

Order in the Court! Workers in Support!



Presentation at the

DVCAN 5th State-wide Conference

Cairns October 2005

Familicide, Separation and Disputed Custody and Access

DVCAN 11th November 2005

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INTIMATE HOMICIDE

- 95% Consist of a single perpetrator and a single victim
- Where there is more than one victim the chance of incidence of perpetrator suicide is much higher
- These offences are termed familicide
- Statistics are not kept separately

FAMILICIDE

- Familicide where the spouse and children are victims are rarely committed by women
- Women will kill children and themselves often when suffering a delusional illness or in some cases of long term severe abuse by their partner
- Men will kill spouse, children and themselves when facing perceived financial ruin or loss of status
- Men will kill children and themselves following marital separation

THIS STUDY

- Familicide where there was marital separation
- Where children were killed
- Where partners were threatened with death but not killed

STUDY POPULATION

7 families who had experienced familicide where it had appeared that there was a dispute about residency and/or contact

STUDY of FAMILICIDE

Western Australia

AIM

To identify common factors in familicide which may ultimately lead to identification of risk factors and to preventive strategies

SEEKING THE DATA

survivor interviews
document searches

Police records
Newspaper archives
Family Court files
Prison records
Coroner's records

THE FAMILIES

- Six couples married
- One couple de-facto
- Sixteen children
- Duration of marriage/cohab 2-10 years

HISTORY OF PHYSICAL VIOLENCE

- ❏ Hitting, Punching
- ❏ Shoving/throwing into walls/furniture
- ❏ Restraining with cord/rope
- ❏ Gagging
- ❏ Smashing furniture
- ❏ Throwing objects

OTHER FORMS OF ABUSE

- ❏ Restricting movement
- ❏ Economic abuse
- ❏ Social abuse
- ❏ Sexual abuse
- ❏ Verbal abuse
- ❏ Emotional abuse

MENTAL DISORDER IN PERPETRATOR

- Reported depression
- Little report of treatment
- Obsessiveness
- Pathological jealousy
- Deterioration after separation
- Bizarre behavior changes
- No psychiatric/psychological reports

SEPARATION

- Initiated by woman
- Previous attempts to leave
- Resolve that this separation final
- Elicited stalking by the man

COURT PROCESS

- 5 No current application
- 1 Interim Consent Order
- 1 Interim Court Order

CASE STUDY ONE

AGREED CONTACT

Father took his two children on “agreed” contact. Drove to isolated spot where he and the children’s mother used to park as lovers and gassed the children and himself in vehicle. As he lost consciousness pushed open door and saved himself.

CASE STUDY TWO

INTERIM COURT ORDER

Father abducted his own two children and stepson. Made threats to kill. Police chase abandoned as too dangerous to children.

Drove into bushland restrained children gassed them and himself in the vehicle

CASE STUDY THREE

MINUTE OF CONSENT ORDER

Father took his two children on “agreed” supervised contact.

Returned one child too young to stay overnight.

Supervisors allowed him to take three year old away unsupervised.

