

# There is abuse in my home

...and I am worried about the children



*working for  
accessible justice*

Beck Fitzgerald is a specialist family practice based in central London and committed to accessible justice.

Our aim is to enable more families to get the expert help they need when they need it, at a price they can afford.

Alongside our casework with clients we strive to challenge the family justice system to improve outcomes for the children and families we serve.

We work tirelessly to improve the laws and protection for victims and their children so that they can feel safe.

We do not judge, and all our team are trained in trauma informed ways of working. We will help you find the best legal solution for you and your children.

## How domestic abuse affects children

Domestic abuse is a crime. It is also a human rights breach, impacting huge number of women and children across the UK and globally.

### Domestic abuse includes:

- physical abuse
- verbal abuse
- sexual abuse
- coercive and controlling behaviour

- economic abuse
- intimidating and threatening behaviour

## Does abuse affect children?

Children are affected by domestic abuse in different ways. They may be directly physically or emotionally harmed themselves, or they may be affected by seeing, hearing or knowing about someone else's abuse.

This can be hugely emotionally damaging. Children are victims of abuse in their own right and if they live in a household in which domestic abuse occurs.

If a parent fails to protect a child from domestic abuse, social services may become involved as they are under a duty to ensure children stay safe from this dreadful harm.

## How can I protect my children?

It is important that you take all necessary steps to stop the abuse, and/or take the children to a place of safety.

If social services are involved as a result of domestic abuse you should work with the social worker to put in place a plan. This may be called a 'Child in Need Plan' or a 'Child Protection Plan', but effectively it will have a

list of steps you will take to make sure the children are safe.

If you are engaged in court proceedings concerning your children, the fact that there has been domestic abuse will mean that the court needs to consider extra factors and you should tell the court about domestic abuse as early on in the proceedings as possible. The court may find out about the abuse from you directly, or from safeguarding checks that are always undertaken on children's cases.

If domestic abuse is accepted by the perpetrator, then the court will base their decision on this knowledge.

### But what if the abuse is not admitted?

If there is a disagreement about whether or not domestic abuse has actually taken place, the court may need to have what is known as a 'fact finding hearing' to establish whether, and at what level, the abuse has taken place.

At this hearing the court will listen to evidence from people involved and any witnesses (for example the police, medical reports, social services). The court will then decide whether the allegations are true. Once the court has made the decision about what has happened this will be treated as the truth in

the case going forward.

### What if the court decides that domestic abuse has happened?

In deciding what arrangements would be suitable for the children in domestic abuse cases, the court will consider all of the factors they would normally take into account, but in addition, they will be very careful to consider the following factors:

- Any harm the child has suffered as a result of the abuse.
- Any harm the child is at risk of suffering if a child arrangements order is made.
- Whether anyone involved should seek advice or treatment.
- The past and present conduct of people involved.
- The effect of domestic abuse on the child and the person the child lives with, including whether the child witnessed, or was aware of, the abuse.
- The reason why the abuser wants an order, i.e. whether this is because they think the order is in the best interests of the child or so they can continue abuse.

- The abuser's likely behaviour and effect of this on the child.
- The ability of the abuser to understand the effect of the past abuse and the potential for future abuse on the other person and child.
- The attitude of the abuser to the past abuse and whether they have accepted the abuse and are able to change and behave appropriately.

This does not mean that the abuser cannot have any further contact with the child however, the court will be very careful to ensure that any arrangements made are in the best interest of the child and are safe both physically and emotionally.

It may be that the court does not think face-to-face contact is safe and some other form of contact is ordered, for example, phone calls, letters or gifts. This is known as 'indirect contact'.

The court may say that the face-to-face contact should take place in a safe environment, such as a contact centre, particularly where there is a risk to the other parent.

The court can require the abuser to undertake a course so that they have a chance to change their behaviour in the future and reduce the risk to the children.

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