

# Adolescent Family Violence: What is the Role for Legal Responses?

Heather Douglas\* and Tamara Walsh†

---

## Abstract

Domestic and family violence has received close attention in Australia recently. However, most of the legal, policy and research interest has focused on the protection of women and their children from violent male partners. Adolescent family violence has remained largely underexplored. In this article, we consider the role of the legal system in responding to adolescent family violence. Drawing on focus groups conducted with lawyers and other service providers, we examine the role of legal interventions in improving outcomes for victims, perpetrators and other family members. We identify the need for greater resourcing and a more nuanced response to this form of violence.

## I Introduction

Domestic and family violence has received close attention in Australia in the last five years.<sup>1</sup> However, most of the legal, policy and research interest in domestic violence has focused on the protection of women and their children from violent male partners.<sup>2</sup> Adolescent family violence has remained ‘hidden’ and underexplored.<sup>3</sup>

---

\* Professor, T C Beirne School of Law, The University of Queensland, St Lucia, Queensland, Australia. Douglas’ contribution to this research was part of an Australian Research Council Future Fellowship: FT140100796.

† Professor, T C Beirne School of Law, The University of Queensland, St Lucia, Queensland, Australia.

The authors thank the focus group participants for taking part in this research and Jessica Downing-Ide and Ella Rooney for research assistance.

<sup>1</sup> Victoria, Royal Commission into Family Violence, *Summary and Recommendations* (2016) (‘*Royal Commission Summary*’); Special Taskforce on Domestic and Family Violence in Queensland, *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland* (28 February 2015) <<https://www.communities.qld.gov.au/resources/gateway/campaigns/end-violence/about/special-taskforce/dfv-report-vol-one.pdf>>.

<sup>2</sup> Council of Australian Governments, *The National Plan to Reduce Violence against Women and their Children 2010–2022* (November 2016) <<https://www.dss.gov.au/women/programs-services/reducing-violence/the-national-plan-to-reduce-violence-against-women-and-their-children-2010-2022>>.

<sup>3</sup> Barbara Cottrell and Peter Monk, ‘Adolescent-to-Parent Abuse: A Qualitative Overview of Common Themes’ (2004) 25(8) *Journal of Family Issues* 1072, 1075; Michel Stewart, Ailsa Burns and Rosemary Leonard, ‘Dark Side of the Mothering Role: Abuse of Mothers by Adolescent and Adult Children’ (2007) 56(3–4) *Sex Roles* 183, 183–4; Jo Howard and Naomi Rottem, ‘It All Starts at Home: Male Adolescent Violence to Mothers’ (Research Report, Inner South Community Health Service and Child Abuse Research Australia, Monash University, 2008); Rachel Condry and

Adolescent family violence occurs when an older child, generally post-pubescent, perpetrates violent acts upon their parents, siblings or other members of their household.<sup>4</sup> While adolescent family violence can involve both verbal and physical aggression,<sup>5</sup> most of the existing literature tends to focus on acts of physical violence, particularly physical assault.<sup>6</sup>

In this article, we consider the role of the legal system in responding to adolescent family violence. We explore the role of legal interventions in ending the violence, ensuring the safety of the victim, repairing the family dynamic and encouraging, as far as possible and appropriate, the perpetrator to take responsibility and be accountable for the violence. To date there has been limited research undertaken in Australia about the way in which legal interventions may be used to respond to adolescent family violence.<sup>7</sup>

Across Australian federal, state and territory jurisdictions, there are a number of potential legal responses to adolescent family violence. Family law orders, civil protection orders, policing and criminal justice interventions, and innovative justice responses such as conferencing may be relevant and useful in the context of adolescent family violence. We consider the way in which legal processes are being used in this context, by drawing on research involving five focus groups with legal and social service providers in Brisbane, Queensland ('the Brisbane study'). We asked focus group participants to outline the role of legal responses and of various agencies (such as Queensland Police, the Queensland Department of Child Safety and community services) in addressing adolescent family violence. We also asked participants to reflect on which systems or agencies they viewed as best equipped to respond to the issues, and to identify beneficial changes to legal responses, as well as suggestions for innovative justice solutions.

Definitions of 'adolescent' vary between studies, with some including children as young as 10 years and as old as 21 years.<sup>8</sup> In this study, we define an

---

Caroline Miles, 'Adolescent to Parent Violence: Framing and Mapping a Hidden Problem' (2014) 14(3) *Criminology & Criminal Justice* 257.

<sup>4</sup> See, eg, Gregory Routt and Lily Anderson, 'Adolescent Violence towards Parents' (2011) 20(1) *Journal of Aggression, Maltreatment and Trauma* 1, 2; Peter C Kratcoski, 'Youth Violence Directed towards Significant Others' (1985) 8(2) *Journal of Adolescence* 145, 146.

<sup>5</sup> Linda S Pagani et al, 'Risk Factor Models for Adolescent Verbal and Physical Aggression towards Mothers' (2004) 28(6) *International Journal of Behavioral Development* 528.

<sup>6</sup> Routt and Anderson, above n 4, 2.

<sup>7</sup> Karla Elliott et al, *Investigating Adolescent Family Violence: Background, Research and Directions* (Context Report, Monash University, 2017); Kathleen Daly and Heather Nancarrow, 'Restorative Justice and Youth Violence towards Parents' in James Ptacek (ed), *Restorative Justice and Violence against Women* (Oxford University Press, 2009) 150; Kathleen Daly and Danielle Wade, 'Gender and Adolescent-to-Parent Violence: A Systematic Analysis of Typical and Atypical Cases' in Amanda Holt (ed) *Working with Adolescent Violence and Abuse towards Parents Approaches and Contexts for Intervention* (Routledge, 2016) 148.

<sup>8</sup> Ashleigh Haw, *Parenting over Violence: Understanding and Empowering Mothers Affected by Adolescent Violence in the Home* (Report, The Patricia Giles Centre, 2010) 6; Jo Howard, *Adolescent Violence in the Home: Mapping the Australian and International Service System* (Report launched at the No to Violence 2012 Australasian Conference on Responses to Men's Domestic and Family Violence, No To Violence Male Family Violence Prevention Association, 2012); Mary McKenna and Rosalie O'Connor, 'Walking on Eggshells ... Child and Adolescent Violence in the Family' (Information Booklet, Relationships Australia (SA), Flinders University, Southern Junction Community Services, 2012).

adolescent as a child aged between 10 and 17 years of age, as this is the age range for criminal responsibility for children in Queensland, where the study reported in this article took place.<sup>9</sup> In Queensland, the *Domestic and Family Violence Protection Act 2012* (Qld) defines domestic violence as behaviour that is physically, sexually, emotionally, psychologically or economically abusive or is threatening; or coercive or ‘in any other way controls or dominates’ the person causing them to fear for their ‘wellbeing or that of someone else’.<sup>10</sup> The *Family Law Act 1975* (Cth) includes a similar definition.<sup>11</sup> Howard and Rottem defined adolescent family violence in a similar way:

an abuse of power perpetrated by adolescents against their parents, carers and/or other relatives, including siblings. It occurs when an adolescent attempts physically or psychologically to dominate, coerce and control others in their family.<sup>12</sup>

We begin with an overview of the literature on adolescent family violence, and available legal responses in Queensland, before turning to the Brisbane study and its findings.

## II What the Literature Tells Us

Historically, adolescent family violence has been neglected in studies of domestic and family violence.<sup>13</sup> Miles and Condry refer to it as a ‘silent problem’.<sup>14</sup> However, research into adolescent family violence has been of increasing interest in Australia and overseas.<sup>15</sup> There are two key strands in this growing body of research: research that explores the perceptions of service workers, perpetrators and victims about the nature and experience of adolescent family violence;<sup>16</sup> and research that focuses on the appropriateness and effectiveness of special restorative justice programs developed for perpetrators and victims of adolescent family violence.<sup>17</sup>

<sup>9</sup> *Criminal Code Act 1899* (Qld) sch 1 (‘*Criminal Code* (Qld)’) s 29.

<sup>10</sup> *Domestic and Family Violence Protection Act 2012* (Qld) s 8 (‘*DFVP Act* (Qld)’).

<sup>11</sup> *Family Law Act 1975* (Cth) s 4AB (‘*FL Act* (Cth)’).

<sup>12</sup> Howard and Rottem, above n 3, 10. See also Jo Howard, ‘Adolescent Violence in the Home: The Missing Link in Family Violence Prevention and Response’ (Stakeholder Paper No 11, Australian Domestic and Family Violence Clearinghouse, University of New South Wales, 2011) 2.

<sup>13</sup> Jeffrey A Walsh and Jessie L Krienert, ‘Child-Parent Violence: An Empirical Analysis of Offender, Victim, and Event Characteristics in a National Sample of Reported Incidents’ (2007) 22(7) *Journal of Family Violence* 563.

<sup>14</sup> Caroline Miles and Rachel Condry, ‘Responding to Adolescent to Parent Violence: Challenges for Policy and Practice’ (2015) 55(6) *British Journal of Criminology* 1076, 1076.

<sup>15</sup> See, eg, Elliott et al, above n 7; Daly and Wade, above n 7; Amanda Holt, ‘Adolescent-to-Parent Abuse as a Form of “Domestic Violence”: A Conceptual Review’ (2016) 17(5) *Trauma, Violence & Abuse* 490; Melanie Simmons et al, ‘Sixty Years of Child-to-Parent Abuse Research: What We Know and Where to Go’ (2018) 38 *Aggression and Violent Behavior* 31; Jo Howard and Lisa Abbott, ‘The Last Resort: Pathways to Justice’ (Report, Peninsula Health, Victoria Legal Aid and City of Greater Dandenong Youth Services, 2013).

<sup>16</sup> Haw, above n 8 (reporting on interviews with service providers and mothers); Howard and Abbott, above n 15 (reporting on interviews with parents and adolescents); Amanda Holt and Simon Retford, ‘Practitioner Accounts of Responding to Parent Abuse — A Case Study in Ad Hoc Delivery, Perverse Outcomes and a Policy Silence’ (2013) 18(3) *Child and Family Social Work* 365 (reporting on interviews with practitioners).