Gassed her and himself in vehicle

CASE STUDY FOUR

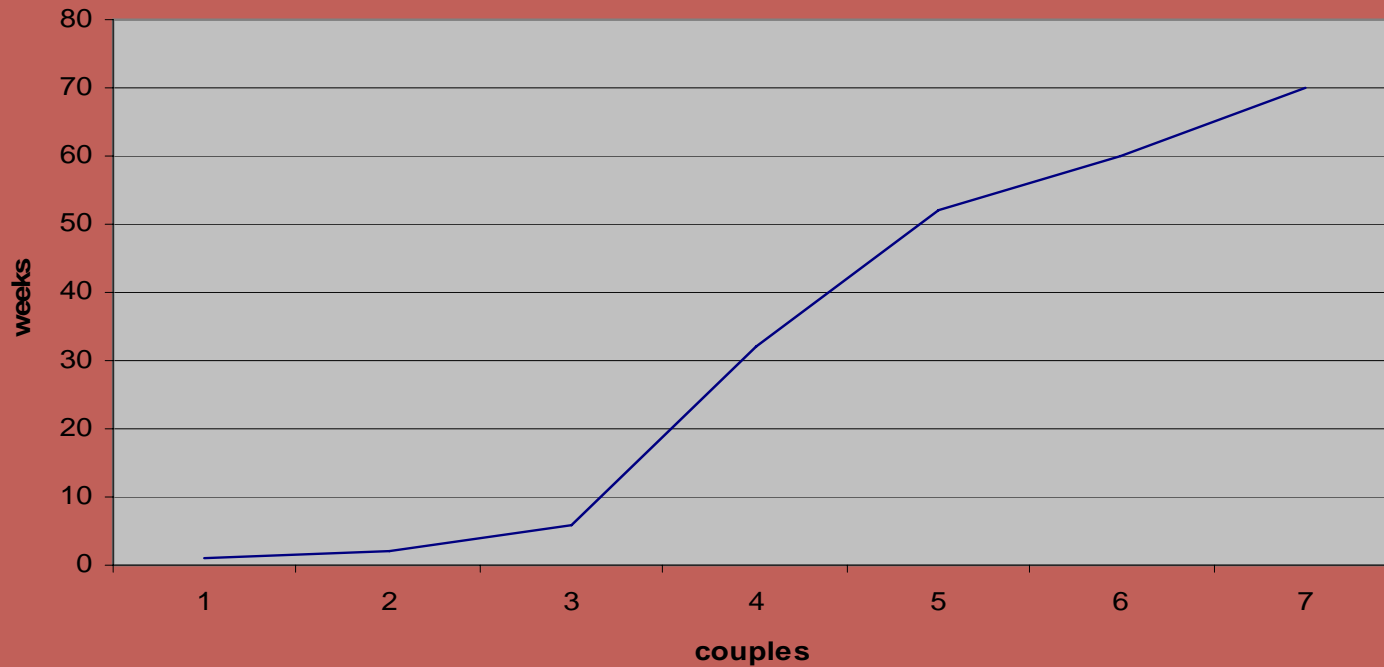
DIVORCED NO DISPUTE ABOUT CHILDREN

Father broke into house just before decree absolute. Shot his ex-wife and two children as they slept. Then turned gun on himself .

Prior attempt to burn house down

TIME SINCE SEPARATION

Time Elapsed Since Separation



PRIMARY FINDING:

SIGNIFICANT COMMONALITIES

- More related to separation than court dispute
- Pathological jealousy
- Lack of Individuation, Abandonment Fears
- History of Violence
- Proprietary view of wife and children
- Mental Health Issues Untreated
- Familicide Pre-meditated
- Women under-reported violence

SECONDARY FINDINGS

- **Familicide causes enduring trauma**
- **The community has misconceptions or subscribes to myths about cause**

THE MYTHS OF FAMILICIDE

MYTH No 1

“Familicide is caused by the court dispute”

But:

3 couples had never been to court at all

5 couples had no current dispute

MYTH No 2

“Familiicide is a spontaneous act”

But:

Familiicide is very pre-meditated

Requires considerable planning

Requires purchasing or fabrication of equipment and purchase of drugs/alcohol

There had been threats to kill children even prior to separation

MYTH No 3

“Familiicide is caused by the father’s lack of contact”

But:

All the fathers had contact

6 used their contact time to murder their children

MYTH No 4

“Women exaggerate violence to gain custody”

But:

- **Research shows child abuse and DV are core business of Family Court**
- **Women under - reported violence**
- **Women often did not disclose threats**

MYTH No 5

“Familiicide is an act of love”

But:

**Homicide is the most extreme
form of violence**

SUMMARY

7 OFFENCE INCIDENTS

23 DEATHS

- * 15 CHILDREN DIED, 1 SURVIVED**
- * 6 MEN SUICIDED, 1 SURVIVED**
- * 1 WOMAN SUSTAINED SERIOUS AND PERMANENT INJURY**
- *2 FAMILY MEMBERS DIED - HEART ATTACK**

WHY?

ALL CASES INCORPORATE
ELEMENTS OF EITHER:

- ❏ Retaliatory Homicide: Motivator -
Revenge
- ❏ Depression - Driven Suicide: -
Extended thru lack of individuation to
include children

HOW CAN IT CHANGE ?

- Programs aimed at delivery of therapeutic jurisprudence such as “Magellan” and “Columbus” to replace adversarial court process.
- Further research is needed to expand our knowledge of how and why these offences occur

IMPLICATIONS for POLICY

- **Community education to increase awareness of intimate homicide and engender community responsibility to reduce risk and increase safety**
- **Community education to change men's attitudes towards seeking help for mental health issues and psychosocial problems**
- **Expansion of men's programs**
- **Integration of men's & women's services**

IMPLICATIONS for POLICY (continued)

- **Community agencies need to have increased awareness of family violence in all its forms**
- **Court Officers and lawyers need ongoing training in D.V. issues and an increased awareness of risk factors**
- **Threats should incur consequences**
- **Development of services for paternal families**

IMPLICATIONS for PRACTICE

- **Courts/Police need to continue to work to try to find more effective ways to respond to D.V. especially where the couple is separated.**
- **There needs to be collaboration between agencies including courts and a sharing of information.**
- **The Family Court needs to pay more attention to the safety of children going on contact visits where there has been a history of D.V.**
- **The Family Court needs to be aware of any previous court involvement.**
- **Legal system needs to find ways to assist women to disclose with impunity.**

AFTER FAMILICIDE

Survivor's lawyer:

“I’m sorry, but the legal system works well for rational people”