



A descriptive study of juvenile family violence: Data from intervention order applications in a Childrens Court



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ABSTRACT

There is increasing recognition that family violence may be perpetrated by juveniles against their parents and siblings, however empirical research regarding the nature and causes of such violence is relatively limited. This study examines juvenile family violence in the context of an Intervention Order (IO) being sought against a relative aged 18 years or less. All cases over a 3-year period involving an IO application in a major metropolitan Children's Court in Australia were analysed ($n = 438$). The majority of applicants/victims were parents (78%) and to a lesser extent siblings (11%) and other relatives (9%). Most parents who sought applications were mothers (63%) and one-parent households were over-represented (66%). The majority of defendants/perpetrators were male (69%), though juvenile females constituted a significant minority (31%). Intervention orders were sought to prohibit property damage (61%), physical assaults (59%) and/or threats (53%). According to the victim reports, these behaviours emerged in the context of prolonged behavioural problems (49%), a desire to intimidate the victim (12%) or retaliation (8%). While 44% of IO applications were granted, the majority were not (56%) due to the victim discontinuing the application prior to a formal hearing. Of the orders that were granted, a third (32%) were subsequently reported as having been breached. Juvenile family violence is a serious social problem that requires more systematic research to identify the correlates of this behaviour and effective interventions to prevent or reduce its occurrence.

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1. Introduction

Family violence is a major social and public health issue that imposes serious harms on those affected. Family violence is most commonly, though not exclusively, perpetrated by males against their female partners and/or children (Black et al., 2011). A significant body of evidence has accumulated over the last five decades about the nature, extent and causes of family violence, particularly spouse and child abuse (Tolan, Gorman-Smith, & Henry, 2006). However less is known about family violence that is perpetrated by juveniles against their parents, a behaviour that has been termed 'parental abuse' (Cottrell, 2001) or 'child-parent violence' (Walsh & Krienert, 2009). Juvenile family violence is generally referred to as 'any act of a child that is intended to cause a parent physical, psychological or financial harm' and which is often used to gain power and control over a parent (Cottrell, 2001).

Despite first being acknowledged as a potentially serious form of violence more than 30 years ago, both the scientific and public discourses on juvenile family violence have been limited. This may be due to parents being reluctant to discuss their victimisation out of shame or guilt, and/or their unwillingness to seek assistance from clinical or legal agencies (Bobic, 2004). Harbin and Madden (1979) first described child-parent violence as 'battered parent syndrome,' detailing several clinical case studies in which parents were subjected to a range of aggressive behaviours, from verbal abuse to physical attacks that required hospitalisation. Since this seminal study, research has considered the frequency and nature of child-parent violence, although divergent study methodologies and sampling have contributed to inconsistent findings.

For example, estimates of the prevalence of child-parent violence vary widely, ranging from 7% (Peek, Fischer, & Kidwell, 1985) to 56% (Evans & Warren-Sohlberg, 1988), with the lower prevalence reflecting family violence being confined to acts of physical violence, whereas the higher rates also capture verbal and emotional abuse (Ibabe & Jaureguizar, 2010; Walsh & Krienert, 2007). In terms of the nature of juvenile family violence, most studies indicate that juvenile males are more likely to engage in child-parent violence than females (Edenborough, Jackson, Mannix, & Wilkes, 2008; Laurent & Derry,

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1999; Walsh & Krienert, 2007), although one study found no gender differences (Agnew & Huguley, 1989). The mean age of offenders has usually been reported as being between 14 and 17 years (Edenborough et al., 2008; Laurent & Derry, 1999; Walsh & Krienert, 2007), or, in one study, 12–14 years (Cottrell, 2001). Mothers have typically been found to be the primary target of child–parent violence (Agnew & Huguley, 1989; Laurent & Derry, 1999; Walsh & Krienert, 2007), but some studies have found fathers to be at higher risk (Peek et al., 1985), particularly by their sons (Cornell & Gelles, 1982). The most reliable finding in the literature is the type of violence exhibited according to gender, with juvenile males more likely to physically abuse their parents than juvenile females, who are more likely to engage in emotionally and verbally abusive behaviour (Bobic, 2004; Evans & Warren-Sohlberg, 1988; Nock & Kazdin, 2002). The latter finding is consistent with the notion of relational aggression, which is more commonly observed in females (Crick, 1995).

A number of contextual frameworks have been proposed to account for juvenile family violence. Consistent with the broader youth violence literature, risk factors from four domains have been proposed, namely: (i) individual, (ii) family, (iii) peer/school and (iv) environment/neighbourhood (Dahlberg, 1998). The child–parent violence literature to date has predominantly focussed on individual and family contexts. Pertinent individual factors include alcohol and illicit substance abuse (Charles, 1986; Cottrell & Monk, 2004), psychiatric illness or behavioural disturbance (Cottrell & Monk, 2004; Ibabe & Jaureguizar, 2010) and using intimidation against parents to achieve a desired end (Cottrell & Monk, 2004; Downey, 1997). Family related factors include the use of punitive parental control strategies (Brezina, 1999), financial hardship and poverty (Cottrell & Monk, 2004) and a disturbance in family hierarchy, whereby one or both parents have lost or relinquished responsibility and leadership within the family, resulting in the child/adolescent taking on this role (Harbin & Madden, 1979). General conflict within the family environment (Cornell & Gelles, 1982), including witnessing – and subsequently modelling – parental violence is also a relevant correlate and commonly referred to as the ‘intergenerational transmission of family violence hypothesis’ (Straus, Gelles, & Steinmetz, 1980). In this regard, researchers have suggested that child-to-parent violence may be the ‘missing link’ in the intergenerational transmission of violence, such that children who have been victimized by their parents may initially victimize their parents as adolescents and subsequently their intimate partners as adults (Browne & Hamilton, 1998; Cottrell & Monk, 2004; Gebo, 2007).

