

NAVIGATING DOMESTIC VIOLENCE AND THE FAMILY COURTS: READING RISK AND HEARING HARM - THE ROLE OF THE IDVA

Chloe Atkins | First Year PhD Candidate | York St. John University | Supervisors: Dr James Hart and Dr Katharine Parker | chloe.atkins1@yorks.ac.uk

"In a world of abuse, you live in a world of chaos, confusion and fear. I thought I had escaped, only to find myself in court back under his control.

Humiliated, intimidated and frightened, I was expected to navigate it all alone" (Used with the permission of a very brave victim, IDAS, 2023)



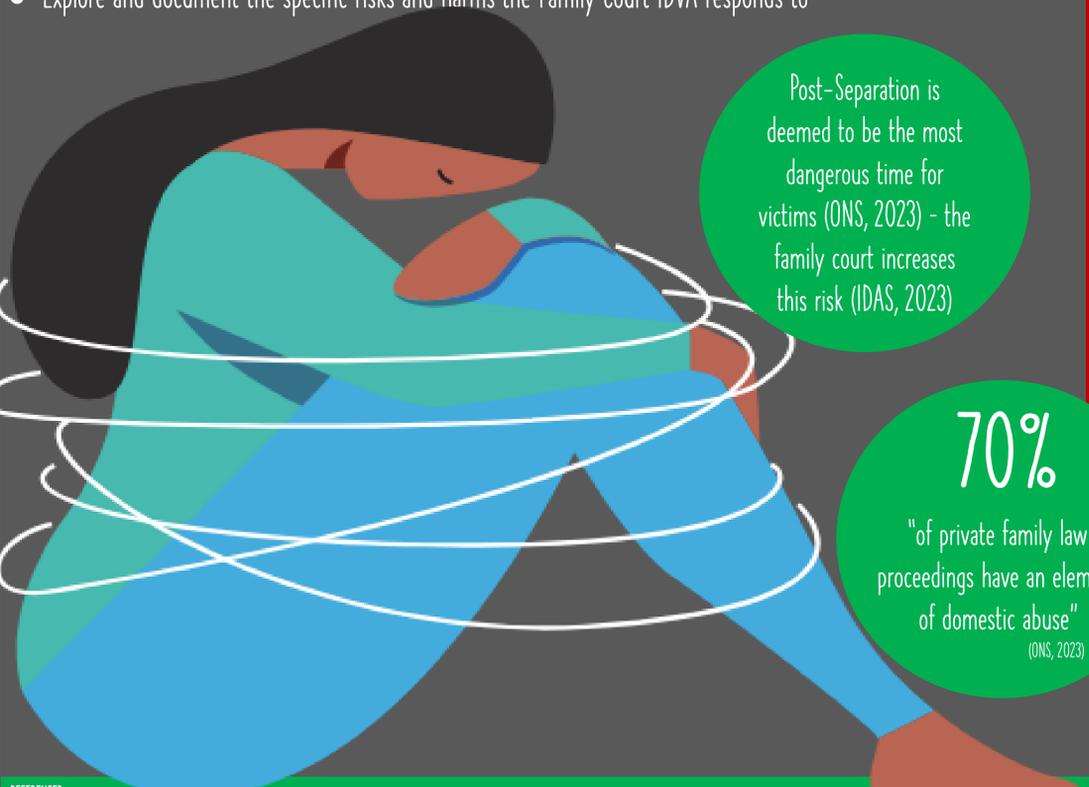
WHAT IS AN IDVA?

PROJECT OVERVIEW

This research project examines the role, place and value of the 'Family Court IDVA' in responding to the harm, experiences and safety of victims of domestic violence subject to private family law proceedings. The study will focus on Litigants in Person who are responding to applications made to the court by the perpetrator of abuse, surrounding arrangements for their children.

Project Aims & Objectives:

- Explore and document the role, place and value of the Family Court IDVA in supporting victims of domestic violence during child arrangements proceedings
- Explore and document the role of the Family Court IDVA in assisting Litigants to navigate the legal system
- Explore and document the Family Court IDVA's and creating safe spaces for victims to access support that will address their experiences and safety of the court process
- Explore and document the specific risks and harms the Family Court IDVA responds to



Post-Separation is deemed to be the most dangerous time for victims (ONS, 2023) - the family court increases this risk (IDAS, 2023)

70% "of private family law proceedings have an element of domestic abuse" (ONS, 2023)

WHY THIS RESEARCH IS SO TIMELY & PROJECT SCOPE

Society is at a crucial response to tackling risk and harm on victims of domestic violence within the Family Courts and very little research exists. Virtually no research explores the role of the IDVA in the National response to addressing harm in the Family Court and I argue much can be learnt from the IDVA as one of the closest professionals working with victims. Such research could help shape future Policy and Practice to address victims safety and experiences. Victims of domestic violence are forced back into close proximity with their abusers and expected to navigate the court process alone trying to ensure concerns about the children's welfare are heard and taken into account. Often the Family Court is used as a tool to continue abuse and distress - causing fear, risk and harm (IDAS, 2023)

I argue this research could;

