

5 The prevalence and nature of allegations

This chapter describes the prevalence, nature and source of allegations of family violence and child abuse, and the extent to which children were reported as having witnessed violence. Prevalence is examined in terms of two units of analysis: first, the proportion of court files concerning children's issues in which such an allegation was raised; and second, the proportion of all applicant and respondent mothers and fathers who raised allegations. The specific allegations examined are:

- spousal (or other adult family) violence or child abuse;
- specific types of spousal violence;
- specific types of child abuse;¹⁰¹
- a child witnessing family violence; and
- a child witnessing different types of spousal violence.

The key questions examined are to what extent the prevalence of allegations vary by:

- (a) sample (general litigants and judicial determination);
- (b) court (FCoA and FMC); and
- (c) gender and applicant/respondent status (applicant mother, respondent mother, applicant father and respondent father).

Allegations are examined at the level of a case for questions (a) and (b), and at the litigant (party) level for question (c).

The vast majority of cases were based on "couple cases"; that is, both the applicant and the respondent were the parents of the child. There were only 11 exceptions (non-couple cases) in the FCoA general litigants sample, 4 in the FMC general litigants sample, and 2 in each of the judicial determination samples. The pattern of results that emerged for files containing couple cases only were virtually identical to those in the total sample (see Appendix F, Table F1). Given their small number, the non-couple cases in each sample are excluded from all tables of results in the main body of the report.

It is important to point out that these analyses are not based on a random selection of cases from *all* registries of the FCoA and FMC across Australia (see Chapter 4). Furthermore, the judicial determination samples consisted of only 27 cases in the FMC and 28 in the FCoA ("couple only" cases), with most analyses of the judicial determination samples being based on even fewer cases from these two courts. Percentages based on a small number of cases can be unreliable.¹⁰²

5.1 Technical preface: Two typologies

Complex family circumstances combined with complex legal and judicial processes yield complex data. Accordingly, content analyses of court files fail to capture the range and depth of the individual experiences and perceptions of litigants and their children. Inevitably a key challenge in a study of this nature is to find ways of simplifying the data: (a) while remaining respectful of what individuals are attempting to portray in their applications, and (b) without under- or over-stating the nature of what was being alleged.

101 This includes child abuse, child neglect and child abduction.

102 No percentages were derived if there were fewer than 20 cases in a group. In some of the tables, data from the two courts in the judicial determination sample were combined.

Ideally, to appreciate what is happening at the level of each individual family, quantitative data should be supplemented by qualitative data (ideally, data based on face-to-face interviews with litigants and the professionals from whom they seek help). Qualitative data are better suited than quantitative data to capturing the details regarding context, diversity and individual experiences. In the end, however, it must be acknowledged that all forms of data collection are limited in their ability to capture fully the phenomenology of participants' worlds, and the pragmatics of the research design did not allow for the collection of qualitative data from litigants.

In the present study, the complexity and amount of quantitative data collected meant that a range of data reduction techniques was needed. Two approaches were adopted. First, the various potential forms of abuse in the coding frame (see Section 4.5) were largely grouped into three commonly adopted abuse types: physical abuse, sexual abuse and emotional/verbal abuse—categorised for adults and children (see Appendix D for the details of this classification scheme). As possible correlates of family violence or child abuse, allegations of mental health problems and substance abuse were kept as separate categories, as were allegations of child neglect and child abduction. Secondly, each file containing one or more allegations of violence was classified into one of three groups according to the overall severity of the allegations in total. Each of these approaches is now described in more detail.

5.1.1 Typology 1: Physical, sexual and emotional abuse

Allegations were first categorised according to whether the alleged behaviour was directed towards an adult (here called “family violence”) or towards a child (here called “child abuse”).¹⁰³ Family violence was subdivided according to whether it allegedly occurred between the couple (that is, it was alleged that one of the parents had been violent towards the other parent—here called “spousal violence”) or whether the violence involved another adult (for example, it was alleged that one of the spouses was violent towards another adult or that another adult was violent towards one of the spouses—here called “other adult family violence”).¹⁰⁴ Child abuse was subdivided according to whether the allegation involved abuse by one of the parents or by another person. The analysis focuses on cases involving the mother and father contesting residence or parent–child contact; only 15 of the 300 cases involved a third-party applicant or respondent, where one or both of the parties was not a parent of the child.

The type of alleged spousal violence was then subdivided according to whether it involved physical violence, sexual assault and emotional/verbal abuse. To be sensitive to the context, allegations of stalking, property damage and self-harm were classified separately. In addition, allegations of physical violence, sexual assault, property damage and self-harm were further delineated according to whether they were described as having taken place (“actual”), attempted but not achieved (“attempted”), or threatened. Where allegations of family violence and/or child abuse were raised, any associated allegations about mental health problems, substance abuse, child neglect and child abduction were also noted. Such allegations were not recorded if they did not accompany allegations of family violence or child abuse. (Details of the alleged specific behaviours that were included in each of these categories can be found in Appendix D.)

While “emotional/verbal abuse” is treated as a separate category of abuse, all forms of violence entail emotional harm, for any threatened or actual violence towards the self, another person or property can engender in others a sense of apprehension or fear that tendencies towards violence will be reignited. Likewise, stalking can be a highly intimidating or otherwise disconcerting emotional experience. So too can being an involuntary witness of violence. These are clearly forms of emotional abuse. Nevertheless, the categories used in this analysis are those that have been legislatively sanctioned and commonly adopted in Australia (for example, ABS, 1996, 2005; Sheehan & Smyth, 2000).

103 This categorisation was made by the research team on the basis of the initial analysis of court files by the barristers.

104 Allegations of “other adult violence” (not just spousal violence) may apply in “couple only” cases, for cases are considered “couple only” on the basis of whether the applicant and respondent were the parents of the child(ren) about whom contact or residence proceedings had been initiated. For instance, the mother may have alleged that the father's new partner had been violent towards her, or that the father had been violent towards her new partner.

5.1.2 Typology 2: Apparent severity of violence—Three clusters

Aside from distinguishing between different types of spousal violence and child abuse, the team also classified each party's set of allegations and each case's set of allegations according to how abusive or potentially injurious the overall alleged situation was likely to be (see Appendix B for the typology). Where only one party made any allegation, the classification for the case was the same as that for the party. Where each party made an allegation and these were given different classifications, the more severe of the two classifications was applied to the case.