<sup>17</sup> See, eg, Victoria, Royal Commission into Family Violence, *Report and Recommendations* (2016) vol IV, 162 (‘*Royal Commission Report*’). See also Daly and Nancarrow, above n 7, 156–69.

Adolescent family violence is a gendered phenomenon: the majority of perpetrators are boys and young men, and the majority of victims are women. The most common relationship between victim and perpetrator is mother–son.<sup>18</sup> A recent study examined 1892 cases of adolescent violence reported to Metropolitan Police in the United Kingdom in 2009–10.<sup>19</sup> In that sample, 87% of perpetrators were male, 77% of victims were female and 66% of cases involved a mother–son relationship.<sup>20</sup> In their United States based study of a large cross-national sample of reported offenders (n=17 957), Walsh and Krienert identified that white biological mothers over 40 years old were most likely to be the victims of their 14–17 year old sons in reported cases of adolescent family violence.<sup>21</sup> In many reported cases of adolescent family violence, the victim-mother is the sole parent.<sup>22</sup> There also appear to be gender-based differences in the way adolescent violence is perpetrated. Haw reports that ‘female perpetrators were described as engaging in emotional/psychological abuse more frequently than males, whereas physical abuse, verbal abuse, financial abuse, property damage, and control/intimidation were said to be more commonly perpetrated by males than females’.<sup>23</sup> Generally, a range of behaviours is associated with adolescent family violence including physical and psychological abuse, financial abuse, property damage and intimidation.<sup>24</sup>

‘Sibling violence’ or ‘sibling abuse’ is also under-researched, although it is generally observed to be very common, and perhaps the most prevalent form of family violence.<sup>25</sup> Sibling violence is less gendered than child-to-parent adolescent family violence,<sup>26</sup> but adolescents are the most common perpetrator group in terms of age.<sup>27</sup> Despite the fact that physical injuries inflicted can be severe, sibling abuse tends to be ignored by social scientists.<sup>28</sup> Researchers have cautioned against

---

<sup>18</sup> Daly and Wade, above n 7, 149.

<sup>19</sup> Condry and Miles, above n 3.

<sup>20</sup> Ibid 272. See also Jun Sung Hong et al, ‘The Social Ecology of Adolescent-Initiated Parent Abuse: A Review of the Literature’ (2012) 43(3) *Child Psychiatry & Human Development* 431, 433.

<sup>21</sup> Walsh and Krienert, above n 13, 567. See also Megan Williams, Keith Tuffin and Patricia Niland, ‘“It’s Like He Just Goes Off, BOOM!”: Mothers and Grandmothers Make Sense of Child-to-Parent Violence’ (2017) 22(2) *Child and Family Social Work* 597, 598.

<sup>22</sup> Haw, above n 8, 7; *Royal Commission Report*, above n 17, vol IV, 152.

<sup>23</sup> Haw, above n 8, 6.

<sup>24</sup> Ibid.

<sup>25</sup> Courtney McDonald and Katherine Martinez, ‘Parental and Others’ Responses to Physical Sibling Violence: A Descriptive Analysis of Victims’ Retrospective Accounts’ (2016) 31(3) *Journal of Family Violence* 401, 401–2; Roxanne Khan and Paul Rogers, ‘The Normalization of Sibling Violence: Does Gender and Personal Experience of Violence Influence Perceptions of Physical Assault against Siblings?’ (2015) 30(3) *Journal of Interpersonal Violence* 437, 438–9; Jessie L Krienert and Jeffrey A Walsh, ‘My Brother’s Keeper: A Contemporary Examination of Reported Sibling Violence Using National Level Data, 2000–2005’ (2011) 26(5) *Journal of Family Violence* 331, 331; Shelley Eriksen and Vickie Jensen, ‘A Push or a Punch: Distinguishing the Severity of Sibling Violence’ (2009) 24(1) *Journal of Interpersonal Violence* 183, 183–4 (‘Eriksen and Jensen 2009’); Shelley Eriksen and Vickie Jensen, ‘All in the Family? Family Environment Factors in Sibling Violence’ (2006) 21(8) *Journal of Family Violence* 497, 497.

<sup>26</sup> McDonald and Martinez, above n 25, 402; Khan and Rogers, above n 25, 438; Eriksen and Jensen 2009, above n 25, 187.

<sup>27</sup> Khan and Rogers, above n 25, 438–9.

<sup>28</sup> Kristi L Hoffman and John N Edwards, ‘An Integrated Theoretical Model of Sibling Violence and Abuse’ (2004) 19(3) *Journal of Family Violence* 185, 185, see also 195; McDonald and Martinez, above n 25, 402; Krienert and Walsh, above n 25, 333; Eriksen and Jensen 2009, above n 25, 185.

normalising and minimising sibling violence, as it can be associated with later violent behaviour, particularly in intimate relationships.<sup>29</sup>

Statistics in Australia suggest that the problem of adolescent family violence may be increasing, and/or families are becoming more likely to report such violence. For example, Victoria Police statistics show there was a 9% increase in family violence reports where the perpetrator was under 18 years of age between 2006 and 2012.<sup>30</sup> Victoria Police also informed the Victorian Royal Commission into Family Violence in 2015 that between the years 2010 and 2015, reported family violence incidents where the perpetrator was under 19 years grew from 4516 to 7397 incidents.<sup>31</sup> While the issue is identified as an important one, some have suggested that the number of adolescents who are violent towards their family members is overall relatively low compared to adult intimate partner violence ('IPV'). Holt reports that between only 6.5% and 10.8% of young people have hit their parents on at least one occasion in the past one to three years.<sup>32</sup> Notably, these figures are based on self-reports.<sup>33</sup> It is generally acknowledged that adolescent family violence is substantially under-reported, so actual prevalence rates are unknown.<sup>34</sup>

Researchers have recognised many similarities between adolescent family violence and IPV. For example, both of these types of violence may involve the use of tactics of power and control.<sup>35</sup> Like violent abusers in the context of IPV, adolescent perpetrators of family violence have often witnessed domestic and family violence<sup>36</sup> and, in one study, many of the victim-mothers had also experienced IPV from a partner or former partner.<sup>37</sup> These two types of violence are also similar in that victims may be reluctant to report the violence to police or to other service providers, resulting in the victim experiencing isolation and lacking support.<sup>38</sup> Services for those experiencing IPV often focus on supporting the victim to safely separate or remain independent of the perpetrator, but for many victims of IPV their

<sup>29</sup> Krienert and Walsh, above n 25, 335; Eriksen and Jensen 2009, above n 25, 184; Hoffman and Edwards, above n 28, 186.

<sup>30</sup> Elliot et al, above n 7.

<sup>31</sup> *Royal Commission Report*, above n 17, vol IV, 150.

<sup>32</sup> Holt, above n 15, 490. See also Condry and Miles above n 3, 270. O'Hara and colleagues report a prevalence rate of between 5% and 22% of the population: Karel L O'Hara et al, 'Adolescent-to-Parent Violence: Translating Research into Effective Practice' (2017) 2(3) *Adolescent Research Review* 181, 184.

<sup>33</sup> See also Miles and Condry, above n 14, 1078.

<sup>34</sup> Caroline Miles and Rachel Condry, 'Adolescent to Parent Violence: The Police Response to Parents Reporting Violence from their Children' (2016) 26(7) *Policing and Society* 804, 806; Routt and Anderson, above n 4, 2–3; Michel Edenborough et al, 'Living in the Red Zone: The Experience of Child-to-Mother Violence' (2008) 13(4) *Child and Family Social Work* 464, 464–5.

<sup>35</sup> Daly and Nancarrow, above n 7, 153; Jo Howard, 'Adolescent Violence in the Home: How is it Different to Adult Family Violence?' *Australian Institute of Family Studies: News & Discussion* (online), 8 December 2015 <<https://aifs.gov.au/cfca/2015/12/08/adolescent-violence-home-how-it-different-adult-family-violence>>.

<sup>36</sup> Mary McKenna, Rosalie O'Connor and Jussey Verco, 'Exposing the Dark Side of Parenting: A Report of Parents' Experiences of Child and Adolescent Family Violence' (Report, The Regional Alliance Addressing Child and Adolescent Violence in the Home (SA), 2010) 5 <[http://www.flinders.edu.au/eh/fms/humanities\\_files/pdf/Exposing%20the%20Dark%20Side%20of%20Parenting.pdf](http://www.flinders.edu.au/eh/fms/humanities_files/pdf/Exposing%20the%20Dark%20Side%20of%20Parenting.pdf)>; Howard, above n 35.

<sup>37</sup> Howard, above n 35.

<sup>38</sup> Howard and Abbott, above n 15; Routt and Anderson, above n 4, 10.

aspiration is safety rather than separation. Similarly, for many families where there is adolescent family violence, victims want the violence to stop and the family to be reconnected, rather than for the perpetrator to be removed.<sup>39</sup>

There are also a number of important differences between adolescent family violence and IPV. While perpetrators of IPV are often much more physically, socially and financially well-resourced than their victim, this is often not the case in the context of adolescent family violence.<sup>40</sup> The issue of responsibility must also be understood differently for these two forms of violence. While adult perpetrators of IPV are usually fully responsible for their violence and have the capacity to live independently, adolescent perpetrators may not have the developmental capacity to understand their behaviour and they may rely on their victim for nurturing, guidance and support.<sup>41</sup>

There is a developing literature around ‘intergenerational’ violence focusing on the relationship between IPV perpetrated by fathers and adolescent family violence perpetrated by their sons.<sup>42</sup> However, research has also identified the correlation between mental health problems<sup>43</sup> and drug and alcohol problems<sup>44</sup> and adolescent family violence, similar to studies about IPV.<sup>45</sup>

Further, research emerging from the child disability sector indicates that aggressive behaviour is particularly prevalent among children with cognitive and developmental disabilities.<sup>46</sup> Brosnan and Healy note that children with intellectual disabilities and autism spectrum disorders are at particular risk for the development of ‘challenging behaviour’ and that this may result in the victimisation of family members and carers.<sup>47</sup> While aggressive behaviour among such children may be ‘learned’, it can also be triggered by environmental and physiological factors, or there may be some desired outcome such as gaining attention or avoiding an unpleasant situation.<sup>48</sup> In such situations, Holt argues that the ‘psychologisation of

---

<sup>39</sup> Haw, above n 8, 118.

