP)*

In the women's accounts of the history of IPV they had experienced, we identified many of the strategies that other researchers have associated with proactively protecting children: minimising violence, avoiding arguments, keeping their victimisation hidden (Nixon et al., 2015; Peled & Gil, 2011; Radford & Hester, 2006). Like Lapierre (2010), we also found that participants' accounts gave testimony to the ways in which the stereotypes and stigma of a social context in which the dynamics and complexities of IPV are not well recognised directly affected the proactive strategies that participants used to protect their children. Understanding IPV as battering and violence as physical assault meant that mothers focused their protective strategies on preventing physical harm, not always recognising that they were victimised if their experiences didn't conform to such stereotypes.

The social stigma of IPV meant that mothers also understood that their children should also be protected from the shame of their mother's victimisation or recognition of their father as a perpetrator. Stereotypes and stigma constrained the women's awareness of the harms to which their children were exposed, both in the more complex context of patterns of abuse in their relationships, and during specific incidents of physical violence against them. The arrest of their partner for a particular incident of violence precipitated a crisis in their relationship, and the criminal justice intervention confronted them with the extent of the harm they were experiencing and the dangers they and their children faced.

*After his arrest: Engaging with advocacy services.* For many participants, the arrest that brought them into contact with the WFVC was the first time police had been involved in a violent incident perpetrated by their partner. It was often neighbours or other witnesses, rather than victims themselves, who called police. As participants explained, it was often not possible for them to call police during an assault, or unsafe for them to do so afterwards. Two participants reported

calling the police themselves over an incident that involved directly protecting a child. In both cases, although their partners had assaulted them previously, this was the first time a child had been put at risk and so they decided to initiate police intervention for the first time. The mothers' interventions prevented their children coming to physical harm:

All participants reported that their first engagement with advocacy services came from information sharing about their cases within the co-ordinated network of police and community organisations collaborating with the WFVC. Arresting police passed victims' details to the advocacy services. Advocates responded quickly, and in some cases women engaged immediately, while for others the time of their partner's arrest was chaotic and frightening. They were unsure who they could trust and were more tentative in their first contacts with advocates.

Whether they engaged quickly or took longer to trust advocates, the participants recalled that the advocates' help to understand the scope and the dynamics of IPV significantly changed the ways in which they understood their partners' violence, and the ways in which they understood harm for themselves and for their children. Although some women had become sufficiently aware of the risks they were facing in their relationships and could acknowledge to themselves that they were being victimised before engaging with advocacy, most participants only began to recognise patterns of psychological, emotional, economic and physical abuse in their experiences of IPV after advocates started working with them.

*[They] helped me to see some patterns... they taught me, about how they, you know, there's like a plateau of it and it's like a cycle and they start off, you get the aggressive and cool down, the loving period and that's where they woo you back. And then, the yelling starts and then bang! They explode again, and it*

*starts again, and you forgive them and it's so true. You wake up and they'd be crying and just horrified at what they'd done to you, and they'd be so lovely. And the moment your bruises were healed it'd start again. (WP)*

In this context, advocates recognised that their clients' focus on protecting their children from physical violence and threats of physical violence, their sensitivity to victim blaming and social stigma could make it particularly difficult to help them come to terms with the kind of psycho-social and developmental harms that children may experience when their mother is abused.

*It's trying to explain to them their children don't actually need to be in the room to be affected by what's actually happening. That is a really tough point with me. That's really hard to do that. They might say he's a good father, it's really hard to talk to them about, trying to get them to see it does actually hurt your children, it does affect them, it affects their development, and it affects the way they are themselves. That's really hard sometimes. (KI)*

Since the advocates' clients did not always understand patterns and cycles of emotional abuse and control in their relationship, it was not surprising to find that they often didn't recognise the psychological and developmental harms of IPV on their children. Some women who believed that their children didn't know about the violence they experienced hadn't realised that their children had been affected, or that they had been witnesses to the violence against their mother even if they were not present and did not let their mother know about what they had heard or understood.

*'Cause my sister didn't think it had affected the kids because "the kids didn't know". And [advocate] gave me all this*

*information on how it actually does, which is huge and my sister is like "oh my god!" (WP)*

Participants also talked with us about learning of another cycle of violence in which their partner becomes a role model for exercising control over others, and using violence instrumentally. The women came to understand that through this transgenerational cycle, their children could learn to accept and potentially perpetrate violence themselves. Protecting them included breaking this cycle.