We accept that any attempt to code cases along these lines is fraught with conceptual and philosophical difficulties. Nonetheless, after making a strong case for the importance of distinguishing different types of violence in the first chapter, and imagining that we were in the "shoes" of judges or federal magistrates having to sift through the many complex and varied pieces of information surrounding allegations of family violence, we reasoned that we should attempt to draw out some notion of the severity of the alleged situation.¹⁰⁵ To make our approach as transparent as possible, each case is summarised and placed in its respective category (see Appendix C).

More specifically, the typology was built using a "grounded theory" approach. The research team read each FileMaker Pro file in the general litigants sample that contained one or more allegations of family violence or child abuse and attempted to generate broad categories.¹⁰⁶ Inevitably, this was an iterative process. Initially, four clusters of cases seemed to fall out (named categories A, B, C and D; from potentially least to most serious allegations). "Line ball" cases were then discussed and resolved by the panel. On the few occasions of continuing uncertainty, the case was allocated to a category of *higher* rather than lower severity. Finally, it was decided to combine the two clusters in which the alleged violence or abuse seemed most extreme because the conceptual line between each was too blurry (Category D cases were therefore re-classified as Category C cases).¹⁰⁷ The coding panel was not able to identify from which court the case derived or the gender of the applicant or respondent.

A fresh set of FileMaker Pro files was then given to two other AIFS research staff for independent coding as part of a reliability analysis.¹⁰⁸ One staff member's coding was in agreement with the panel in 72% of cases. Interestingly, this coder's classification systematically *under*-estimated the panel's category of severity in virtually all occurrences of disagreement. The other member of staff's coding was in agreement with the panel in 86% of cases. Unlike the classifications of the first of these two coders, where disagreement with the panel's judgments occurred, ratings of severity were sometimes higher and sometimes lower than those of the panel. Discordant codes were resolved by discussion between these two coders and members of the panel. The same method was used for coding the severity of alleged violence or abuse in the files for the judicial determination sample.¹⁰⁹

5.2 Court by sample

5.2.1 Alleged family violence or child abuse

Table 5.1 shows the overall proportion of ("couple only") cases in each sample that contained allegations of family violence or child abuse or both. The top row of results in Table 5.1 point to three important findings: (a) more than half the cases in both courts contained an allegation of family violence and/or child abuse; (b) allegations of family violence were most likely to be raised in judicially determined cases in the FCoA (79%); and (c) by comparison, rates of allegations in the FMC sub-samples were not much lower (62–67%).

105 Of course, judges and federal magistrates would have access to more information than is available in the files that form the basis for this analysis.

106 The panel comprised the research team, with help from Stephanie Amir.

107 Category A is probably the least reliable of the three final groupings because it included cases in which the level of abuse or intended injury remained unclear.

108 Jennifer Renda and Suzanne Vassallo conducted these independent (blind) reliability checks.

109 Suzanne Vassallo conducted the independent (blind) reliability checks. Agreement was reached in 95% of cases. Suzanne then coded each party's set of allegations in a case.

Table 5.1 Type of family violence or child abuse alleged in each court by sample: Couple cases

Type of family violence or child abuse alleged	General litigants		Judicial determination	
	FCoA (109 cases)	FMC (116 cases)	FCoA (28 cases)	FMC (27 cases)
	% of cases	% of cases	% of cases	% of cases
Family violence and/or child abuse	53.2	62.1	78.6	66.7
Spousal violence	47.7	55.2	78.6	63.0
Other adult family violence	16.5	19.0	25.0	18.5
Any family violence ^a	48.6	56.9	78.6	63.0
Child abuse ¹ by spouse/parent	22.0	24.1	46.4	11.1
Child abuse by other	3.7	5.2	17.9	7.4
Any child abuse	22.9	27.6	50.0	18.5
Family violence only	30.3	34.5	28.6	48.1
Child abuse only	4.6	5.2	0	3.7
Co-occurrence of family violence and child abuse	18.3	22.4	50.0	14.8
No allegations	46.8	37.9	21.4	33.3
<i>Total</i>	100.0	100.0	100.0	100.0

Note. ^aAny family violence includes two cases where there was a disclosure of an intervention order only (with no specific allegations contained in the family law affidavit material, or in a “complaint for intervention order” annexed to the information sheet).

In each court, family violence was more likely to have been alleged than child abuse (general litigants—FCoA: 49% vs 23%, FMC: 57% vs 28%; judicial determination—FCoA: 79% vs 50%, FMC: 63% vs 19%). Furthermore, cases were considerably more likely to contain an allegation of spousal violence than other adult family violence (spousal violence: 48–79%; other adult family violence: 17–25%). In addition, an allegation of child abuse committed by a spouse/parent was more likely to be raised in each group than child abuse by another adult (general litigants—FCoA: 22% vs 4%, FMC: 24% vs 5%; judicial determination—FCoA: 46% vs 18%, FMC: 11% vs 7%). It is also worth noting that the vast majority of all cases containing an allegation of other adult family violence also contained an allegation of spousal violence.¹¹⁰

Allegations of spousal violence, and other adult family violence, were most likely to have been raised among the FCoA judicial determination cases (spousal violence: 79% vs 48–63%; other adult family violence: 25% vs 17–19%). It is interesting to note that, where any allegation of family violence or child abuse was raised, spousal violence was *always* raised among cases in the FCoA judicial determination sample (that is, either alone or with other allegations, applying to nearly 80% of cases).

Both types of child abuse were more likely to be raised in cases requiring a judicial determination in the FCoA than in other samples (child abuse by spouse/parent: 46% vs 11–24%; by other person: 18% vs 4–7%), while the FMC judicial determination cases were the least likely of all sub-samples to contain an allegation of child abuse committed by the spouse/parent (11%). (Only 4–7% of cases in the latter sample and in the two general litigants samples contained an allegation of child abuse perpetrated by another person.)

The bottom panel of Table 5.1 shows that an allegation of child abuse alone was rare. That is, all or nearly all, allegations of child abuse were accompanied by allegations of family violence. Interestingly, the co-occurrence of family violence and child abuse represented the most commonly alleged scenario in the FCoA judicial determination sample (applying to half the cases—50%), while family violence alone was the most commonly alleged scenario in the other three samples (applying to 30–48% of cases).

¹¹⁰ This is evident from the fact that the proportion of cases containing a spousal violence allegation is the same, or almost the same, as the proportion containing an allegation of any adult violence.

Thus, the FCoA judicial determination cases were the most likely to contain each of the four types of allegations set out in the top panel of Table 5.1. This points to the greater complexity of those cases requiring a judicial determination in the FCoA.