<sup>40</sup> Laurel Downey, ‘Adolescent Violence: A Systematic and Feminist Perspective’ (1997) 18(2) *Australian and New Zealand Journal of Family Therapy* 70, 77; Daly and Nancarrow, above n 7, 153.

<sup>41</sup> Domestic Violence Resource Centre Victoria (‘DVRCV’), ‘A Coordinated Response to Adolescent Violence in the Home’ on *DVRCV Blog* (9 November 2010) <<http://www.dvrcv.org.au/knowledge-centre/our-blog/coordinated-response-adolescent-violence-home>>.

<sup>42</sup> Simmons et al, above n 15, 38.

<sup>43</sup> Tom D Kennedy et al, ‘The Clinical and Adaptive Features of Young Offenders with Histories of Child–Parent Violence’ (2010) 25(5) *Journal of Family Violence* 509, 517–18.

<sup>44</sup> Daniel Pelletier and Sylvain Coutu, ‘Substance Abuse and Family Violence in Adolescents’ (1992) 40(2) *Canada’s Mental Health* 6; Sarah Galvani, ‘Responding to Child-to-Parent Violence: The Experiences of Family Support Group Providers’ (2017) 22(1) *Journal of Substance Use* 71, 73.

<sup>45</sup> Deborah Loxton et al, ‘Intimate Partner Violence Adversely Impacts Health over 16 Years and Across Generations: A Longitudinal Cohort Study’ (2017) 12(6) *PLoS ONE* <<https://doi.org/10.1371/journal.pone.0178138>>.

<sup>46</sup> Julie Brosnan and Olive Healy, ‘A Review of Behavioral Interventions for the Treatment of Aggression in Individuals with Developmental Disabilities’ (2011) 32(2) *Research in Developmental Disabilities* 437, 438; Declan Coogan, ‘Responding to Child-to-Parent Violence: Innovative Practices in Child and Adolescent Mental Health’ (2014) 39(2) *Health and Social Work* e1, e7.

<sup>47</sup> Brosnan and Healy, above n 46, 438–9.

<sup>48</sup> *Ibid* 439.

the child as perpetrator<sup>49</sup> does not accurately reflect the family dynamic, or the circumstances of the household. A failure to understand the reasons behind the child's behaviour may discourage disclosure of the violence by parents, and/or result in inappropriate interventions.<sup>50</sup>

Research has identified a number of barriers to seeking help for victims of adolescent family violence. The reluctance to report to police has already been mentioned. Victims of adolescent family violence who are parents often express concern about the long term consequences associated with a criminal record if they report the violence to the police.<sup>51</sup> Parents of children with disabilities report feelings of embarrassment, and fear the removal of their child by child protection services if they disclose the violence.<sup>52</sup> In some studies, victim-mothers express shame and guilt about the violence and blame themselves for it.<sup>53</sup> Indeed, some service providers share this view, blaming victims for the violence that has occurred as a result of either 'permissive parenting styles' or being 'too strict' with their children.<sup>54</sup> This has been referred to as 'blurring of boundaries of responsibility and blame'.<sup>55</sup>

A lack of services aimed at supporting families dealing with adolescent family violence has been identified in many studies.<sup>56</sup> The problem of siloed services — also recognised in the context of IPV — has been noted.<sup>57</sup> There is little connection between child protection services, mental health services, disability services, drug and alcohol support and legal responses. Victims report that there is a lack of information about available services<sup>58</sup> and also that services, where they are available, are not well equipped to help.<sup>59</sup>

### III Legal Responses to Adolescent Family Violence in Queensland

Adolescent family violence is not recognised or conceptualised as a distinct type of offending behaviour under Queensland law or legal processes. Potential legal responses available to address adolescent family violence and deal with perpetrators range from criminalisation to child protection intervention. However, perpetrators must be dealt with under general provisions — there are no laws or legal responses specifically tailored to address the problem.

---

<sup>49</sup> Amanda Holt, "'The Terrorist in My Home": Teenagers' Violence towards Parents — Constructions of Parent Experiences in Public Online Message Boards' (2011) 16(4) *Child and Family Social Work* 454, 454.

<sup>50</sup> Coogan, above n 46, e7.

<sup>51</sup> Howard and Abbott, above n 15; Daly and Wade, above n 7, 151.

<sup>52</sup> Coogan above n 46, e8.

<sup>53</sup> Haw, above n 8, 7–8; Routt and Anderson, above n 4, 10–11; Coogan above n 46, e6–e7.

<sup>54</sup> Haw, above n 8, 80; Julie Selwyn and Sarah Meakings, 'Adolescent-to-Parent Violence in Adoptive Families' (2016) 46(5) *The British Journal of Social Work* 1224, 1226–7; Simmons et al, above n 15, 37.

<sup>55</sup> Condry and Miles, above n 3, 270.

<sup>56</sup> McKenna, O'Connor and Verco, above n 36, 14.

<sup>57</sup> Ibid 13. Howard and Abbott have identified the lack of policy framework to streamline responses: above n 15, 59.

<sup>58</sup> Cottrell and Monk, above n 3, 1089.

<sup>59</sup> *Royal Commission Report*, above n 17, vol IV, 157.

Children who perpetrate violent acts against members of their family can be charged with assault under s 246 of the Queensland *Criminal Code* (Qld), although children aged under 10 years are not criminally responsible for any act they engage in, and children aged under 14 years are not criminally responsible for an act unless it can be proved that at the time of doing the act, they had the capacity to know that they should not do the act.<sup>60</sup> Under the *Youth Justice Act 1992* (Qld), police officers are required to consider alternatives to proceeding against a child for an offence, such as taking no action, administering a caution, or referring the child to a restorative justice process.<sup>61</sup> It is likely that, in most instances of adolescent family violence, police would pursue one of these alternatives.<sup>62</sup>

The Queensland Police Service's *Operational Procedures Manual* provides some guidance to police officers in situations of family violence where a child is the respondent.<sup>63</sup> In circumstances where a police officer believes there is a risk of ongoing or further violence, the officer is instructed to prepare and serve a 'Police Protection Notice' on the respondent, which can include 'cool-down', 'no-contact' or 'ouster' conditions.<sup>64</sup> These conditions may have the effect of excluding the child from the family home for a period of time and, in such circumstances, officers are instructed to arrange, and transport the child to, 'temporary accommodation'.<sup>65</sup>

Notably, domestic violence orders cannot be issued against children in Queensland unless an intimate personal relationship or an informal care relationship exists between the child and the person named in the application,<sup>66</sup> so it is not open to a parent to apply for a domestic violence order against their child, or for a police officer to apply for an order on their behalf. Children can be named on domestic violence orders, but only as protected persons, not as respondents.<sup>67</sup>

The only other Queensland-specific agency that may have a legal obligation to respond in situations of adolescent family violence is the Department of Child Safety ('Child Safety'). The *Child Protection Act 1999* (Qld) states that one of the Chief Executive's functions is to provide 'services to families to protect their

---

<sup>60</sup> *Criminal Code* (Qld) s 29.

<sup>61</sup> *Youth Justice Act 1992* (Qld) s 11 — unless it is a serious offence (s 11(7)) as defined in s 8. As to restorative justice processes for young people in Queensland, see Anna Stewart et al, 'Youth Justice Conferencing and Indigenous Over-Representation in the Queensland Juvenile Justice System: A Micro-Simulation Case Study' (2008) 4(4) *Journal of Experimental Criminology* 357; Hennessey Hayes and Kathleen Daly, 'Conferencing and Re-Offending in Queensland' (2004) 37(2) *Australian and New Zealand Journal of Criminology* 167.

<sup>62</sup> Although, the Queensland Family and Child Commission has recently reported high levels of criminalisation of children living in residential units for violent acts perpetrated within their placements: *The Criminalisation of Children Living in Out-of-Home Care in Queensland* (Queensland Family and Child Commission, 2018) 5.

<sup>63</sup> Queensland Police, *Operational Procedures Manual: Chapter 9 – Domestic Violence* (Issue 66, 28 September 2018), 60 [9.13.1] <<https://www.police.qld.gov.au/corporatedocs/OperationalPolicies/opm.htm>>.

<sup>64</sup> *Ibid* 31–2 [9.8.1].

<sup>65</sup> *Ibid* 68 [9.15.2].

<sup>66</sup> *DFVP Act (Qld)* s 22. An 'informal care relationship' exists between two people 'if one of them is or was dependent upon the other person ... for help in an activity of daily living': s 20(1). However, the legislation specifically states that '[a]n informal care relationship does not exist between a child and a parent of a child': s 20(2).