*[Child] cannot be like his dad. I think that was a huge thing as well, and [advocate] has pointed it out, that too, that it does, the cycle can be broken. (WP)*

In some cases, clients also learnt that it was not beneficial to their children for them to be silent about their partners' abuse, or excuse his actions and represent him as a loving father.

*I wouldn't say anything and that's why I've had to go to the [trauma] counselling with them because what I was doing was wrong. I kept telling them that "daddy loves you. You'll see daddy again one day." Everything, making excuses for him whereas I made a false plateau for them not realising it. I put him up 'there' whereas I should have said, "yes he did do that, and that's not okay" whereas I kept shutting it out and not talking about it. (WP)*

In this situation, trauma counselling for the participants' children provided them with a context for safely discussing their father's violence and abuse, their mother's victimisation and their responses to it. Mothers often continued to defend their children's fathers, believing that it was in the children's best interests to preserve the image of their father as a 'good father', even after they had begun to understand more of

the dynamics and patterns of their own victimisation.

Participants also learned that despite trying to keep their victimisation hidden from their children, they had not succeeded, and their children had been exposed to emotional and psychological abuse. The mothers in our study recognised their social responsibility to protect their children from harm. They accepted that in the terms of that social responsibility they had failed to understand that their children were also being abused when their partner was abusing them. They accepted blame for not adequately protecting their children from psychological and emotional harm.

*I lost my pride, I had to go in and admit I didn't know what to do. You've got to admit, the hardest thing for me was admitting what I let my kids see and I suppose I felt so, I had to admit that I was a bad mother. That was really hard. Well I didn't have to admit it but that's what it felt like. I've had too many nights when my kids have had nightmares but that's myself too. I'm to blame for that, I didn't leave sooner. (WP)*

For some participants, the risk of being viewed as 'bad mothers' became a fear and a risk of losing custody of their children because of notifications to Child, Youth and Family services that were made on the basis of their victimisation.

*And then there's still that underlying fear that someone's going to read this [victim] impact statement and maybe I'll say something like he used to use my kids against me...and I was always worried that if I did say this and it was written down somewhere I'd have CYPs on my front door saying why didn't you protect your kids and that's not the way it was. (WP)*

Advocates are ethically bound to notify child protection services if they have

evidence that children are abused, or at risk of abuse. They understand the difficulty of this situation, given that some women will become more protective of their partner and less likely to report incidents of violence when they know that someone associated with the services designed to support them could make child protection notifications.

*...it's really hard to monitor the children's safety as well if she is protective of him and you don't get the full story of what is actually happening. Because once they click on to [notifications to] Child Youth and Family, because they might come and take the children away, they can get protective of him. (KI)*

Although they are working for the safety and protection of women victims and their children, advocates are also bound by the requirements of institutions, like the criminal justice and social welfare systems that often assume the choices facing victimised women are relatively straightforward.

*The other main thing they all say is, "we'll take your kids while you sort yourself out and then you can apply for your kids back"... they said that's what would happen if I couldn't find a safe place to go to get away from him because he had been let out on bail... back to my house. (WP)*

Advocates are caught between their understanding of mothers' victimisation and the contradictory social and institutionalised expectations that mothers can and should separate from violent partners for the protection of their children, even though they are also responsible for keeping the family together for the children's benefit. This often means working with women to ensure that they understand that their partners' violence, not a deficit in their care, puts them at risk of losing their children to child services, while also making it clear that child

services will be notified of child abuse if there is sufficient evidence. Advocates then support their clients to keep the care of their children in the longer term.

*[Child protection] became involved with the kids. Me and [advocate] talked about it and basically I agreed for the kids into care. Told my ex-partner, I had to when [child protection] turned up. I was looking like there was really something I wanted to say, but after twenty years how to do you say it and mean it? It's kind of like, oh my god, and I had nowhere else to go... So it was like, "say it, and get the hell out of here to [refuge]."(WP)*

While it was relatively uncommon for the women in our studies to be in situations where their children were removed from their care even temporarily, the risks of losing custody and care of their children were clear. The likelihood of being regarded as 'bad mothers' and the recognition that care of their children was at risk among participants in our studies gave testimony to arguments in the literature that mothers' fears of the requirements of statutory child protection agencies affirm the victim-blaming social expectations of mothers who are experiencing IPV (Meyer, 2015).