In general, the pattern of results for the FCoA and FMC general litigants sub-samples was very similar (the largest difference in proportions was around 9 percentage points).

In summary, Table 5.1 suggests that across all samples:

- more than half the cases in both courts contained an allegation of family violence and/or child abuse;
- spousal violence was more likely to have been alleged than child abuse;
- a spouse/parent was more likely than another person to be seen as the perpetrator of family violence or child abuse;
- the vast majority of cases containing an allegation of other adult family violence also contained an allegation of spousal violence; and
- virtually all cases in which child abuse was alleged also included an allegation of family violence.

Regarding comparisons between the samples:

- the FCoA judicial determination cases were the most likely to contain the four types of allegations (taken separately);
- the FMC judicial determination sample was the least likely to contain an allegation of child abuse perpetrated by a spouse/parent and the most likely to contain an allegation of family violence in the absence of an allegation of child abuse; and
- the pattern of allegations in the two general litigants sub-samples was very similar.

5.2.2 Specific types of alleged spousal violence

Table 5.2 presents the proportions of cases in both courts that contained allegations of specific domains of spousal violence and “associated allegations”—for both samples. “Associated allegations” cover mental health problems and substance abuse, both of which may be risk factors for spousal violence (see, for example, Link, Andrews & Cullen 1992). Because a file may contain more than one type of spousal violence allegation, the percentages in this table do not sum to 100.

The cases in all four samples were most likely to contain an allegation of actual physical violence (such as pushing, shoving, slapping—contained in 30–57% of files), followed by either threats of physical violence (19–50%) or emotional/verbal abuse (26–46%). The fourth most commonly mentioned form of spousal violence allegation in a file was actual property damage (13–36%). Less than 15% of cases in each sample contained each of the other spousal violence allegations listed in Table 5.2 (taken separately).

Although substance abuse is often associated with mental health problems (Andrews, Henderson, & Hall, 2001; Degenhardt, Hall, & Lynskey, 2001), each sample of files was more likely to contain an allegation of substance abuse than mental health problems (19–39% vs 10–25%).

While the overall pattern of allegations in the two general litigants samples is similar, the following differences are worth noting: a higher proportion of FMC than FCoA files in the general litigants sample contained allegations of actual and threatened physical violence (actual: 43% vs 30%; threatened: 28% vs 19%), and of associated allegations of substance abuse (29% vs 19%).

The cases in the FCoA requiring a judicial determination contained the highest or equally highest proportion of cases containing each of the most common forms of allegations. These cases were the most likely of all sub-samples to contain allegations of: actual physical abuse (57% vs 30–48%), threatened physical abuse (50% vs 19–41%), actual property damage (36% vs 13–16%)

Table 5.2 Type of spousal violence alleged in each court by sample: Couple cases

Type of spousal abuse alleged	General litigants		Judicial determination	
	FCoA (109 cases)	FMC (116 cases)	FCoA (28 cases)	FMC (27 cases)
	% of cases	% of cases	% of cases	% of cases
<i>Physical</i>				
Actual	30.3	43.1	57.1	48.1
Attempted	1.8	3.4	0	7.4
Threatened	19.3	28.4	50.0	40.7
<i>Sexual</i>				
Actual	2.8	2.6	7.1	0
Attempted	0	0	3.6	7.4
Threatened	0	0	0	0
<i>Emotional/verbal</i>	25.7	26.7	46.4	44.4
<i>Stalking</i>	4.6	5.2	7.1	11.1
<i>Property damage</i>				
Actual	12.8	15.5	35.7	14.8
Attempted	0	0	0	0
Threatened	0.9	0.9	3.6	0
<i>Self-harm by spouse</i>				
Actual	6.4	1.7	14.3	3.7
Attempted	2.8	0	7.1	3.7
Threatened	4.6	4.3	14.3	11.1
<i>Unspecified</i>	8.3	5.2	7.1	7.4
Any	47.7	55.2	78.6	63.0
<i>Associated allegations</i>				
Mental health	12.8	9.5	25.0	14.8
Substance abuse	19.3	29.3	39.3	25.9

and actual self-harm by spouse (14% vs 2–6%), as well as substance abuse (39% vs 19–29%) and mental health problems (25% vs 10–15%).¹¹¹

It is noteworthy that nearly 60% of FCoA judicial determination cases contained an allegation of actual physical abuse. Again, cases in the two FMC samples showed elevated rates of alleged actual physical abuse relative to that in the FCoA general litigants sample (43–48% vs 30%).

To sum up:

- Cases in both courts were most likely to contain an allegation of actual physical violence, followed by either threats of physical violence or emotional/verbal abuse, then actual property damage.
- Cases in both courts were also more likely to contain allegations of substance abuse than allegations of mental health problems.
- The prevalence of most of these allegations was highest in the FCoA judicial determination cases.
- More than half of the FCoA judicial determination cases contained allegations of actual physical abuse.
- Allegations of actual physical abuse were more likely to be raised among the FMC cases (both samples) than in cases from the FCoA general litigants sample.

¹¹¹ It should be noted that these estimates refer to allegations that were included in cases where allegations of family violence and/or child abuse were raised.

5.2.3 Specific types of alleged child abuse

The proportions of files in the two sets of FCoA and FMC samples that contained allegations of specific domains of child abuse, as well as associated allegations of neglect and abduction, are presented in Table 5.3.

Table 5.3 Type of parental child abuse alleged in each court by sample: Couple cases

Type of child abuse alleged	General litigants		Judicial determination	
	FCoA (109 cases)	FMC (116 cases)	FCoA (28 cases)	FMC (27 cases)
	% of cases	% of cases	% of cases	% of cases
Child abuse allegations				
<i>Physical</i>				
Actual	13.8	12.1	39.3	7.4
Attempted	0	0.9	0	0
Threatened	9.2	6.0	7.1	3.7
<i>Sexual</i>				
Actual	2.8	2.6	10.7	0
Attempted	0	0	0	0
Threatened	0	0	0	0
<i>Emotional/verbal</i>	7.3	8.6	10.7	0
<i>Unspecified</i>	1.8	0.9	3.6	0
Any	22.0	24.1	46.4	11.1
Associated allegations				
<i>Abduction</i>				
Actual	1.8	0.9	7.1	11.1
Attempted	0	0	0	0
Threatened	0	0	0	3.7
<i>Neglect</i>	3.7	3.4	10.7	3.7

As in the case of alleged spousal violence, allegations of child abuse most commonly concerned actual physical abuse. This form of abuse was mentioned in nearly 40% of FCoA judicial determination cases, but in only 7–14% of cases in the other samples.¹¹² Other forms of abuse (taken separately) were raised in less than 15% of cases in each sample, although it is noteworthy that allegations of sexual abuse were contained in 11% of FCoA judicial determination cases and 0–3% of cases in the other samples.