<sup>67</sup> *Ibid* s 24(1).



children if a risk of harm has been identified', however the 'harm' contemplated by the Act is harm to a child rather than a parent or carer.<sup>68</sup> Where violence is being perpetrated by a child towards a parent, Child Safety is only required to intervene where the child has suffered, or is at an unacceptable risk of suffering, significant harm, and the child 'does not have a parent able and willing to protect them from that harm'.<sup>69</sup>

In circumstances where the parents of an adolescent child have separated, parents may dispute where an adolescent child should live and parental contact arrangements with the adolescent child. Under the *FL Act* (Cth), the Family Court and Federal Circuit Court of Australia ('the family courts') may refer parties and their children to family counselling,<sup>70</sup> and may make a variety of orders including requiring no contact or supervised contact with a parent or counselling for the parties or children of the relationship.<sup>71</sup>

#### IV The Brisbane Study

In order to explore the role of the legal system as a response to adolescent family violence, we undertook five focus groups with legal and social service providers that assist: women with domestic and family violence; families experiencing adolescent family violence; and adolescents. Participants were invited on the basis that they could comment on the efficacy of a diverse range of legal interventions aimed at responding to adolescent family violence. These interventions included family law orders, civil protection orders, child protection intervention, policing, criminalisation and conferencing. We sent invitations to services inviting them to participate in the focus groups via email, including an information sheet about the project. Potential focus group participants were asked to contact us if they wished to take part in the focus groups and they were advised of the details of the focus groups. Each focus group ran for approximately 60 minutes. The focus groups were audio-recorded and transcribed. The transcripts were then manually coded by both authors separately to identify themes using Miles and Huberman's methods and then cross-checked for consistency.<sup>72</sup>

Overall, 26 participants from several services took part in the five focus groups. Thirteen of the participants worked as lawyers and 13 worked in other roles including counselling and social work. We ensured confidentiality of the participants' names and employers. References to comments made in the focus groups are identified in this article by a number given to the focus group and page number of the transcript (for example, 'FG1, 7'). The use of focus groups was an appropriate methodology for this research because we sought to gain a better

<sup>68</sup> *Child Protection Act 1999* (Qld) ss 7(1) (chief executive's functions), 9 (definition of harm).

<sup>69</sup> *Ibid* ss 10 (child in need of protection), 14 (substantiation of alleged harm).

<sup>70</sup> *FL Act* (Cth) s 13C.

<sup>71</sup> *Ibid* pt VII ('Children'). See generally Jodie Lodge and Michael Alexander, *Views of Adolescents in Separated Families: A Study of Adolescents' Experiences After the 2006 Reforms to the Family Law System* (Australian Institute of Family Studies, 2010).

<sup>72</sup> Matthew B Miles and A Michael Huberman, *Qualitative Data Analysis: An Expanded Sourcebook* (SAGE, 1994), 55–8, 252–3. This research received ethical approval from the University of Queensland Human Research Ethics Sub-Committee (approval number 2017000964).

understanding of the appropriateness of existing legal responses to adolescent family violence in Queensland. By moderating a discussion with those service providers who already work in this field, we were able to gain insight into how the law is responding to adolescent family violence and how it can better respond in the future. At the outset, it is important to concede the limitations of this approach. The findings reported here are based on accounts of lawyers and social workers who work in Brisbane, Queensland. Their reflections on adolescent family violence represent the views of only a small group of people<sup>73</sup> who have had adolescent family violence reported to them. However, the incidents reported in the focus groups are likely to be the ‘tip of the iceberg’,<sup>74</sup> and this initial study provides valuable information that may inform future research.

### A *The Abuse and its Context*

While participants identified boys as the main perpetrators of abuse, others pointed out that girls can ‘make their mother’s life very difficult’ abusing them emotionally or financially, often through credit card fraud.<sup>75</sup> Participants in the focus groups identified a range of abusive behaviours from quite serious incidents, such as burning down the house, to less serious matters including an adolescent in a residential care placement ‘flicking a tea towel’ at a case worker.<sup>76</sup> One participant, who was a lawyer, reported that he had represented adolescents who have ‘bitten family members. Sometimes they’ve bitten police officers. Sometimes they’ve bitten, punched, kicked, assaulted family members and police officers and health workers’.<sup>77</sup>

In line with the literature, participants identified several key explanations for, or drivers of, adolescent family violence. One significant explanation was that the adolescent had a mental health issue or a cognitive disability or a dual diagnosis. Workers said that sometimes the ‘disability or the mental illness explains everything’<sup>78</sup> and that mental illness or disability is ‘a recurring theme’.<sup>79</sup> In the context of young people with mental health issues, participants recognised that the violence may be particularly serious, and they identified incidents including a young person ‘putting RATSACK in cereal and things’,<sup>80</sup> another who ‘hacked the family dog to pieces’<sup>81</sup> and another ‘killing his father’.<sup>82</sup>

Cognitive or developmental disabilities, as an explanation for violence, were identified by a number of participants. Several workers pointed out that a parent may have been able to cope with their child when they were younger, but once they

---

<sup>73</sup> Robert Dingwall, ‘Accounts, Interviews and Observations’ in Gale Miller and Robert Dingwall (eds), *Context and Method in Qualitative Research* (SAGE, 1997) 51, 52, 54.

<sup>74</sup> McKenna, O’Connor and Verco, above n 36, 13.

<sup>75</sup> FG5, 16.

<sup>76</sup> FG2, 2.

<sup>77</sup> FG5, 4.

<sup>78</sup> FG5, 37.

<sup>79</sup> FG5, 3.

<sup>80</sup> FG5, 10.

<sup>81</sup> *Ibid.*

<sup>82</sup> FG5, 36.

reached puberty the violence became impossible to manage: ‘the young person might have an intellectual impairment or be on the autism spectrum and the parent might have limited ways of dealing with that’.<sup>83</sup> Several workers referred to cases where a disability was only formally recognised once ‘things get bad and an assault [is] committed’.<sup>84</sup>

Another common explanation offered by participants was that the young person had been exposed to IPV or other forms of family violence at home.<sup>85</sup> Workers said that ‘often there’s quite a long history of witnessed violence’<sup>86</sup> and

children ... that have been part of a domestic violence experience [have] all sorts of trauma from the day they were born and on and if that’s gone unchecked and not supported that anger, frustration and all that type of thing is very much a part of ... what they’re challenged with ...<sup>87</sup>

Other participants said that the father ‘used’ the adolescent to indirectly perpetrate intimate partner abuse on his former partner (the adolescent’s mother). Therefore, some adolescent family violence was identified as an extension of intimate partner abuse:

[they] had finally separated, and they had three children together ... He was using his interactions with the children as the way to continue to abuse her. He would call the children up, or drive to ... outside her house, and call the children out to the car ... They’d spend approximately five to 10 minutes with him at the car, and then they’d come in and immediately commit an act of violence against her or [their grandmother], who was living with them.<sup>88</sup>

A final group identified adolescents with complex histories who were involved with child protection authorities: ‘a lot of our stuff relates to alleged assaults on carers in residential care’.<sup>89</sup> Necessarily, children living in residential care homes or who are under the supervision of child protection authorities have been identified as being in need of state care as a result of a history of neglect or abuse, or because they have no family member willing or able to care for them.<sup>90</sup>

## **B** *Reporting Abuse to Authorities*

Overwhelmingly, participants said that parents were reluctant to report violence perpetrated by their adolescent child to a formal authority such as child protection or the police. Workers said that ‘parents are very reluctant ... I mean they’re broken people by the time they reach the point of telephoning the police’<sup>91</sup> and ‘so many women have not received help for — when they’ve called for help — for police —

---

<sup>83</sup> FG2, 5.

<sup>84</sup> FG2, 25.

<sup>85</sup> See also Stewart, Burns and Leonard, above n 3, 189.

<sup>86</sup> FG4, 7.

<sup>87</sup> Ibid.

<sup>88</sup> FG1, 3.

<sup>89</sup> FG4, 20.

<sup>90</sup> See *Child Protection Act 1999* (Qld) s 5B(d).

<sup>91</sup> FG5, 8.

for their partner. So they're even more unlikely to call police for their child'.<sup>92</sup> One worker observed:

She wasn't going to report it to police, and she didn't. She was just hopeless, and she was just ready to take the abuse. I think that's another thing that I see, is the women will often say, I can push a violent partner out, and push — invoke legal processes to get rid of that person. When it comes to my child, I'll just take the physical abuse, if that's what I have to do.<sup>93</sup>

Reasons for not reporting or delaying reporting differed depending on the context. Cavallaro's research has shown that people from culturally and linguistically diverse backgrounds may have limited understanding or knowledge about policing and legal systems in Australia, contributing to a fear of the ramifications of reporting IPV.<sup>94</sup> Consistent with that research, a participant in our study commented that

those [who] have recently migrated or recently arrived to Australia, there's a lot of fear about the systems ... particularly because of their own traumatic background if that was the reason why they left their country of origin — with police and also with Child Safety and their involvement. They have a lot of fear about the family separating and the shame that will come with it about them not holding the family together, being labelled or singled [out] as ... not competent — a bad mother.<sup>95</sup>

Similarly, as other research has shown,<sup>96</sup> Aboriginal and Torres Strait Islander people may be reluctant to report adolescent family violence to child protection services because of fear that their children will be removed from their care, or to report it to police, because of fear of arrest. A worker told us:

Aboriginal people and communities — like that's been a huge issue, is the fear — like growing up with fear of police — systematic racism as well they're faced with. So they don't feel comfortable utilising any of the services. So I think — so that's a huge issue in addressing that. I feel too like it's different with our people — like if the police did come they would lock that kid up ... they don't want to see their kid being locked up or taken away because it's like the same layer of trauma again from colonisation ...<sup>97</sup>

In most cases, participants said that formally reporting an adolescent's behaviour was a last resort. In cases involving disability, such as autism spectrum disorders, attention deficit hyperactivity disorder and mental health issues, several participants told us that the parents had been able to access support from their doctor (general practitioner), and had managed their child's behaviour, when s/he was young. However, at puberty, the child's aggression escalated, and it was at that stage

---

<sup>92</sup> FG5, 10.

<sup>93</sup> FG1, 23.

<sup>94</sup> Lisa Cavallaro, *'I Lived in Fear because I Knew Nothing': Barriers to the Justice System Faced by CALD Women Experiencing Family Violence* (Report, InTouch Multicultural Centre against Family Violence and Victoria Law Foundation, 2010) 19–20 <<http://www.intouch.org.au/wp-content/uploads/2016/01/Legal-Barriers-Report.pdf>>.

<sup>95</sup> FG4, 25.