Participants commonly reported feeling guilty because they did not realise the risks posed to their children earlier. They also spoke of accepting responsibility for repeatedly putting their children at risk when they reconciled with their partners after violent incidents, even though they also believed that their children were entitled to relationships with their fathers and it was their maternal responsibility to keep the family together for the sake of the children. When they became increasingly aware that repeated reconciliations with their partners were implicated in the patterns of violence through which they were victimised, they continued to accept responsibility for harming their children, based on the commonly held view that 'good mothers'

will separate from violent partners as soon as they realise that their children are at risk. We recognise a contradiction in this situation: the women had believed they were protecting their children at the time when their understanding of protection was focused on the stereotypical meaning of violence as physical assault, yet challenging those stereotypes and learning the extent of harms they and their children were facing undermined rather than supported their sense of worth as mothers.

*After his criminal case: Separation and family court.* By the time their partners' cases had been disposed in the criminal court and participants had come to understand that protecting their children meant more than attempting to prevent them from being physically assaulted, they were also clear that the social expectation for them to separate from their partners to protect their children left them with few options. They had repeatedly been advised by others to end their relationship, and they felt a burden of responsibility to leave themselves, despite their partner's responsibility for the violence and abuse.

*That was everybody's answer; everywhere I went. Everybody just said: "oh just pack up, get in your car, and run." (WP)*

Although 'leaving' may be commonly regarded as more protective of children than 'staying', since it is assumed to remove the immediate threats of physical harm and the emotional and psychological harms of witnessing violence against their mothers, participants gave testimony to continuing threats, intimidation and emotional harm from their (ex)partners. Separation did not ensure their safety, though their engagement with advocates meant that they had learned safety planning and, where appropriate, their children had also been involved in safety plans.

*One time [ex-partner] came over and he started throwing me around. [My daughter] followed [the advocate's] safety plan, she,*

*to the point she grabbed my keys from my handbag, she got in the car...she just ran, got in the car, locked the doors and sat there beeping the horn and ringing on the cell phone. And she was sitting in the car beeping the horn. All the neighbours came over and... . (WP)*

As is the case in previous research (Wendt et al., 2015), participants in our study were also aware of their responsibilities for protecting children from instability and social stigma. Often these responsibilities meant that safety from post-separation violence was complicated by the risk of consequences for children and other members of the women's families.

*Yeah for me to clear the slate I'd have to move, I'd have to move... away, but then I feel for my family because he knows where they are you know, it makes it kind of hard. But he knows where I work, he knows everything about my life which is hard to break free of...he knows where son goes to school; he knows where I live and where my parents live and where my sister lives. And they are the main people in my life and he knows everything about it. To get a clean slate I'd have to move. (WP4)*

Re-location, however, does become necessary for safety for some women and their children. Participants in our studies who re-located gave similar accounts of significant losses to those who participated in Thomas et al.'s (2015) research.

*I had to give up our home because we certainly couldn't live there because it wasn't a safe place and because there was no one close. So we had all that upheaval, the kids had to change schools and like we were [temporarily living with relatives and] we couldn't stay there. (WP)*

In the context of continuing violence and abuse post-separation, it is evident that the binary choice between 'leaving' and 'staying' in a relationship with their partner (Peled & Dekel, 2010; Peled, Davidson-Arad, & Perel, 2010) does not take account of the consequences of either choice for the women and their children. Some of the women in our study explained that the process of deciding to separate took time, and was far from a simple choice. They needed to be supported and in a position to meet their own and their children's needs.

*I hit that point...and thinking back I, that point of getting myself into a position where I could take the kids and go, just took me a while to do it but that's where I was heading. I was getting [advocacy] support, I was getting, had a good job, earning my own money. (WP)*

The support of advocates was vital for the safety of the women and their children during the process of their partners' prosecution through the WFVC. Post-separation though, the advocates' clients sought legal interventions for issues of child custody and their ex-partners' access to their children through the Family Court. Along with separation, mothers' applications for orders of protection are cited as evidence that they are adequately seeking help to protect their children in the context of IPV, even though this is an unrealistic expectation in many cases (Lindauer, 2012).