Associated allegations of child neglect were mentioned in 11% of FCoA judicial determination cases and in 3–4% of other cases, while actual abduction was alleged in 7–11% of FCoA and FMC judicial determination cases and in only 1–2% of other cases.

5.2.4 The apparent severity of allegations in each case

Table 5.4 refers to the apparent severity of allegations contained in each file in which at least one allegation of family violence or child abuse was made. Here, “severity” refers to how abusive or injurious the overall alleged situation appeared to be. As noted in Section 5.1, Category A (the “least abusive or potentially injurious” sets of allegations) is probably the least reliable, given that it includes situations in which the severity of the alleged behaviour was ambiguous. Percentages are not provided for the FMC judicial determination sample because allegations were raised in fewer than 20 of these “couple only” cases.

112 This may reflect court policies on the transfer of proceedings between courts.

Table 5.4 Apparent severity of each case's allegations in each court by sample: Couple cases

Category of apparent severity	General litigants		Judicial determination	
	FCoA (58 cases)	FMC (72 cases)	FCoA (22 cases)	FMC (18 cases)
	% of cases	% of cases	% of cases	% of cases
Category A	15.5	20.8	13.6	–
Category B	36.2	23.6	18.2	–
Category C	48.2	55.6	68.2	–
<i>Total</i>	100.0	100.0	100.0	–

Note. No percentages are reported where there were fewer than 20 cases (depicted by “–”). Category A refers to the most ambiguous allegations, and to allegations that did not seem as serious as those contained in Category B or C. By contrast, Category C allegations appeared to be particularly serious.

Interestingly, cases (containing allegations) in all three sub-samples were more likely to have been assigned a Category C classification than Category A or B classifications (applying to between half and two thirds of all cases containing allegations of family violence or child abuse). And when Category B and C cases were combined, they accounted for around 80% or more of the cases containing allegations. (Appendix C summarises the content of the cases in each of these categories.)

Once again, the pattern of results for the FCoA judicial determination sample stood out. Tables 5.1–5.3 suggest that this sample was the most likely to contain allegations of several of the various types of family violence or child abuse, including the co-occurrence of family violence and child abuse. Table 5.4 suggests that the general tenor of allegations raised in the FCoA judicially determined cases (containing allegations) appeared to be particularly severe: around two thirds of cases in this sample (68%) and 48–56% of cases in the other two samples were classified as Category C cases.

5.2.5 Allegations that children witnessed family violence

Two tables are presented in this section. The first table (Table 5.5) focuses on allegations that the children witnessed spousal or other adult family violence. The second table (Table 5.6) focuses on the different types of spousal violence that children were alleged to have witnessed. Here, “witnessing” means that it was alleged that the child saw or heard the violence.

Consistent with the overall pattern of results regarding allegations of spousal and other adult family violence (Table 5.1), an allegation that spousal violence was witnessed by a child was most commonly raised in cases requiring judicial determination, especially in the FCoA cases. This type of allegation was raised in two thirds of FCoA cases requiring judicial determination (68%), in nearly half their FMC counterparts (48%), and in 25–29% of the general litigants samples. Indeed, in half of the cases in the FCoA and FMC general litigants sub-samples in which allegations of spousal violence were raised, it was also alleged that children had witnessed spousal violence (comparison data not shown). This rate is much higher in the FCoA judicial determination sub-sample (86%), although this percentage is based on only 22 cases. (There were only 18 cases containing spousal violence allegations in the FMC judicial determination sub-sample.)¹¹³

Just as virtually all cases containing allegations of other adult family violence also contained allegations of spousal violence (Table 5.1), so too, virtually all cases containing allegations that a child witnessed other adult family violence also contained allegations that a child witnessed spousal violence (Table 5.5).

113 These data are not presented in a table but can be extrapolated from Tables 5.1 and 5.5. For example, 47.7% of FCoA cases in the general litigants sample included allegations of spousal violence ($n = 52$), while 24.8% of all FCoA cases in that sample contained allegations that a child witnessed spousal violence ($n = 27$). Thus, 27 of 52 cases (52.0%) containing allegations of spousal violence also included an allegation that a child witnessed such violence.

Table 5.5 Type of family violence alleged to have been witnessed by children in each court by sample: Couple cases

	General litigants		Judicial determination	
	FCoA (n = 109)	FMC (n = 116)	FCoA (n = 28)	FMC (n = 27)
	% of cases	% of cases	% of cases	% of cases
Spousal violence	24.8	29.3	67.9	48.1
Other adult family violence	10.1	4.3	7.1	11.1
Any adult family violence	28.4	30.2	67.9	48.1
Spousal violence only	18.3	25.9	60.7	37.0
Other adult family violence only	3.7	0.9	0	0
Both	6.4	3.4	7.1	11.1
Neither	71.6	69.8	32.2	51.9
<i>Total</i>	100.0	100.0	100.0	100.0

Table 5.6 shows the proportion of cases containing an allegation of specific spousal violence witnessed by children.

Regarding spousal violence, it has already been noted that cases in all four sub-samples were most likely to contain an allegation of actual physical violence, followed by either threats of physical violence or emotional/verbal abuse, then actual property damage (Table 5.2). Not surprisingly, the same pattern of results generally applied to allegations about spousal violence witnessed by children (Table 5.6).¹¹⁴

Table 5.6 Type of spousal violence alleged to have been witnessed by children in each court by sample: Couple cases

Type of spousal violence alleged	General litigants		Judicial determination	
	FCoA (n = 109)	FMC (n = 116)	FCoA (n = 28)	FMC (n = 27)
	% of cases	% of cases	% of cases	% of cases
Physical				
Actual	16.5	15.5	42.9	37.0
Attempted	0.9	0	0	3.7
Threatened	7.3	6.9	17.9	11.1
Sexual				
Actual	0.9	0	0	0
Attempted	0	0	0	0
Threatened	0	0	0	0
Emotional/verbal	9.2	13.8	28.6	33.3
Stalking	0	0.9	0	0
Property damage				
Actual	8.3	3.4	14.3	7.4
Attempted	0	0	0	0
Threatened	0	0	0	0
Self-harm by spouse				
Actual	0.9	0.9	0	0
Attempted	0.9	0	0	3.7
Threatened	2.8	0.9	7.1	3.7
Unspecified	0.9	2.6	0	3.7
Any	24.8	29.3	67.9	48.1

114 There is one exception: the same proportions of cases in the FCoA general population contained allegations that a child witnessed emotional/verbal abuse and that a child witnessed actual property damage (8%).

