



Summary

Advisory report on child safety risks in complex (ex-)partner relationships

Council for the Administration of Criminal Justice and Protection of Juveniles

The Advisory Division of the Council for the Administration of Criminal Justice and Protection of Juveniles (*Raad voor Strafrechtstoepassing en Jeugdbescherming*; hereinafter referred to as 'the RSJ') has issued an advisory report on the question whether sufficient attention is paid to child safety in disputes about parental responsibility and contact in the context of complex (ex-)partner relationships. It seems that two realities exist at the same time: while on the one hand it is argued that there is insufficient attention for child safety in complex (ex-)partner relationships, on the other hand, in reality, there seems to be a lot of attention for the possible harm caused to a child who is not allowed to have contact with one of his parents.

Interviews have been conducted with 36 experts from 18 different organisations relevant to the topic of this advisory report. Based on these interviews, it can be concluded that these organisations do pay attention to possible child safety risks and that this attention has increased in recent years. However, this increased attention is not always sufficient to identify or prevent child safety risks. For example, in some cases, awareness appears to be lacking that (ex-)partner violence, especially when witnessed by children, should be considered a form of child abuse. The increased attention for issues such as coercive control and intimate partner violence has, however, highlighted the unequal power dynamics between (ex-)partners, the potential for ongoing violence and the position of children during and after parental separation. In disputes about parental responsibility and contact that go to court, a shift is visible away from the view that parents are equal parties with an equal share in their conflicts, who should work together to find a solution based on their parental responsibilities. However, it turns out that family court judges do not always have all information available needed to properly assess possible safety risks to the child.

Despite the increased focus on child safety, a number of problems have been identified:

- Centralisation is lacking in the prevention of child safety risks. Information gathered by different organisations is not brought together at crucial points in time, resulting in organisations working in their own vacuum, which may lead to conflicting decisions.

- In practice, it is unclear who should detect child safety risks, at what point in time, and who is responsible to ensure that the information reaches the appropriate organisation.
- It is unclear to practitioners which information may be shared with whom to reduce and stop unsafe situations for children.
- The organisations involved use a number of screening tools with different objectives (including screening for domestic violence, stalking, safety risks to children, etc.), which are not easily comparable.
- Due to waiting lists, screening and diagnostics are often not completed in time, leaving children in unsafe situations for longer than necessary.
- There appears to be a lack of knowledge about the mandatory reporting protocol *Domestic violence and child abuse* and the steps that professionals have to take when they suspect forms of violence and child abuse.
- There is a lack of timely and appropriate support for children and parents experiencing domestic violence and intimate partner violence.

The RSJ believes it is of importance that conclusive information about child safety risks is available on time for professionals involved in parental responsibility and contact cases, including the court. Due to the problems outlined in this report, it is often impossible to determine with any degree of certainty whether the identified child safety risks are severe enough to warrant caution in granting contact with one of the parents. The complex task of balancing child safety risks with the child's contact rights falls to family court judges. However, finding an appropriate balance between safety and contact is only possible when the court case files contain objective information about the possible presence of violence in the family.

Recommendations

The RSJ makes the following recommendations:

1. Centralisation, cooperation and exchange of information

- Assign one central organisation with the task and responsibility to request and share information in order to generate the most appropriate decision to reduce safety risks for children. Include this centralised organisation in the context of current innovations in the Netherlands of the child protection system and the actions against femicide.
- Establish cooperation covenants between organisations in the various legal fields, regulating the systematic exchange of information and knowledge.
- Improve the exchange of information between organisations operating in the various legal fields involved.
- Ensure that professionals from various organisations interact and exchange knowledge and practical experience, by organising joint case discussions, peer-to-peer learning sessions and seminars.



2. Screening and diagnostics

- Develop a uniform assessment framework and a uniform screening tool, based on scientifically validated instruments and knowledge applicable to Dutch practice. Ensure that this tool has sufficient predictive value for child safety risks, is used by all organisations in the various legal fields and that the family court judge also has access to the outcomes.
- Screening and diagnostics should take place early in the process, preferably already by local community teams. The screening tool should be based on outcomes of scientific research and should be evaluated during its use. The red flags for escalation of violence or a potentially fatal outcome should have a validated place in the screening tool.
- Besides using a screening tool, professionals should develop awareness of signals of child safety risks. This should lead to careful consideration of whether to use a screening tool.
- For the benefit of children, a confidential counsellor should be available, who can be approached in an easily accessible way, for instance at schools and (sports)clubs. These confidential counsellors should be trained in the use of the mandatory reporting protocol *Domestic violence and child abuse*.
- Ensure that children are involved and heard at all stages of procedures and in all decisions taken.

3. Knowledge promotion

- Ensure that a central organisation is responsible for knowledge promotion and training of professionals, public campaigns and research on the screening and consequences of domestic violence and intimate partner violence.

Knowledge promotion concerns the application of the Istanbul Convention, the application of the mandatory reporting protocol *Domestic violence and child abuse*, recognising different forms of domestic violence and intimate partner violence and child safety risks.

- Organise public awareness raising campaigns and education aimed at establishing healthy relationships and social manners, and concerning different forms of violence and opportunities to (self)report them.
- Appoint officers with a focus on domestic violence and intimate partner violence at each organisation, who can build bridges between staff from different organisations and maintain an overview of cases.



4. Appropriate care

- At the national level, develop an integrated, nationwide and timely available care plan for families experiencing domestic violence and intimate partner violence.
- Care should be available at an early stage, for all members of a family, individually or jointly.
- Behavioural interventions for offenders should be available.
- Ensure adequate capacity and budget for supervised contact between parent and child.

The advisory report is available on the [website](#) of the Council for the Administration of Criminal Justice and Protection of Juveniles.