*I was advised to apply for the protection and all these things, safety things for children and for families, and I haven't. I don't know. I went to a lawyer once, but [they] just listed all the risks and all the costs I'd have to pay if I want to get some protection against those things and I just couldn't. (WP)*

Advocates were not provided with the same rights to support their clients in relation to the Family Court as was the case with the WFVC. The different jurisdictions of the

courts mean that it has not been possible for Judges in the Criminal Court jurisdiction to recommend that the Family Court issue orders of protection for victims of those convicted of family violence offences. Advocates continued to support clients with legal proceedings in the Family Court, and in some cases were able to assist with access to temporary protection orders quickly.

*The kids just wanted to go home and they [advocates] managed to get the kids and me back in the house. I got occupation orders, protection order, furniture order, interim custody, and they got me all of those temporary ones within 24 hours. And then they got, within three months, they were finalised. (WP)*

However, the women's experiences of Family Court were noticeably different from those of the Family Violence Court. Without their advocate's representation in Family Court, some participants could not convince the Court that there was a legitimate need for their legal protection, and that the risks to their children were also significant.

*It's all, everything's manipulated and misconstrued so it looks like you know, like this whole, this serious thing - where in front of his children - he said he was getting his knife and killing me. "Oh, they should have got over that by now and probably it never happened because you just imagined it, why don't the children want to see their father?" Oh because I was poisoning their minds and making them think that he's a bad man, so this is the, so this is, this mental pressure I've been under. (WP)*

Participants gave testimony to the kind of concerns raised by Davis et al. (2011), when assessments provided to Family Court by professionals report victimised women's attempts to protect their children as alienating

the children from their fathers. The assumption that children's best interests are served by ongoing contact with fathers who perpetrate IPV, regardless of the wishes of the child or their mother, was apparent to the women in the proceedings of the Family Court.

*The Family Court, they seem to keep saying the children need both mother and father. They need to see everything, all of the effects. They need to see what happens to these children, and I really want [child] to see [child's] father but... [child's] still saying [child] doesn't want, doesn't want visitation. (WP)*

By the time the women whose partners have been convicted of violence against them in the WFVC encounter the challenges of disbelief, mistrust and misunderstanding of the Family Court, they have learned to question the stereotypes that limited their understanding of IPV and enabled them to accept responsibility for his actions. They have shifted the meaning of harm to encompass psychological, emotional, financial and spiritual abuse. Protecting their children has come to mean more than diverting physical assault to themselves, complying to keep the peace or ensuring their children are not present during an assault against them. In this context, they experienced Family Court as obstructing them in their attempts to protect their children and reproducing stereotypes of victim-blame and mother-blame that burdened them with responsibility for their partners' violence. They had taken responsibility for the safety of themselves and their children, separated, endured the social stigma of victimisation as well as ongoing post-separation abuse from their partners.

The paradox that emerges for the participants in relation to the Family Court is not only a matter of the obvious contradiction between the legislative intent of the Domestic Violence Act (1995/2013) to protect victims of family violence and the

failure of the Court to take their victimisation seriously. The ongoing complexities of IPV that were essential for the women in our study to understand so that they could better protect their children were not understood in the family justice system. While the criminal justice intervention brought participants into contact with advocacy services that supported them to enhance their own and their children's safety, the family justice system became a site where their partners' ongoing abuse was not recognised and their children's safety was compromised.

### Discussion

When the mothers participating in our studies spoke with us about their experiences of harm, safety and protecting their children, their stories of significant relationships and events involved complex intersections between the responses of police, the Family Violence Court, the Family Court, advocates, neighbours, friends and families with their own responses and those of their children. Through analysing the women's stories, we came to understand harm, safety and protecting their children as situated in a complex of social relationships, where unpredictable responses by others, including their ex-partners, created contingencies that complicated the women's pathways to safety for themselves and their children.

The women understood harm, protection and safety in relation to specific events where their immediate and long-term risks and needs varied according to their circumstances and contingencies beyond their control. The meaning of violence, abuse, safety or protection shifted and changed as the women's experiences and understandings unfolded throughout the process of their partner's arrest and prosecution, their engagement with advocacy services, their decisions to leave their partner and their involvement with community services, professionals and family court proceedings.