It is noteworthy that 37–43% of cases in the two judicial determination samples contained an allegation that children witnessed actual physical (spousal) violence. This rate is more than double that in the general litigants samples (16–17%). The two judicial determination samples were also more likely to contain allegations that a child witnessed emotional/verbal abuse (29–33% vs 9–14%).

In summary, the results concerning allegations that a child witnessed family violence suggest that:

- the two judicial determination samples were the most likely to contain allegations that children witnessed spousal violence, with two thirds of FCoA cases and nearly half the FMC cases containing such allegations;
- in each group, virtually all cases containing allegations that a child witnessed other adult family violence also contained allegations that a child witnessed spousal violence; and
- consistent with the pattern of allegations about spousal violence in general, actual physical abuse was the most common type of spousal violence that children were alleged to have witnessed.

5.3 Applicant/respondent status by gender by sample

This section focuses on patterns of allegations made by applicant and respondent mothers and fathers (four groups in the two samples taken separately).¹¹⁵ As explained earlier, this approach helps to examine whether any differences in patterns according to applicant/respondent status are really a function of gender, given that a higher proportion of applicants were mothers than fathers (56% vs 44% in the general litigants sample). It is important to point out that the judicial determination sample sub-groups were very small (the “couple only” sample, on which this analysis is based, contained 23 applicant fathers and respondent mothers, and 32 applicant mothers and respondent fathers), even though we combined data from the two courts to increase the sample size. Therefore, any interpretations of “trends” regarding the judicial determination sample should be considered highly tentative.

5.3.1 Alleged family violence or child abuse

Table 5.7 sets out the proportions of applicant and respondent mothers and fathers who made allegations of either spousal or other adult family violence, or child abuse in the general litigants and judicial determination samples.

As already indicated, allegations of family violence and/or child abuse were more likely to have been made in the sample that proceeded to judicial determination than in the general litigants sample. This pattern applied regardless of which parent made the allegation. Regardless of whether they were applicants or respondents, mothers in the general litigants sample were considerably more likely than fathers in this sample to raise an allegation of family violence and/or child abuse. Allegations were raised by around half the applicant and respondent mothers (49–54%) and by 21–36% of fathers. Table 5.7 also suggests that, within each gender, applicants in the general litigants sample were more likely than respondents in that sample to raise an allegation—a trend that was more pronounced for fathers than mothers (fathers: 36% vs 21%; mothers: 54% vs 49%). A similar pattern occurred for fathers in the judicial determination sample: allegations were made by 56% of applicant fathers and 47% of respondent fathers. But applicant and respondent mothers in the judicial determination sample were equally likely to raise allegations (65–66%).

Table 5.7 also indicates that around one in five cases in the general litigants sample involved mutual allegations by each party, regardless of who initiated the application for children’s matters. By contrast, one-sided allegations (where only one party made an allegation) were more likely to be made by mothers than fathers (applicant mothers: 35%; applicant fathers: 12%; respondent

115 In this section, we have adopted the terms “mother” and “father” to describe all parents, irrespective of whether they were legally married.

Table 5.7 Parent who alleged family violence and/or child abuse according to applicant/respondent status in each sample

Who made allegation(s)?a	General litigants		Judicial determination	
	Alleging party		Alleging party	
	Applicant mother and respondent father (n = 127)	Applicant father and respondent mother (n = 98)	Applicant mother and respondent father (n = 32)	Applicant father and respondent mother (n = 23)
	%	%	%	%
Applicant	54.3	35.7	65.7	56.4
Respondent	20.5	49.0	46.9	65.2
Applicant only	34.6	12.2	25.0	8.7
Respondent only	0.8	25.5	6.3	17.4
Mutual allegations (both allege)	19.7	23.5	40.6	47.8
Neither	44.9	38.8	28.1	26.1
<i>Total</i>	100.0	100.0	100.0	100.0

Note. ^aAssociated allegations (mental health problems, substance abuse, child neglect and child abduction) are also excluded.

mothers: 26%; respondent fathers: 1%). It is important to note that the data do not distinguish between allegations and counter-allegations.

The tendency for an allegation by the father to be accompanied by an allegation by the mother also applied in the judicial determination sample. Only 9% of applicant fathers and 6% of respondent fathers were the sole “alleging party” (compared with 17 and 25% of applicant and respondent mothers respectively).

Indeed, the raising of mutual allegations represented the dominant feature of the cases requiring a judicial determination (41% of applicant mother cases; 48% of applicant father cases). The rate of mutual allegations in the judicial determination sample was around twice that in the general litigants sample.

Four clear patterns thus emerged:

- Allegations were more likely to be raised in the judicial determination samples, and tended to be two-sided (that is, each party raised allegations against their partner).
- Mothers were more likely to make an allegation than fathers.
- Allegations by fathers tended to be accompanied by allegations by mothers.
- Fathers in both samples were more likely to make an allegation if they were the applicant to the proceedings than if they were the respondent.

Table 5.8 shows the proportion of applicant and respondent mothers and fathers in the two samples who raised an allegation of spousal violence, other adult family violence, or child abuse.

Irrespective of who initiated the application and whether the case was judicially determined, allegations of family violence mostly concerned spousal violence and were far more likely to be made than those of child abuse. Nonetheless, allegations of spousal violence were more pronounced in the judicial determination sample than in the general litigants sample. This particularly applied to allegations made by fathers. Specifically, applicant and respondent fathers in the judicial determination sample were at least twice as likely as their counterparts in the general litigants sample to allege that their partners had been violent towards them (applicant fathers: 52% vs 26%; respondent fathers: 38% vs 16%). Indeed, applicant fathers in the judicial determination sample were as likely or more likely than applicant or respondent mothers in the

Table 5.8 Type of family violence or child abuse alleged by each applicant or respondent parent by sample: Couple cases