<sup>96</sup> Judicial Council on Cultural Diversity, *The Path to Justice: Aboriginal and Torres Strait Islander Women's Experience of the Courts* (Report, 2016) <[http://jccd.org.au/wp-content/uploads/2016/04/JCCD\\_Consultation\\_Report\\_-\\_Aboriginal\\_and\\_Torres\\_Strait\\_Islander\\_Women.pdf](http://jccd.org.au/wp-content/uploads/2016/04/JCCD_Consultation_Report_-_Aboriginal_and_Torres_Strait_Islander_Women.pdf)>.

<sup>97</sup> FG4, 27.

that parents became desperate and child protection authorities sometimes became involved.<sup>98</sup> Participants pointed to the long history that usually preceded formal engagement with child protection services and criminal justice in cases of adolescent family violence:

I can see from the files that you get — the mental health files or the [Disability] files — ... that this kind of thing's been going on for a long time and then finally... they've done something and the families have reached the absolute end of their tether and this person ends up before the Mental Health Court or before one of the superior courts ... these family members have been — particularly mothers ... have been subjected to violence ... for quite some time.<sup>99</sup>

Workers reported that, at this point, parents were often so desperate that they were considering relinquishing their child. One said that

usually Child Safety is involved because — in the ones we've seen — the parents have asked for help and it might be to the point of actually almost wanting to relinquish the child into the care of Child Safety for whatever reason, not knowing what else to do.<sup>100</sup>

Similarly, for parents who have previously experienced violence from an intimate partner and now experience violence from their adolescent child, there was a reluctance to report the violence until a point of crisis was reached. As one worker commented, 'I think a lot of the time, the only time that we hear about it is where there are younger siblings, and parents are really worried about their other children'.<sup>101</sup>

### C *Legal Responses and Their Shortcomings*

Given the complex array of issues that might underlie a young person's use of violence, workers were cautious about the value of engaging a legal response. One worker said that 'the legal system is a harsh hammer to deal with what often are social welfare and/or relationship breakdown issues'.<sup>102</sup> Others identified system gaps that appear to affect legal responses to adolescents: 'They're not able to access the [DFVP] Act and also Child Safety are not very interested in hearing about it. Police are not very interested either. So women have felt quite unsupported and don't know where to go with that'.<sup>103</sup> As one worker stated,

there just seems to be a huge gap there. Child Safety hasn't got the resources — hasn't — can't deal with them. The families can't deal with them. Protection orders have no effect because they don't really have the capacity to ... The foster carers don't want them. A lot of the — the 24-hour care won't take them depending on — if their behaviours are challenging behaviours and they're a bit too challenging.<sup>104</sup>

---

<sup>98</sup> FG2, 8; FG5, 3.

<sup>99</sup> FG5, 15.

<sup>100</sup> FG5, 8.

<sup>101</sup> FG1, 39.

<sup>102</sup> FG2, 2.

<sup>103</sup> FG4, 2.

<sup>104</sup> FG5, 31.

According to one participant, parents ‘are literally being told this is your family issue to manage and nobody’s going to step in’.<sup>105</sup>

We asked participants to comment on the relevance and limitations of a range of legal responses in the context of adolescent family violence. They discussed several legal responses (including family law and domestic violence protection orders), as well as the potential for innovative justice responses.<sup>106</sup>

## 1 *Family Law*

The family courts can make orders about children’s living arrangements and parental contact arrangements up until the age of 18 years, and children can have a say in these arrangements. Depending on the age and emotional maturity of the children, their views can be very important in determining the orders and there is recognition that older children tend to ‘vote with their feet’.<sup>107</sup>

When we asked focus group participants whether an order made under the *FL Act* (Cth) might be helpful in managing adolescent family violence, one worker noted that, once children reach 14 or 15 years, the family courts ‘wash their hands and they basically say well, they’re old enough to make those decisions. They’re old enough to look for their own supports’.<sup>108</sup> For those participants that worked with the *FL Act* (Cth), generally their view was that family court orders had limited usefulness for parents in protecting them from their adolescent’s abusive behaviour. Indeed, some participants suggested that family court orders can, in some cases, exacerbate adolescent family violence.

When there are disputes between parents about children’s contact arrangements, the *FL Act* (Cth) states that the Court must make contact arrangements that are in the best interests of the child.<sup>109</sup> In determining best interests, family violence is a relevant consideration.<sup>110</sup> One worker suggested that there might be some occasions where, to avoid future adolescent family violence, the family courts need to refuse contact between the violent partner and children. Focus group participants identified a number of situations where contact was ordered between a child and a violent parent contributing to adolescent family violence:

I have a mum at the moment who is having to manage quite escalating violent behaviour because she has shared custody [on a ‘week about’ basis, alternating one full week with each parent]. So it takes about three or four days for the behaviour to change after having that week with a violent partner that their Order says has to actually remain in place.<sup>111</sup>

---

<sup>105</sup> FG4, 3.

<sup>106</sup> Daly coined the term ‘innovative justice responses’: Kathleen Daly, *Conventional and Innovative Justice Responses to Sexual Violence* (Australian Centre for the Study of Sexual Assault, Issues Paper No 11, September 2011) 1.

<sup>107</sup> Judy Cashmore and Patrick Parkinson, ‘Children’s Participation in Family Law Disputes: The Views of Children, Parents, Lawyers and Counsellors’ (2009) 82 *Family Matters* 1, 16; *FL Act* (Cth) s 60CD.

<sup>108</sup> FG4, 10.

<sup>109</sup> *FL Act* (Cth) s 60CA.

<sup>110</sup> *Ibid* s 60CG.

<sup>111</sup> FG4, 11.

[Where] a teenager ... has to share time with both parents and it's very stressful and the relationship the child has with their father is quite a fearful one and yet back home with mum who's a — generally a more secure attachment ... that's when they express their emotions, because they are safer in that relationship. So it's often mum that gets the brunt of the stress that's within the relationships.<sup>112</sup>

Participants reported that shared care arrangements ordered by the family courts sometimes placed a parent in the position that they were pushing their children to spend time with another parent, potentially exacerbating adolescent family violence. One participant said that

[o]ften the young people feel that mum is not protecting them because she's having to go along with the family court orders and say well sorry, you have to go because we're being ordered to do this and — so yeah, the young people are resentful and angry that mum is not able to keep them safe...<sup>113</sup>

One participant suggested that mothers, who were themselves victims of family violence, were blamed for their adolescent child's violence when it was a violent father who had modelled the behaviour: 'There's a real concern about how the courts — the family courts will deal with parents who can't control their violent child, as if it's the problem of the mother who has been a victim of violence'.<sup>114</sup>

Having said this, in one of the focus groups, the workers noted the benefits of the family court mediation requirements. Section 60I of the *FL Act* (Cth) requires families to attend 'family dispute resolution' before applying for a parenting order. To the extent that this legislated for a non-adversarial, and potentially non-legal, option to deal with complex family issues, the workers supported it. One participant said:

I mean, you know, nothing works perfectly in the Family Court either, but it's still our best example of a state system intervening in a private situation [and] trying to adjust to how do people connect to the system and what could we do earlier on to make them — or give them tools to work it out.<sup>115</sup>

## 2 *Domestic and Family Violence Protection Orders*

Currently it is not possible under the *DFVP Act (Qld)* for a parent to apply for a protection order ('DVO') against their child who is under 18 years of age.<sup>116</sup> However, it is possible for a magistrate to include conditions on the DVO to protect a child of the 'aggrieved' (the person seeking protection).<sup>117</sup> Therefore, it is possible for the magistrate to make an order that the respondent must not have contact with a child. Some participants thought this would be helpful in some cases. A participant provided an example where a DVO naming adolescent children as protected persons was helpful in a case where the father had used the children to continue to perpetrate

---

<sup>112</sup> FG4, 14.

<sup>113</sup> FG4, 11.

<sup>114</sup> FG1, 39.

<sup>115</sup> FG2, 14.

<sup>116</sup> *DFVP Act (Qld)* s 22.

<sup>117</sup> *Ibid* s 24.

abuse upon his ex-partner.<sup>118</sup> However, any order made under the *FL Act (Cth)* will override a DVO to the extent of any inconsistency. Some workers identified that, as a result, magistrates were reluctant to name children as protected under DVOs:

[Magistrates] don't want to step on toes — the Family Court — they are often very reluctant to put in conditions that directly involve that contact between dad and the kids, which means it's really hard for mum to then regulate ... a lot of the time even if [the DVO] says 'no contact' it'll say 'with the exception of contact with the children [under the family law order]'.<sup>119</sup>

There was some discussion in the focus groups about the usefulness of reducing the age of respondents for DVOs so that parents could apply for protection orders against their adolescent children. There was some very qualified support for this approach from a small number of participants. For example, one explained that

there would definitely would need to be some management around it. But I think especially when you've got an adolescent who's 16 or 17 years old and ... mum has experienced really severe violence ... from their very adult built children and even being able to get something, even just with a good behaviour condition to be able to manage that a little bit better in the home — I think something like that in some circumstances could be at least ... emotionally a little bit of a support.<sup>120</sup>

However, generally participants were unsupportive of expanding DVOs to cover adolescent family violence. Some participants suggested that without support services this type of response remains unhelpful, especially if the order includes conditions that the adolescent not return to the family home. For example, one participant commented that

without anything else in place, it is a waste of time, I would suggest to you. The other thing you've got to think about is if a child can't go home, where are they going to go? So if you're going to put these sorts of orders out, then you're going to have to have some sort of mechanism for being able to house and home these young people. ... I would absolutely not support it because I actually think it's not addressing the issue, it's not actually going to change the behaviour of the young person.<sup>121</sup>

Another participant was concerned that expanding the coverage of DVOs would effectively criminalise the child when the order was breached, and families would be unwilling to enforce the orders.<sup>122</sup> This was a particular concern in circumstances where adolescents have a mental health issue or cognitive disability:

They don't have capacity and so they don't understand they can't go to the house and [the orders will] be breached. The parents are beside themselves because they know [the young person doesn't] understand ... They still are violent when they go to the house and so the police get called. [The orders] get breached. The parents don't want their kids in gaol and — the worst case I saw was when the child went to — well, he was 17 I think — went to gaol.<sup>123</sup>

---

<sup>118</sup> FG1, 6–7.

