

“If I Killed You, I’d Get the Kids”: Women’s Survival and Protection Work with Child Custody and Access in the Context of Woman Abuse

Colleen Varcoe¹ and Lori G. Irwin

Public interest in child custody and access has intensified under the guise of gender neutrality and without adequate attention to gender based violence. A study of formal systems’ responses to abuse by intimate partners identified child custody and access as a central issue. Interviews with women revealed that upon leaving abusive partners, women’s work involved the contradictory requirements of preserving the children’s relationships with, yet protecting them from, their fathers. Interviews with service providers and document analysis illustrated how certain practices, policies and ideologies create and sustain these requirements. Findings illustrate that gender analysis and accounting for violence in custody and access practice are necessary to the safety of women and children.

KEY WORDS: child custody; woman abuse; violence against women; participatory action research.

INTRODUCTION

Child custody and access was the central concern for women with children who participated in Project Violence Free (PVF), a three-year study of formal systems’ (criminal justice, social assistance, and health care) responses to abuse by intimate partners. Although we proposed to study women’s experience with these specific “systems,” the women saw their experiences as similar across services, and talked about “the system” as a monolithic entity. The overarching theme identified through analysis of interview and documentary evidence from the women was that women struggle continuously to limit the violence in their lives and to “make the

¹Correspondence should be directed to Colleen Varcoe, RN, PhD, Associate Professor, School of Nursing, Lower Mainland Campus, University of Victoria, c/o Langara College, 5th Floor, Library Building, 100 West 49th Avenue, Vancouver, BC, Canada, V5Y 2Z6; e-mail: cvarcoe@telus.net.

system work.” We identified four critical sites in which women did most of this work. For all the women, economic survival was a central part of their struggle. For most women, seeking protection, particularly, but not exclusively, from the justice system, was part of their experience. For women new to Canada, working with issues of immigration overshadowed their other efforts. For the women with children, issues of child custody and access dominated and shaped their experiences. This article focuses on child custody and access as one of the sites of women’s work in dealing with intimate partner violence. It is based on interview data from the women who were mothers and focus group data from service providers who work with such women as background. The interviews revealed a pervasive tension between obligations to maintain contact between children and their fathers, and obligations to protect children from harm. The purpose of this article is to describe how women work to negotiate formal systems in relation to child custody and access in the context of woman abuse, and how aspects of such systems are problematic. Our argument is that child custody and access processes provide opportunities for abusive partners to exert power and control over their partners and children, and that these opportunities are often supported by policies and practices of service providers.

PROJECT VIOLENCE FREE IN CONTEXT

The research study was a Participatory Action Research (PAR) project conducted collaboratively by academic and community researchers and a social action group, Women In Action (WIA), comprised of women who have experienced abuse.² The study was conducted in two adjacent suburban communities in Western Canada. The data were collected between 2000 and 2002. During this time, the Canadian federal government was seeking to revise legislation governing post-divorce child support and divorce (see Boyd 2003). The study’s impetus came from a Violence Against Women Community Co-ordinating Committee comprised of representatives from a wide range of services including transition houses, the police, child welfare services, social services, counseling services, and public health. The committee determined that women were “falling between the cracks” and wanted research into the reasons and dynamics. Women who initially were approached to advise on the research decided to take a more active role and partnered with the principal researcher (the first author of this article) to obtain funding and carry out the research, forming WIA in the process. Over the three years of data collection, the research team interviewed forty-six women who experienced partner abuse and thirty-eight service providers. Documentary data from the women

²The researchers defined woman abuse as a pattern of physical, sexual and/or emotional violence by an intimate partner in the context of coercive control (Tjaden and Thoennes 2000). This analysis is based on data from women who experienced such abuse, although the women’s group attracted participants who had a broader range of experience (including, for example, stalking by a stranger).