	General litigants				Judicial determination			
	Alleging party				Alleging party			
	Applicant mothers (n = 127)	Respondent mothers (n = 98)	Applicant fathers (n = 98)	Respondent fathers (n = 127)	Applicant mothers (n = 32)	Respondent mothers (n = 23)	Applicant fathers (n = 23)	Respondent fathers (n = 32)
	%	%	%	%	%	%	%	
Family violence and/or child abuse	54.3	48.9	35.7	20.4	65.7	65.2	56.4	46.9
Spousal violence	49.6	43.9	25.5	15.7	65.6	56.5	52.2	37.5
Other adult family violence	15.0	15.3	8.2	3.9	25.0	4.3	8.7	12.5
Any family violence	51.2	45.9	30.6	17.3	65.6	56.5	52.2	40.6
Child abuse by spouse	17.3	19.4	8.2	6.3	21.9	26.1	13.0	12.5
Child abuse by other	3.1	0	3.1	3.1	0	4.3	8.7	12.5
Any child abuse	18.9	19.4	10.2	7.9	21.9	26.1	17.4	21.9
Family violence only	35.4	29.6	25.5	12.6	43.8	39.1	39.1	25.0
Child abuse only	3.1	3.1	5.1	3.1	0	8.7	4.3	6.3
Co-occurrence of family violence and child abuse	15.7	16.3	5.1	4.7	21.9	17.4	13.0	15.6
No allegations	45.7	51.1	64.3	79.6	34.3	34.8	43.6	53.1
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

general litigants sample to have alleged spousal violence (52% vs 44–50%). Of course, the nature of the alleged spousal violence needs clarification.

Table 5.8 also indicates that, within each sample, allegations of spousal violence were more likely to be made by mothers than fathers, and by applicants than respondents within each gender. That is, such an allegation was most likely to be made by applicant mothers, followed by respondent mothers, then applicant fathers, with respondent fathers being the least likely to make such an allegation. Given the high proportion of all allegations that included spousal violence allegations, these patterns mirror those evident in Table 5.7.

It is also worth noting that an allegation of other adult family violence was made by one quarter of applicant mothers in the judicial determination sample. This group was clearly the most likely to make such an allegation. The proportions in other groups to do so were 4–15% of mothers and 4–13% of fathers.

Regarding allegations of child abuse, fathers in the general litigants sample were less likely than all other groups to raise such allegations (8–10% vs 17–26%), whereas respondent fathers in the judicial determination sample were as likely or almost as likely as all four groups of mothers to allege child abuse (22% vs 19–26%).

Although allegations of child abuse by a person other than the spouse were generally rare in these selected groups of couple cases, respondent fathers in the judicial determination sample were just as likely to make an allegation of child abuse by a spouse as they were to make an allegation of child abuse by another person (13%).

Finally, regarding the bottom section of Table 5.8, the most common scenario alleged by all groups of parents was that family violence alone had occurred. The group least likely to make any allegation (respondent fathers in the general litigants sample) were, not surprisingly, the least likely to claim that family violence alone had taken place (13% vs 25–44%).

It has already been shown that an allegation of child abuse in the absence of an allegation of adult abuse was highly unusual. Such a scenario was alleged by less than 10% in all groups. Allegations of both child abuse and family violence were mentioned by between 13–22% of parents in all groups except fathers (whether applicant or respondent) in the general sample. Only 5% of fathers in these two groups made such a claim. These two groups of fathers clearly differed from all other groups in this respect. Indeed, fathers in the general litigants sample tended not to make any allegations of child abuse (only 8–10% did so).

To summarise:

- Irrespective of gender, applicant/respondent status and sample, allegations of family violence mostly concerned spousal violence and were far more likely to be made than those of child abuse.
- Regarding family violence:
 - allegations of spousal violence by mothers and fathers taken separately were more pronounced in the judicial determination sample than in the general litigants sample, especially allegations raised by fathers;
 - within each sample, allegations of spousal violence were more likely to be made by mothers than fathers, and by applicants than respondents within each gender; and
 - an allegation of other adult family violence was made by more applicant mothers in the judicial determination sample than by any other group.
- Regarding allegations of child abuse:
 - fathers in the general litigants sample were less likely than all other groups to raise such allegations;
 - respondent fathers in the judicial determination sample were as likely or almost as likely as all four groups of mothers to allege child abuse; and
 - although an allegation of child abuse by a person other than the spouse was generally rare overall, respondent fathers in the judicial determination sample were equally likely to make an allegation of child abuse by spouse as child abuse by another person.
- Finally, regarding whether child abuse and family violence occurred alone or in combination:
 - the most common scenario alleged by all groups of parents was that family violence alone had occurred;
 - an allegation of child abuse in the absence of an allegation of family violence was highly unusual; and
 - applicant and respondent fathers in the general litigants sample were the least likely of all groups to make allegations of child abuse.

5.3.2 Specific types of alleged spousal violence

Table 5.9 shows the prevalence of each type of spousal violence allegation raised by applicant and respondent mothers and fathers in the two samples.

As noted earlier, Table 5.2 showed that the most commonly alleged forms of spousal violence were physical violence (actual or threatened), emotional/verbal abuse and actual property damage. In Table 5.9, threatened self-harm by a former partner was also relatively commonly alleged for one group: applicant mothers in the judicial determination sample (19% vs 0–4% in the general litigants sample). The striking feature of this table is that these mothers were the most likely of all groups to not only allege self-harm by the spouse but also physical violence (actual or threatened) and emotional/verbal abuse. Each of these other categories were alleged by 44–50% of these mothers.

In stark contrast, only 16–26% of applicant and respondent fathers in the general litigants sample raised any specific type of spousal violence allegations. No striking patterns emerged across the groups in relation to the associated allegations of mental health problems and substance abuse.

Table 5.9 Type of spousal violence alleged by each applicant or respondent parent by sample: Couple cases

	General litigants				Judicial determination			
	Alleging party				Alleging party			
	Applicant mothers (n = 127)	Respondent mothers (n = 98)	Applicant fathers (n = 98)	Respondent fathers (n = 127)	Applicant mothers (n = 32)	Respondent mothers (n = 23)	Applicant fathers (n = 23)	Respondent fathers (n = 32)
	%	%	%	%	%	%	%	%
Physical								
Actual	35.4	31.6	12.2	11.8	50.0	43.5	39.1	12.5
Attempted	1.6	2.0	0	1.6	0	0	8.7	0
Threatened	24.4	17.3	4.1	3.9	46.9	30.4	8.7	9.4
Sexual								
Actual	3.9	1.0	0	0	6.3	0	0	0
Attempted	0	0	0	0	3.1	0	0	0
Threatened	0	0	0	0	0	0	0	0
Emotional/verbal	24.4	21.4	7.1	6.3	43.8	26.1	17.4	15.6
Stalking	4.7	3.1	2.0	0	3.1	13.0	4.3	0
Unspecified	7.1	3.1	2.0	0.8	6.3	8.7	0	0
Property damage								
Actual	10.2	14.3	5.1	2.4	21.9	17.4	17.1	12.5
Attempted	0	0	0	0	0	0	0	0
Threatened	0.8	1.0	0	0	3.1	0	0	3.1
Self-harm by spouse								
Actual	3.1	2.0	2.0	0.8	3.1	0	4.3	9.4
Attempted	0.8	1.0	1.0	0	3.1	0	4.3	3.1
Threatened	3.9	1.0	2.0	1.6	18.8	4.3	0	0
Any	49.6	43.9	25.5	15.7	65.6	56.5	52.2	37.5
Associated allegations								
Mental health	5.5	5.1	5.1	7.1	9.4	0	13.0	15.6
Substance abuse	18.1	20.4	15.3	9.4	25.0	21.7	17.4	12.5