<sup>119</sup> FG4, 16.

<sup>120</sup> FG4, 2.

<sup>121</sup> FG2, 31.

<sup>122</sup> FG5, 22.

<sup>123</sup> FG5, 4.



One participant suggested that it might be possible to deal with an adolescent's breach of a DVO through developing an alternative response. This worker suggested that if there was a breach, there could be

referral to a support service to help with the management or even a link in with the services that do provide behaviour change programs or something like that. So it could be something where it wasn't necessarily straight down that criminal path. But it was — if there is a DVO with good behaviour and then there's a breach, maybe that is a link in with community to assist with that behaviour change model or something like that.<sup>124</sup>

### 3 *Child Protection*

A participant said that 'in a perfect world, Child Safety could be called and they'd come up with great therapeutic interventions, and support the mum through this difficult time'.<sup>125</sup> However, most of the participants expressed frustration with the limited support provided by Child Safety to parents of adolescents who acted violently towards them. Similar to the approach under the *FL Act (Cth)*, s 5A of the *Child Protection Act 1999 (Qld)* states that the 'safety, wellbeing and best interests of a child are paramount'. The Act provides that 'if a child does not have a parent who is able and willing to protect the child, the State is responsible for protecting the child'.<sup>126</sup> Some focus group participants suggested that if a parent was seeking help and yet was assessed as willing and able to care for the child, Child Safety would be reluctant to intervene. A participant pointed out: 'It's the willing and ableness. So the parent's ... able to protect the child. They're not able to protect the child from the law. So I think it's a different assessment'.<sup>127</sup> Similarly, a participant said that 'what Child Safety is often looking for is a parent willing and able and if mum's that person a lot of the onus and responsibility for that older sibling's behaviour will still go on to mum by Child Safety'.<sup>128</sup> Again, participants recognised the particular issues faced by parents of adolescents with disabilities:

[T]here's a huge gap there where you're dealing with violence within the family and the perpetrators are young people who have disabilities. There's no support that I can see other than the parents really saying I can no longer look after this child and ... they're so reluctant to do that — they don't want to do it. It's the last thing they want.<sup>129</sup>

Other workers in the focus groups also emphasised that in order to access support from Child Safety, some mothers relinquish their children 'out of absolute desperation ... and it's the only time Child Safety will step up'.<sup>130</sup> Some participants provided examples of parents who had sought support and, in desperation, had tried to relinquish their child to Child Safety:

[T]he child had been very violent from a very young age. [The mother] wanted to know how she could ... relinquish the child ... they'd engaged with a

---

<sup>124</sup> FG4, 4.

<sup>125</sup> FG1, 41.

<sup>126</sup> *Child Protection Act 1999 (Qld)* s 5B(d).

<sup>127</sup> FG5, 6.

<sup>128</sup> FG4, 24.

<sup>129</sup> FG5, 31.

<sup>130</sup> FG4, 23.

myriad of services. Child Safety had said, well, you don't have a choice. You have to look after her, otherwise she's going to end up a prostitute on the street. She was 12.<sup>131</sup>

When [mothers] talk about wanting to give the children to Child Safety, they — all the ones that I have spoken to, have been told that — well, they basically get a lecture about how that's a — it's a criminal offence to abandon your children, and things like that. So, they're kind of — they have it flipped back on them, that it's your responsibility.<sup>132</sup>

One focus group participant reported that her client, a mother whose 15-year-old daughter had severely injured her, had contacted Child Safety seeking support and Child Safety told her: 'as her mother you are responsible for her wellbeing so this is [the mother's] responsibility as the mum to manage her behaviour. This was a mum who was absolutely terrified of being at home with her child because of those circumstances'.<sup>133</sup>

Other participants pointed to the reluctance of Child Safety services to engage with adolescent children, especially if the child had not come to the attention of the Department when he or she was younger:

[I]t's always tricky, I think, especially if you've got a child that doesn't come to the attention of Child Safety when they're little. I mean Child Safety is not that interested in anybody over about 12 or 13, so if you're starting to look for help or need help then, I think it's quite difficult ...<sup>134</sup>

Several participants identified that when adolescent children ultimately committed criminal offences and came to the attention of Youth Justice that would still not attract support from Child Safety.<sup>135</sup> A worker said: 'It seems to be that Child Safety, if it's becoming a juvenile justice issue, then it's a juvenile justice issue, and vice versa, so I don't think they're working very well together, even though they're under the same umbrella in a sense'.<sup>136</sup> One worker thought that Youth Justice engagement might help sometimes:

[O]nce they sort of get to 14, 15 and they're entering into a time of coming out of Child Safety's auspice and they probably don't want to know about it. So they're sort of putting the ball back in the parents' court and the parents don't have a lot to do. But if the child commits other crimes then they can often end up in Youth Justice which can mitigate things.<sup>137</sup>

One focus group participant suggested that

it would be nice if it was Child Safety [could] maybe come in, talk to the child, work out a bit of an agreement between Mum and child about the behaviour moving forward. Basically say — give — let the child know that there is the option for Mum to say, if you're — if she doesn't feel safe in the home, that she can decide later on for you to move into residential care or some other

---

<sup>131</sup> FG1, 17.

<sup>132</sup> FG1, 28.

<sup>133</sup> FG4, 5.

<sup>134</sup> FG2, 8.

<sup>135</sup> Department of Child Safety, Youth and Women (Qld), *Youth Justice* <<https://www.csyw.qld.gov.au/youth-justice>>. Note that Child Safety is the Queensland State Government's child protection authority.

<sup>136</sup> FG3, 9; also FG4, 5.

<sup>137</sup> FG4, 6.

kind of thing, without it looking like the mum's abandoning the child ... you are still able to go to school, we can still have contact, but you're not in my home terrorising me and your younger siblings every day.<sup>138</sup>

Some of the participants mentioned a new program managed by Child Safety called 'Family and Child Connect'.<sup>139</sup> This service was developed as a result of a recent inquiry into child protection in Queensland<sup>140</sup> and aims to provide help to families facing challenges in circumstances where their children are at risk of entering or re-entering the child protection system. A worker commented on the dearth of resources available under the program and to the issue that adolescents could choose whether or not to engage with Family and Child Connect services.<sup>141</sup> Several participants suggested that 'we should take family support out of child protection where it currently sits, because it's not just about child protection, it's about a whole range of bigger things than that and have it as a separate sort of entity'<sup>142</sup> and, similarly, that an organisation separate to Child Safety is needed that is 'confidential, non-judgmental, parents can come with any issue and it can be kind of parents and kids'.<sup>143</sup>

Notably, when child disability was discussed, participants emphasised the importance of appropriate early intervention services. There is extensive literature demonstrating the effectiveness of family therapy and psychodynamic approaches that target children's aggression and violence in the home.<sup>144</sup> Yet, the workers said that families struggled to access the services they needed from the disability sector, and that Child Safety and Disability Services<sup>145</sup> did not work together to ensure the family was able to access appropriate services so that the child could safely remain in the home.

---

<sup>138</sup> FG1, 37.

<sup>139</sup> Queensland Government, *Family and Child Connect* (9 June 2017) <<https://www.qld.gov.au/community/caring-child/family-child-connect>>. A senior Child Safety officer is based at each Family and Child Connect to assist with identifying and responding to those concerns that may require intervention by Child Safety. Family and Child Connect leads a local alliance of government and non-government services within the community to ensure that vulnerable families receive the right mix of services at the right time.

<sup>140</sup> Queensland, Queensland Child Protection Commission of Inquiry, *Taking Responsibility: A Roadmap for Queensland Child Protection* (2013) 137–8.

<sup>141</sup> FG4, 21.

<sup>142</sup> FG2, 16.

<sup>143</sup> FG2, 19.

<sup>144</sup> Coogan, above n 46, c4; Johnny L Matson, and Jina Jang, 'Treating Aggression in Persons with Autism Spectrum Disorders: A Review' (2014) 35(12) *Research in Developmental Disabilities* 3386. See also Marni Sheehan, 'Adolescent Violence — Strategies, Outcomes and Dilemmas in Working with Young People and their Families' (1997) 18(2) *Australian and New Zealand Journal of Family Therapy* 80, 82–3; George H S Singer, Brandy L Ethridge and Sandra I Aldana, 'Primary and Secondary Effects of Parenting and Stress Management Interventions for Parents of Children with Developmental Disabilities: A Meta-Analysis' (2007) 13(4) *Mental Retardation Developmental Disability Research Review* 357, 358, 366.

<sup>145</sup> Queensland Government, *Specialist Disability Services* <<https://www.qld.gov.au/disability/adults/getting-help/specialist-disability-services>>.

#### 4 *Police and Criminalisation*

As observed earlier, focus group participants emphasised the reluctance of most parents to call the police in relation to concerns about adolescent behaviour. However, participants said that sometimes parents did ultimately call police for help. In one case, a worker reported that a client had been assaulted by her 16-year-old son and called the police for help. The worker reported that her client had to convince the 000 emergency operator to send a police officer:

[The mother said] ‘Can you please come around because I’m terrified for my life?’ The officer on the other line actually argued the semantics of well, if it’s — if he’s under 18 it’s not DV — you know, maybe it’s something else. She went ‘I don’t care what you call it. Please just send somebody around because I’m terrified.’ She actually had to have a five minute argument with the 000 operator around the semantics of whether it was DV or wasn’t DV.<sup>146</sup>

When the police do get involved and respond to adolescent family violence, workers claimed that the response was sometimes unexpectedly punitive. A participant reported on a situation where a mother with an intellectual disability had a 14-year-old son who had damaged property in the home and abused younger siblings. The mother reported the matter to the police and her son was charged with criminal offences. Stringent bail conditions resulted in the mother not having contact with her son for over a year.<sup>147</sup> Others pointed out that it was easy for people with intellectual disabilities to get stuck in the criminal justice process as there was no referral pathway out of the criminal justice system for them.<sup>148</sup> A worker said that

from what I’ve seen is that they just — it’s like pulling teeth to get [Disability Services] to do [anything] ... professionals can write as many reports as they want under the sun to say this is what that person needs and yet the money just doesn’t — is not provided to them to provide them with ... support ... and respite and supervision, housing, accommodation and then also just — and giving [people with intellectual disabilities] support so they can live lives of value ... that they’re not just sitting at home with four walls in a locked room, actually getting ... them connected with their community and life.<sup>149</sup>

For adolescents in the care of Child Safety and living in residential care, a residential care worker’s call to the police is often an automatic reaction that results in a particularly punitive criminal justice response. A participant explained that

it’s often a worker’s inability to make appropriate decisions, and because they sometimes lack training, that’s their fall back, ‘we’ll just call the police’. But it’s also sometimes the [residential care service’s] individual policies and procedures as well ...<sup>150</sup>

Another participant identified that there was sometimes ‘a lack of an emotional connection’ between the carers and the young person, and this explained how the police came to be involved: ‘Like if ... that was your mother, they wouldn’t

---

<sup>146</sup> FG4, 19.