- Provide vital information by way of best practice to both statutory and voluntary domestic abuse services nationwide in supporting survivors through the Family Court process
- Provide vital evidence to the government in order to support future demand and funding for more Family Court IDVA's locally and nationally
- Develop the first Family Court IDVA specific practice guidance
- Help shape future policy in relation to domestic abuse and the family courts

Children are victims within their own right under the Domestic Abuse Act (2021)



IT WAS ONLY AS OF APRIL 2023 THAT AN IDVA WAS ALLOWED TO SUPPORT A VICTIM IN FAMILY COURT (IDAS, 2023)



FIRST STAGE LITERATURE & THEORY

- Coyle (2002) - Transforming Safe Spaces to Brave Spaces
- Beck (2002) - Risk Society & reflexivity on the impact of risk
- Bourdieu (2001) - Symbolic Power
- Monckton-Smith (2022) - Risk Factors and the link with Power & Control
- Crenshaw (2011) - Intersectionality interlocking with Power
- Lee (1996) & Bennett (1990) - Perceptions of Fear
- MoJ Harm Panel (2020) - Harm Report
- Sanderson (2013) - Independent Advocacy in supporting victims

"women can end up feeling lost between two worlds" (Hester, 2019)

PROPOSED METHODOLOGY - 3 STEP APPROACH

- 1 AUTO-ETHNOGRAPHY - UTILISING UNIQUE POSITION OF THE RESEARCHERS PROFESSIONAL ROLE TO 'TELL THE STORIES'**
 - ✓ critical collection of actions, feelings, thoughts and language surrounding the role of the IDVA
 - ✓ a series of short essays and reflective journals in direct response to each theme of the question - identification, assessment, management and reduction. Telling the lives and stories within an intersectional approach.
 - ✓ about the IDVA and written by an IDVA - allowing for a high level of transparency, capturing the realities and truths
 - ✓ as the storyteller and the researcher, this method gives me a distinct advantage at executing the research question within its natural and most accurate state. Bochner and Ellis (2016) says evocative auto-ethnography is exactly this - and awareness of the emotive state and a true reflection of telling the lives and stories for maximum emotive impact. The IDVA is part of the victims story - this is therefore a tailor made approach for the research project

- 2 SEMI-STRUCTURED INTERVIEWS - MULTI-AGENCY PROFESSIONALS & VICTIM SURVIVORS (BRINGING IN ALL VOICES)**
 - ✓ interviews will focus on the role of the IDVA in responding to risk and harm in the Family Courts - victims who are Litigants in Person
 - ✓ will supplement, add value and allow for cross-examination of my own work
 - ✓ a purposeful approach to sampling, participants are professionals working within the Criminal Justice System, likely to be involved in working with victims of domestic abuse and the Family Courts (Pro-Bono Solicitors, CAF/CASS, Social Workers & other IDVA's)
- 3 ANALYSIS - systematic process to developing codes, to establish themes - journals, essays and transcripts. The ultimate analytic purpose (Braun and Clarke, 2022) Thematic Analysis will then be used to interpret the data and codes. The codes will firstly provide concepts and then through constant comparison, categories can be developed for analysis. Reflexive Thematic Analysis will provide flexibility using Braun and Clarke (2022) six step process**

REFERENCES

Bochner, A and Ellis, C (2016). 'Evocative Autoethnography - writing lives and telling stories'. Routledge Press, London.

Bourdieu, P (2003) Masculine Domination. Cambridge: Polity Press.

Crenshaw, K. (1991). Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color. Stanford Law Review, 43(6), 1241-1299. available at <https://doi.org/10.2307/122903> accessed 9th April 2023

Foucault, M. (2016). The Hermeneutics of the Subject: Lectures at the Collège de France 1981-1982. United States: Palgrave Macmillan US Press

Hester, M. (2011) The Three Planet Model: Towards an Understanding of Contradictions in Approaches to Women and Children's Safety in Contexts of Domestic Violence. The British Journal of Social Work Child and Family Social Work, 41, 837-853

Independent Domestic Abuse Service (2022). 'Domestic Abuse and the Family Courts: A review of experiences and safeguarding', available at: REPORT-Domestic-Abuse-and-Family-Court-DAWSA2019.pdf (idas.org.uk) accessed 17th October 2022

Ministry of Justice (2020) Harm Report available at: Assessing risk of harm to children and parents in private law children cases - GOV.UK (www.gov.uk). Accessed 9th March 2023

Monckton-Smith, J (2022). 'In Control' Dangerous relationships and how they end in murder. Bloomsbury Publishing, Bloomsbury <https://www.ons.gov.uk/search?q=maternal+home+survey>; accessed 34th April 2023

Safelives (2023). 'Stats and Responses'; available at www.safelives.org.uk/policy-evidence; accessed 19th March 23

Beck (1992). Risk Society: Towards a new modernity. London, Sage Publications

Bryman, A. (2016) Social Research Methods, 5th ed. Oxford: Oxford University Press.

Coyle (2002). Safe Space in Risk Society. Carleton University available at libraryarchives.ca

Office for National Statistics (2023). Crime Survey for England and Wales, 2019. available at <https://www.ons.gov.uk>

Sanderson (2013). Counselling skills for working with trauma. London, Jessica Kingsley publishing