5.3.3 Specific types of alleged child abuse

Table 5.10 shows the prevalence of each type of child abuse allegation raised by applicant and respondent mothers and fathers in the two samples.

As already noted, allegations of child abuse were less common. But one allegation type by one group stands out in this context: applicant mothers were more likely than any other group to allege that children had been physically abused (22% vs 4–13%). This was the only allegation of child abuse made by applicant mothers in the judicial determination sample, and Table 5.8 shows that all these mothers alleged that the father was the perpetrator of this abuse. It is also noteworthy that 13% of respondent mothers in the judicial determination sample, compared with 0–3% of all other groups, alleged that child sexual abuse had occurred.

The bottom section of Table 5.10 shows that 13% of applicant mothers in the judicial sample, and 0–4% of parents in all other groups, alleged that the child had been abducted by the other parent. Child neglect was alleged by 9% of father respondents in the judicial determination sample, and 0–4% of parents in all other groups. These refer to associated allegations. That is, such allegations were only recorded if an allegation of family violence or child abuse was made. It must be emphasised that allegations of any specific form of child abuse was unusual, and care should be taken in interpreting these data, particularly for the small judicial determination sample.

Table 5.10 Type of parental child abuse alleged by each applicant or respondent parent by sample: Couple cases

	General litigants				Judicial determination			
	Alleging party				Alleging party			
	Applicant mothers (n = 127)	Respondent mothers (n = 98)	Applicant fathers (n = 98)	Respondent fathers (n = 127)	Applicant mothers (n = 32)	Respondent mothers (n = 23)	Applicant fathers (n = 23)	Respondent fathers (n = 32)
	%	%	%	%	%	%	%	
Physical								
Actual	8.7	8.2	6.1	3.9	21.9	8.7	13.0	12.5
Attempted	0	1.0	0	0	0	0	0	0
Threatened	7.1	6.1	2.0	0	0	8.7	0	3.1
Sexual								
Actual	3.1	2.0	0	0	0	13.0	0	0
Attempted	0	0	0	0	0	0	0	0
Threatened	0	0	0	0	0	0	0	0
Emotional/ verbal								
Unspecified	5.5	8.2	1.0	2.4	0	4.3	4.3	3.1
Any	0.8	1.0	0	0.8	0	0	4.3	0
Any	17.3	19.4	8.2	6.3	21.9	26.1	13.0	12.5
Associated allegations								
Abduction								
Actual	0.8	2.0	0	0	12.5	4.3	0	0
Attempted	0	0	0	0	0	0	0	0
Threatened	0	0	0	0	3.1	0	0	0
Neglect								
Any	0.8	1.0	4.1	1.6	3.1	0	4.3	9.4

Table 5.11 Apparent severity of sets of allegations made by each applicant or respondent parent by sample: Couple cases

	General litigants				Judicial determination			
	Alleging party				Alleging party			
	Applicant mothers (n = 69)	Respondent mothers (n = 48)	Applicant fathers (n = 35)	Respondent fathers (n = 26)	Applicant mothers (n = 21)	Respondent mothers (n = 15)	Applicant fathers (n = 13)	Respondent fathers (n = 15)
	%	%	%	%	%	%	%	
Category A	18.8	25.0	42.9	38.4	14.3	–	–	–
Category B	30.4	22.9	34.1	15.4	14.3	–	–	–
Category C	50.7	52.1	22.9	46.2	71.4	–	–	–
Total	100.0	100.0	100.0	100.0	100.0	–	–	–

Note. Percentages are not reported where there were fewer than 20 cases. Category A refers to the most ambiguous allegations, and to allegations that did not seem as serious as those contained in Category B or C. By contrast, Category C allegations appeared to be particularly serious.

5.3.4 The apparent severity of allegations in each case

Table 5.11 shows the apparent severity of each party's set of allegations (applicant and respondent mothers and fathers in the two samples), where such allegations were made.¹¹⁶ Given that only one party (applicant or respondent) may have made allegations, the number of applicant mothers and respondent fathers represented in Table 5.1 differs. The same applies to the number of applicant fathers and respondent mothers.

¹¹⁶ As noted earlier, each party's set of allegations was first categorised according to the apparent severity of the circumstances described. Each of the paired sets was then used to categorise the severity of each case's circumstances.

Before discussing Table 5.11, it should be noted that some of these groups are quite small and only one group—applicant mothers—in the judicial determination sample contained at least 20 cases.

The most conspicuous result in this table concerns the 71% of applicant mothers in the judicial determination sample (15 out of 21 applicant mothers) whose sets of allegations were classified as Category C (suggesting particularly severe alleged circumstances). This category was applied to the allegations of close to half the representatives in three of the four general litigants groups (46–52%). The exception concerned applicant fathers: only 23% of the set of allegations made by these men was assigned a Category C rating, while 43% were given a Category A rating.

5.3.5 Allegations that children witnessed family violence

Table 5.12 sets out the proportions of applicant and respondent mothers and fathers in each sample who alleged that children witnessed spousal or other adult family violence.