<sup>147</sup> FG1, 14.

<sup>148</sup> FG2, 21.

<sup>149</sup> FG2, 24.

<sup>150</sup> FG3, 5.

be so quick to call the police or press charges and stuff like that.<sup>151</sup> Participants suggested that improved training for residential care workers might help them to develop ways of de-escalating behaviours without needing to call the police. A participant also suggested that protocols could be developed to ensure that there was greater clarity and consistency around when it was appropriate for residential care workers to call police.

Participants identified several examples where the police and criminal justice response seemed to be unreasonably punitive. For example, workers referred to police being called by residential care workers when adolescents had broken crockery and they had been charged with wilful damage<sup>152</sup> or taken food from the fridge for a picnic and been charged with theft.<sup>153</sup> Participants reported:

I heard one the other day where the policeman called the ambulance [when ... a young person who tried to break the windows ... had glass that cut themselves. Then even though the ambulance was called, ... [the young person was] then charged with breaking the window by the police as a way to try and discourage them from self-harming in the future ...<sup>154</sup>

They took the food out of the fridge for a picnic down at the park, and they got charged with theft or something like that. One of them moved a microwave into their room and got charged with theft as well.<sup>155</sup>

Unsurprisingly perhaps, a participant suggested that criminalisation did not operate as a disincentive for some young people in residential care because they found residential care homes to be very oppressive. He said young people

preferred [juvenile detention] over their residential [care home], like the fact that they knew people in [juvenile detention] and they can do what they want to without the restrictions that aren't as bad. A lot of carers are the old 'don't swear' or 'don't turn up the music'. 'Don't do this'. Then there's the same thing, like some of the [residential care centres] have bars on the windows. It's like basically going to the same place, except you don't have all these limitations ... If you found connections there, you have workers that you really get along with well, or you liked the structure, then yes, maybe. If you thought it was pretty terrible, then you're probably going to be scared of it and you won't want to go back to it.<sup>156</sup>

While in some cases a criminal charge had led a young person to the services they needed, generally participants reported that they worked with authorities and families to have charges withdrawn or reduced wherever possible. A view that seemed to be shared by many of the participants was that: 'prosecuting people of itself doesn't necessarily drive change or drive long term change, especially if you go back to a space and a way of doing things and a way of living, that is exactly the same as before'.<sup>157</sup>

---

<sup>151</sup> FG3, 10.

<sup>152</sup> FG2, 29.

<sup>153</sup> FG3, 10.

<sup>154</sup> FG3, 4; also FG2, 29.

<sup>155</sup> FG3, 10.

<sup>156</sup> FG3, 9.

<sup>157</sup> FG2, 3.

## 5 *Innovative Justice Responses*

Daly has distinguished conventional justice responses from what she refers to as ‘innovative justice responses’.<sup>158</sup> While conventional justice responses seek to develop better ways to gather evidence and prosecute cases, and better support for victims, ‘innovative justice responses are a variety of newer practices that seek to address victims’ “justice needs”, including an acknowledgment of wrongdoing and mechanisms of redress or repair’.<sup>159</sup> Most of the participants in this study agreed that innovative justice responses might provide an opportunity ‘to consider what the drivers are [for the adolescent family violence] and that [would] inform our response and look at responses beyond just the legal system’.<sup>160</sup>

Youth Justice conferencing is a form of innovative justice available in Queensland. In circumstances where a young person has committed a crime and admits to the offence, the young person can be referred to a Youth Justice conference instead of going to court.<sup>161</sup> Some focus group participants identified the creative potential of the agreements that can be made in Youth Justice conferences,<sup>162</sup> observing they could be ‘transformative and powerful’.<sup>163</sup> One participant, who was a lawyer, commented: ‘I personally didn’t have a bad experience through conferencing. I found them to be quite a good experience and a lot of the time, particularly with first time offenders, it really is a very powerful experience for them’.<sup>164</sup> However, another participant, who works primarily with children in the care of Child Safety, argued there should be limits on using the mediation process: ‘I would argue, though, that for those small issues, that really shouldn’t even be going to a full process. It’s a pretty demeaning process for a young person to have to go to a conference and say I’m sorry for doing — taking some food to a park’.<sup>165</sup> This participant continued:

[M]aybe you could have a couple of stages of it, one for the more serious [incidents] and one for the less immediate things. Because then — I don’t know, if it’s just the less immediate thing, you could just have the main people around, but if it’s more serious, then you could probably have everyone who needed to be there.<sup>166</sup>

Another participant identified that it was important for the Child Safety to be responsible for their role as the ‘parental body’ noting that the Child Safety officer should be present at conferences.<sup>167</sup> While one focus group participant observed she had had largely positive experiences with conferencing, she had not been involved in Youth Justice conferencing where the victim was a family member and so she was

<sup>158</sup> Daly, above n 106.

<sup>159</sup> *Ibid* 1.

<sup>160</sup> FG2, 2.

<sup>161</sup> Queensland Government, ‘Restorative Justice Conferences’ (2018) <<https://www.qld.gov.au/law/sentencing-prisons-and-probation/young-offenders-and-the-justice-system/youth-justice-community-programs-and-services/restorative-justice-conferences>>.

<sup>162</sup> FG5, 23.

<sup>163</sup> FG5, 15.

<sup>164</sup> FG5, 24.

<sup>165</sup> FG3, 13.

<sup>166</sup> FG3, 14.

<sup>167</sup> FG3, 15.

not sure if conferences would need to be managed differently in those circumstances. She said:

I was reflecting on — the idea of conferencing these types of issues with family violence, I don't know how well that would work, particularly if there's domestic violence and the children are witnessing that — like — I don't know. I think a lot of conferencing comes from the perspective that everybody knows what the norm is and a lot of these kids have never seen what you and I know as a normal family dynamic.<sup>168</sup>

Similarly, some participants expressed concern about mediation based on their experiences with mediations in the family courts:

We have really big problems with mediation and with victims of violence, where that power and control dynamic continues to play out, where the mediators aren't skilled enough at actually dealing with the dynamics of violence and identifying that. So, it just perpetuates. I guess I'd be worried about that continuing, and I guess what the outcomes — the hopeful outcome would be, of engaging in that system.<sup>169</sup>

Another participant said that while mediation may be an option in cases of adolescent family violence, they would need skilled mediators who 'understood the dynamics' and there should be 'options for accountability' for young people.<sup>170</sup>

Some participants considered that counselling was useful in some cases and had produced positive outcomes, despite being consented to only because the alternative was criminal justice involvement:

I work with a young boy that ... was ordered to engage in counselling because of behaviour that he did to his sibling — so violent behaviour towards his sibling ... the police told him that he needed to engage in counselling. He did that for a period of six months — like ordered. Then he decided to continue with counselling because he actually saw some benefit in it.<sup>171</sup>

Several participants commented positively on the ReNew program.<sup>172</sup> This is a program in Queensland that works with young people together with mothers who have experienced domestic violence. The program focuses on overcoming the trauma of domestic violence. One participant pointed to the value of the program, but noted that attendance was voluntary and this was sometimes an issue:

The problem is that the children are refusing to go, and [mum] can't drag them kicking and screaming ... they're physically big enough that if — when they say no, they — there's nothing she can do ... The program is designed to work with children who are still continuing to have time with the other party.<sup>173</sup>

When asked whether attendance at ReNew could possibly be mandated, workers were generally supportive. One worker noted that, if mandated to attend, at least the person would be exposed to relevant concepts.<sup>174</sup> Another worker emphasised the

---

<sup>168</sup> FG5, 34.

<sup>169</sup> FG1, 48.

<sup>170</sup> FG1, 50.

<sup>171</sup> FG4, 31.

<sup>172</sup> See Carinity, *ReNew Program* (2018) <<https://www.carinity.org.au/our-services/youth-families/domestic-family-violence/renew-program/>>.

<sup>173</sup> FG1, 7.