The bulk of the extant research into juvenile family violence has focused either on small clinical series and psychiatric case studies, which yield rich yet often non-generalisable data, or larger epidemiological or convenience samples (e.g. school attendees), which often capture only a limited proportion of the index behaviour, or limited information regarding the correlates of this behaviour. There is comparatively little research that has utilised samples of juveniles who have come into contact with the justice system as a direct result of family violence. One such study examined juveniles aged 14–18 years who had been charged in a Spanish court with criminal offences related either to parental abuse only ($n = 35$) or both parental abuse and other offences ($n = 33$; Ibabe & Jaureguizar, 2010). Analysis of these cases indicated that parental abuse usually involved a male adolescent (83% of cases) engaging in both physical violence and psychological violence against a mother (81%), with the physical violence often involving repeated battering. Compared to the group that committed both parental abuse and other criminal offences, those charged for parental abuse only were more likely to come from one-parent families. While this study additionally illuminated a range of personal and family characteristics associated with the parental abuse, the results likely represent the severe end of the child–parent violence spectrum given that criminal charges resulted in each instance.

An alternative to criminal charges in many jurisdictions is to instead seek an intervention order to prevent further instances of violent

conduct. It is uncommon for criminal charges of family violence (e.g. assault, threats to kill) to be filed against juveniles in many English-speaking countries, such as Australia, Canada, the United Kingdom (UK) and parts of the United States (US), which reflects the policy to avoid bringing juveniles into the criminal justice system whenever possible. Intervention orders (termed ‘restraining’ or ‘protective orders’ in the US and ‘injunctions’ in the UK) are court orders designed to protect a person (the applicant) by restricting the unwanted behaviour of another person (the defendant). Defendants may be prohibited from any number of activities, including intimidating, harassing, threatening and/or assaulting the person, or causing damage to property. Breaches of these orders can subsequently result in criminal (usually misdemeanour) charges. In the Australian State of Victoria (population 5.4 million), cases of family violence involving a juvenile perpetrator are managed by the Children’s Court, in most instances via applications for an Intervention Order (IO) in the civil jurisdiction.

We previously conducted a study in which we analysed all court records in a major metropolitan Children’s Court over a 3-year period that involved an IO application against a person aged 18 years or less ($n = 928$; Purcell, Moller, Flower, & Mullen, 2009). Although the study was primarily designed to ascertain cases of juvenile *stalking* behaviour ($n = 299$; see Purcell et al., 2009), an unanticipated outcome was the high number of applications pertaining to juvenile family violence ($n = 438$). This afforded the opportunity to comprehensively examine juvenile family violence associated with seeking an intervention order, which, to our knowledge, is the first study of its kind in this justice context. The aim of this article is to describe the characteristics of defendants and applicants, the nature of their relationship, and the nature and duration of the juvenile family violence, and to examine the utility of intervention orders in managing this behaviour.

2. Method

The cases were obtained from an archival search of the court records for all applications over a 3-year period for an IO against a juvenile in a Children’s Court in Melbourne, Australia. An application may be made in the Children’s Court under the ‘Family Violence’ section of the Victorian Crimes Act, 1987, when either the victim or the perpetrator is a juvenile. An adult victim can make an application on their own behalf, as well as on behalf of a juvenile victim, and police officers can lodge an application on behalf of adults in cases where the victim is reluctant to initiate the process. Cases which involved an adult accused of family violence against a juvenile or another adult were not included here.

Data from the court documents was systematically recorded into a standardised data extraction form by a Research Assistant (RA) who was a psychology doctoral student. Intervention Order application forms in all cases record the applicant’s and defendant’s gender and date of birth (DOB), their relationship, and a detailed victim statement indicating: (i) why the applicant is seeking the order (e.g. the nature of the defendant’s unwanted behaviour and why the applicant believes it will continue), (ii) what behaviour the applicant is seeking to prevent (e.g. being threatened, assaulted) and (iii) whether previous court orders have been sought. In most instances, the victim statement provided information regarding the methods and duration of the family violence and the specific behaviour that precipitated the IO application. Witness statements and police reports could also be included in the court documents and, where available, provided additional sources of information. There are no standard questions however regarding the defendant’s mental health status, history of substance use or previous criminal history, although this information may be spontaneously reported in the victim’s statement. In cases where the perpetrator had been referred by the Magistrate for a psychological assessment at the co-located Children’s Court Clinic, diagnostic information was available. All available data regarding the family violence was recorded on the data extraction form, albeit with the caveat that the data collection was not able to be uniform. The court documents *did* indicate in most

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