Table 5.12 Type of family violence alleged to have been witnessed by children cross-tabulated by each applicant or respondent parent by sample: Couple cases

	General litigants				Judicial determination			
	Alleging party				Alleging party			
	Applicant mothers (n = 127)	Respondent mothers (n = 98)	Applicant fathers (n = 98)	Respondent fathers (n = 127)	Applicant mothers (n = 32)	Respondent mothers (n = 23)	Applicant fathers (n = 23)	Respondent fathers (n = 32)
	%	%	%	%	%	%	%	
Spousal violence	22.8	24.5	10.2	6.3	50.0	47.8	30.4	12.5
Other adult family violence	7.1	4.1	1.0	1.6	12.5	0	0	6.3
Any family violence	25.2	25.5	10.2	7.1	50.0	47.8	30.4	15.6
Spousal only	18.1	21.4	9.2	5.5	37.5	47.8	30.4	9.4
Other adult family violence only	2.4	1.0	0	0.8	0	0	0	3.1
Both	4.7	3.1	1.0	0.8	12.5	0	0	3.1
Neither	74.8	74.5	89.8	92.9	50.0	52.2	69.6	84.4
<i>Total</i>	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Around half the applicant and respondent mothers in the judicial determination sample (48–50%), and 30% of applicant fathers in the same sample, had raised an allegation that children had witnessed family violence. This was alleged by one quarter of applicant and respondent mothers in the general litigants sample and by 7–16% of the other three groups of fathers.

Most or all of these allegations made by parents in each group referred to children witnessing spousal violence. Furthermore, applicant mothers in the judicial determination sample were the most likely of all groups to have alleged that children had witnessed both spousal and other adult family violence (13% vs 0–5%). Table 5.13 shows the proportions of applicant and respondent mothers and fathers in the general litigants and judicial determination samples who alleged that children witnessed the various types of spousal violence.

As noted earlier, the small group sizes mean that the percentages derived are based on all litigants in each group and not just those who made any allegation. The broad patterns tend to reflect those in Table 5.9, which referred to the type of spousal violence alleged by each applicant or respondent in each sample.

Children were most commonly alleged to have witnessed actual or threatened physical violence, emotional/verbal abuse, or actual property damage. Of these, the most common allegation for

Table 5.13 Type of spousal violence alleged to have been witnessed by children cross-tabulated by each applicant or respondent parent by sample: Couple cases

	General litigants				Judicial determination			
	Alleging party				Alleging party			
	Applicant mothers (n = 127)	Respondent mothers (n = 98)	Applicant fathers (n = 98)	Respondent fathers (n = 127)	Applicant mothers (n = 32)	Respondent mothers (n = 23)	Applicant fathers (n = 23)	Respondent fathers (n = 32)
	%	%	%	%	%	%	%	
<i>Physical</i>								
Actual	13.4	14.3	6.1	3.9	31.3	34.8	17.4	3.1
Attempted	0.8	0	0	0	0	0	4.3	0
Threatened	8.7	3.1	2.0	0	12.5	13.0	4.3	0
<i>Sexual</i>								
Actual	0.8	0	0	0	0	0	0	0
Attempted	0	0	0	0	0	0	0	0
Threatened	0	0	0	0	0	0	0	0
<i>Emotional/verbal</i>	11.0	8.2	2.0	2.4	25.0	17.4	13.0	6.3
<i>Stalking</i>	0	1.0	0	0	0	0	0	0
<i>Unspecified</i>	2.4	1.0	0	0	0	4.3	0	0
<i>Property damage</i>								
Actual	2.4	9.2	0	0.8	9.4	13.0	0	0
Attempted	0	0	0	0	0	0	0	0
Threatened	0	0	0	0	0	0	0	0
<i>Self-harm by spouse</i>								
Actual	0.8	0	1.0	0	0	0	0	0
Attempted	0	1.0	0	0	0	0	0	3.1
Threatened	1.6	0	1.0	0.8	6.3	4.3	0	0
Any	22.8	24.5	10.2	6.3	50.0	47.8	31.4	12.5

most groups was that children had witnessed actual physical abuse. Such an allegation was raised by around a third of applicant and respondent mothers in the judicial determination sample and by 3–17% in all other groups.

5.4 Summary

This chapter has examined the prevalence of allegations of family violence (spousal and/or other adult family violence) and child abuse raised in family law children’s proceedings. Specific foci included different types of spousal violence and child abuse (and also associated allegations of mental health problems, substance abuse, child neglect and abduction), apparent levels of severity, and allegations that a child witnessed family violence. The extent to which the prevalence of allegations varied by sample, court, gender and applicant/respondent status was also examined.

Four groups of *case files* were compared in terms of the proportions that contained at least one allegation: FCoA and FMC cases in the general litigants sample, and FCoA and FMC cases in the small sample that required a judicial determination. Eight groups of *parties* were then compared in terms of the proportions who made at least one allegation: applicant and respondent mothers and fathers (four groups) in each of the two samples (general litigants and judicial determination samples).

Several key patterns emerged. First, more than half the cases in both courts in each sample contained allegations of family violence and/or child abuse.

Second, regardless of court or sample, the tenor of these allegations was most commonly classified by the research team as “severe” (that is, suggesting highly injurious or abusive circumstances).

Third, cases in the FCoA requiring a judicial determination were the most likely of all cases to contain allegations; they also tended to be two-sided (with each party raising allegations) and tended to contain allegations that were coded at the severe end of the spectrum. This is likely to be consistent with a policy that aims to direct the most difficult cases into the FCoA. At the same time, it is notable that the FMC is also dealing with a substantial proportion of cases at the severe end of the spectrum (and over 60% of cases contained some form of allegation of family violence or child abuse).

Fourth, allegations of spousal violence were far more common than those of child abuse within each of the court, sample, gender and applicant/respondent status groups. Allegations of child abuse alone were rare. Put another way, allegations of child abuse were almost always accompanied by allegations of family violence. This is consistent with observations by many researchers (e.g. see Brown et al., 1998) concerning the complex dynamics and range of issues that exist in cases in which violence is alleged.

Fifth, allegations of child abuse largely centred on physical abuse, especially in cases requiring a judicial determination by the FCoA and in the allegations raised by applicant mothers in this context.

Sixth, the most common forms of alleged spousal violence were physical abuse (actual and threatened), emotional/verbal abuse and property damage.

Seventh, mothers were more likely than fathers and applicants were more likely than respondents within each gender to allege spousal violence. That is, for the general litigants and judicially determined samples taken separately, these allegations were most likely to be made by applicant mothers, followed by respondent mothers, then applicant fathers, with respondent fathers being the least likely to make such an allegation. Two other points warrant mention here: where fathers made allegations, mothers were also likely to have done so; and applicant mothers in the judicial determination sample were the most likely to raise the allegations of both spousal violence and other adult family violence.

Finally, allegations that children saw or heard spousal violence were more common in cases requiring a judicial determination (especially those filed in the FCoA) than those in the general litigants sample. While this mirrors the overall pattern of allegations occurring in each court, it is noteworthy that such allegations were raised in two thirds of FCoA judicially determined cases.