<sup>174</sup> FG4, 28.

link between violence as a child to violent behaviour as an adult, noting there is a five-year window between 15–20 years where there was the possibility of behaviour change:

If there was an element of mandate at the beginning to say you're entering into waters that aren't okay anymore so we are going to mandate you to get into a group that looks at this at least, we stop being wishy-washy and stop having levels of inculcation where we start to stand against it in a five year — and we know that within five-year periods things can be so ingrained — we're up against 15 years of undoing it.<sup>175</sup>

Others pointed out the importance of having both parents on board with counselling and other programs, with one worker identifying a situation where a violent father had obstructed his children's attendance at counselling: 'we tried to connect [the children] to [a counselling service], and ... they went for one to two sessions, and then the father became aware, and told them not to go anymore'.<sup>176</sup> Similarly, another participant pointed to the need for parents to be part of the process, even though they are sometimes reluctant:

[W]e've got to get everybody on board ... I see [parents] who don't want anything to do with [the service] and due to ... persistence, give her a couple of months and we're 180 degrees, they're actually ringing her and they're actually saying, that was fantastic, that hint you gave me the other day, I put that into place and gosh, didn't that make a difference. Because it's about breaking cycles of habit, isn't it?<sup>177</sup>

This worker also commented: 'I think we have to try and break through that cycle as well, of people having to be a bit responsible for what goes on ... around them and participation and negotiation and talking about restoring relationships is actually what will make the difference'.<sup>178</sup> Given that violent fathers had, in some cases, modelled the violent behaviour that was now being played out by the adolescent child, one worker commented that fathers

also need to have some level of responsibility where they are also told hey, you know what? You're also part of this. You're contributing to this. You need to do something — instead of just the focus being on these two ... mum and their children or child trying to make it work. But then there's this other ...<sup>179</sup>

One participant explained that in responding to adolescent family violence they would often try to broker a family therapist to work with the family, noting that law seems 'to sort of problematise the child and as most people know ... that's not really necessarily where the problem started'.<sup>180</sup> In many cases where there is adolescent family violence, the adolescent is traumatised. This was identified by another participant who said:

[I]f there were programs that were set up ... for non-voluntary children, and I think they could be ... because the key issue is assisting them to actually deal

---

<sup>175</sup> FG4, 32.

<sup>176</sup> FG1, 7.

<sup>177</sup> FG2, 14.

<sup>178</sup> FG2, 38.

<sup>179</sup> FG4, 33.

<sup>180</sup> FG2, 4.



with what's causing the violence, not just the violence itself ... it needs to be dealing with the trauma that they've experienced, and how their brains have been wired in that particular period of their life, to think of — to go into fight and flight, and immediately then move to violence. That takes a long time to undo, and there needs to be lots of therapy work.<sup>181</sup>

Similarly, a participant emphasised the importance of building healthy conflict resolution and communication skills between parents and their adolescent children as part of the way forward.

Some of the participants had creative ideas for innovative justice responses. For example, a participant talked about the possibilities for Aboriginal and Torres Strait Islander youth in her community and suggested:

I think we do have to go back to culture — I went home and there was a lot of issues with the adolescent kids. So I started a dance group and all those kids changed. They stopped breaking stuff — like all ... the issues ... We took them back to culture and that's — I feel that's what we need for our kids in this community. But there's a gap there.<sup>182</sup>

Another participant observed that innovative justice responses were what most parents want, even where their children have carried out quite serious crimes:

[T]hey are positive for the diversionary stuff. I mean, they want the least amount of damage to their ... child so they're supportive of all the diversionary stuff — the conferencing, the mediations — all that sort of stuff and if it's able to be resolved that way most of the time [and] parents are on board'.<sup>183</sup>

## V Discussion and Recommendations

On the whole, the participants in the Brisbane study identified that current legal options provide an insufficient, and sometimes inappropriate, range of options for responding to adolescent family violence. In general, they do little to end the violence, ensure victims' safety, support parents to manage the aggressive behaviour of children with disabilities, repair family dynamics or to encourage perpetrator accountability for the violence. As one of the participants said, the issue of adolescent family violence 'is ripe for some more nuanced approaches'.<sup>184</sup>

The call for more innovative and creative justice solutions to deal with adolescent family violence was made by participants regardless of the underlying cause of the violence identified. As one participant said, 'parents need the choice. I think they need to be able to have options to choose from. If it's remaining with a child who is violent, or them being charged with criminal offences, it's just not acceptable. They need more options'.<sup>185</sup>

In some cases, appropriate family law orders that limit children's contact with an abusive parent, and DVOs that name the children as protected, may go some way to ensuring that adolescent children's time and contact with violent parents is

---

<sup>181</sup> FG1, 31.

<sup>182</sup> FG4, 27.

<sup>183</sup> FG5, 13.

<sup>184</sup> FG2, 28.

<sup>185</sup> FG1, 37.

minimised and safely conducted. This might help adolescent children to feel safe and provide them with an opportunity to recover from the trauma of witnessing family violence. In turn, this may help to reduce violence in some families. On this point, focus group participants emphasised the need to continue to educate judges, magistrates and lawyers on the traumatic effects of violence on children and its implications into adulthood.<sup>186</sup> For many years, workers in domestic and family violence services have identified the need for an integrated response model.<sup>187</sup> Such a model ensures that the experience for people who engage with multiple systems is improved because systems work together. As the participants in this study suggest, the various legal and other responses that might respond to adolescent family violence do not necessarily ‘talk’ or connect to each other. As one participant observed, ‘when it comes to adolescents, Child Safety, domestic violence legislation and family court legislation aren’t talking to each other’.<sup>188</sup> One could add the criminal justice process, and Disability Services, to that list.

In the criminal law context, Youth Justice conferencing appears to be helpful in some cases. However, some focus group participants suggested that the requirement for young people to apologise was sometimes not appropriate. There was a suggestion that perhaps a two-tiered system of conferencing could be developed with the current model being used for serious matters, while a less formal model could be developed to deal with less serious matters, at least where they have arisen within residential care units.

Most focus group participants identified that criminal justice interventions were far from ideal and that appropriate family interventions and support should be provided long before criminal intervention is needed. However, safety, primarily of mothers and younger siblings, was identified as a real concern in many cases. While participants identified the need for police to take calls about adolescent family violence seriously and to respond in a timely way in order to provide safety to those at risk, there was recognition that police needed real alternatives to laying criminal charges.<sup>189</sup> Similarly, participants recommended that workers in residential care units should be trained in how to de-escalate conflicts and minimise the need to engage criminal justice responses in cases involving minor matters. Parents of children with disabilities need proactive referrals to support services that provide realistic advice on minimising and dealing with aggression, and respite.

For most participants, new alternatives built on counselling, mediation and conferencing type models and restorative justice principles offered the most hopeful prospects. While there have been some programs developed to respond to adolescent family violence, many have not been evaluated as yet. In particular, Selwyn and Meakings point out that interventions for children who have been maltreated or traumatised have not been evaluated.<sup>190</sup> While programs such as the ReNew

---

<sup>186</sup> Kelly Richards, ‘Children’s Exposure to Domestic Violence in Australia’ (2011) 419 *Trends and Issues in Crime and Criminal Justice* 1.

<sup>187</sup> Australian Law Reform Commission and New South Wales Law Reform Commission, *Family Violence — A National Legal Response*, Report No 114 (2010) 44–5 (recommendations 29-1–29-5).

<sup>188</sup> FG4, 30.

<sup>189</sup> Similar findings were also made by Miles and Condry: above n 34, 819–20.

<sup>190</sup> Selwyn and Meakings, above n 54, 1237.

program, which relies on voluntary attendance, were identified as particularly encouraging, some focus group participants believed that sometimes mandatory attendance by an adolescent may be necessary to help them heal and shift their thinking. Others also identified the importance of including other members of the family in any restorative process. Where violent fathers had modelled violent behaviour, it was important not to blame the mother or hold her responsible for the adolescent's behaviour. Where the circumstances were not consistent with a 'cycle-of-violence' paradigm, appropriate behavioural interventions within a family therapy context were considered ideal.<sup>191</sup>

Particular concerns were identified regarding the lack of options for responding to adolescent family violence where the adolescent has a mental illness or disability, especially the unavailability of options to divert such adolescents away from the criminal justice system. Notably, there was no mention in the focus groups of police officers referring families to restorative justice programs, or issuing 'Police Protection Notices', despite the fact that both options are, technically, available to them.<sup>192</sup>

In 2010, Victoria's Domestic Violence Resource Centre ('DVRCV') reported that there were no Australian programs that addressed adolescent family violence.<sup>193</sup> DVRCV reported that the 'Step Up' program, developed in the US, might be an option.<sup>194</sup> 'Step Up' is a parent-adolescent program that uses the Youth Justice diversionary approach to engage adolescents, and mandates both parents and the adolescents to attend. It is influenced by men's behavioural change approaches to family violence.<sup>195</sup> Since 2010 some Step Up programs now run in Australia,<sup>196</sup> but clearly, in Queensland at least, the available options do not meet the demand.

## VI Conclusion

Similar to other studies,<sup>197</sup> the participants in the Brisbane study identified the variety of 'pathways' to adolescent family violence, including a history of family violence and trauma, mental health issues and child disability. In each case, the pathway needs to be identified so that the response is tailored to the needs of the adolescent and their family or carers. Focus group participants suggested that legal responses may sometimes be helpful and, occasionally, necessary. More research with families who are experiencing adolescent family violence is needed so that the most appropriate responses can be developed and implemented. However, most participants in the Brisbane study suggested that responses that developed from restorative justice principles held the most promise. Overwhelmingly, and regardless of the context, focus groups participants identified that there was insufficient

---

<sup>191</sup> See Coogan, above n 46, e3.

<sup>192</sup> See above n 61 and accompanying text; above n 64 and accompanying text.

<sup>193</sup> DVRCV, above n 41.

<sup>194</sup> For discussion on this program, see Routt and Anderson, above n 4, 4–5.

<sup>195</sup> DVRCV, above n 41.

<sup>196</sup> See, eg. Child and Family Services Ballarat, *Step Up Ballarat* (2017) <<https://cfs.org.au/programs-services/step-up-ballarat/>>; 'MATTERS' program in Melbourne: Sheehan, above n 144; 'ReNew' program: Carinity, above n 172.

<sup>197</sup> Cottrell and Monk, above n 3.

resourcing of responses to adolescent family violence that appropriately addressed the behaviours and family context. We conclude with a participant's comment that sums up the general view expressed by study participants:

You've got this window of time where you can make that difference and the amount of times I've spoken to people, both victims and perpetrators, [who] have said: 'Well, nobody actually gave a damn about me until I was 18, but now everything I do I can be charged for' — you know, there's that point of — you know, it's literally a birthday is enough time to take you from being a child to an adult with all those consequences. I think having that window of time where you can actually say these behaviours aren't okay — we need to work on them, but we will have the supports in place to help you get there — is really crucial to getting them over that hump without ... just waking up one morning and being an adult.<sup>198</sup>

---

<sup>198</sup> FG4, 37.