Initially, participants were focused on physical safety and protecting their children from assault and witnessing assaults on them. They may have been aware that the children were emotionally harmed by their partner's

violence, but their priority was on managing potentially lethal or systematically controlling physical violence, and preventing their children from being assaulted. As their partners came to have less unimpeded access to them through the interventions of the Family Violence Court, the women had opportunities to learn about and reflect on the psychological and social abuses that their children were experiencing. They held hope for the possibilities of safety with the support of legal interventions that would protect them and their children from physical harm, and longer-term support for recovery and healing the harms they were experiencing. Yet the formal and legislative systems ostensibly created to assist them largely failed to do so. Child protection services held the potential for a threatening intervention that could mean losing custody of their children. Family Court proceedings were fraught with risks of sanctioned, ongoing contact between their children and their abuser. Some professionals in the court held the view that children's best interests are served by relationships with both parents, and there were occasions when access was granted to fathers who had been convicted of violence in the WFVC because women's accounts of violence against them were not believed.

The participants in our study were well aware that mothers who are victimised by their partners are expected to take responsibility for protecting their children, and carry a burden of responsibility for managing or stopping their partners' violence against them. As with other research (Lapierre, 2010; Peled & Gil, 2011; Radford & Hester, 2006; Wendt et al., 2015), we found mothers prioritised protecting their children, even while their understanding of safety, protection and harm shifted and changed. They expected to leave their partner to escape violence, although often leaving increased immediate safety risks for themselves and their children, and it proved impossible for many to 'escape' since they were embedded in family relationships and subject to custody and access arrangements that continued to provide their partners with



opportunities for abuse, intimidation and threats. They also encountered professionals who lacked understanding of intimate partner violence, and who blamed them for their victimisation and ‘failure’ to protect their children.

The complexities of mothering in the context of intimate partner violence are increasingly recognised through studies that prioritise the accounts of women protecting their children while experiencing victimisation. Growing evidence shows that harm to mothers and children were not consequences of discrete events of physical violence that could have been avoided by the victims’ careful management of themselves and their abuser. Safety, harm and protection need to be even more widely understood as ongoing processes whose meanings are embedded in social expectations and stereotypes. Widespread institutional and social responses that reproduce victim-blaming and mother-blaming complicate mothers’ protection of their children, while excusing, justifying or ignoring the violence perpetrated by their partners.

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### Notes

<sup>1</sup> There are no comparable statistics available nationally. The National Collective of Independent Women's Refuges (NCIWR) report that in 2014-2015 52% of the 16,507 people using their services were women and 48% were children, but do not report how many of the women were mothers (NCIWR, 2015). New Zealand Police statistics report that there were 101,981 Family Violence investigations in 2014 and 62,923 children under the age of 16 were linked to those investigations (New Zealand Family Violence Clearinghouse, 2015).

<sup>2</sup> Although we removed all identifying information from transcriptions of interviews prior to analysis, as an additional device to protect confidentiality, we have not followed the usual practice of providing pseudonyms for participants when citing evidence from their transcripts. We were concerned with the possibility that confidentiality could be breached if specific episodes were able to be connected with a particular participant across themes. We have included quotes from women participants who were clients of the advocacy services involved with the WFVC, as well as some quotes from advocates as key informants. To clearly distinguish clients and advocates, the former are indicated by the initials WP and the latter by the initials KI.

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### Address for Correspondence

Mandy Morgan  
Email: c.a.morgan@massey.ac.nz  
Leigh Coombes  
Email: l.coombes@massey.ac.nz

### Author Biographies

Mandy Morgan is Professor of Feminist Psychology at the School of Psychology at Massey University in Aotearoa/New Zealand. Her research is broadly located in critical feminist theory and research. One area is concerned with theoretical psychology, especially poststructuralist feminism. A second area is a programme of critical and discursive projects on the ways in which domestic violence service and intervention providers and clients understand their experiences.

Leigh Coombes is a Senior Lecturer in the School of Psychology/Te Kura Hinengaro Tangata, Massey University, Aotearoa/New Zealand. Her research is theoretically and methodologically committed to social justice, especially issues of gender and violence. Central to this are concerns with the context of social inequities and their transformation, including historical, social and cultural conditions of gender and the effects of colonisation on particular communities.