

**For discussion
on 12 May 2015**

Legislative Council Panel on Welfare Services

**Subcommittee on Strategy and Measures
to Tackle Domestic Violence and Sexual Violence**

**Handling of Domestic Violence and Sexual Violence Cases
Involving Children and Young Persons**

Purpose

This paper briefs Members on the work and services in handling domestic violence and sexual violence cases involving children and young persons.

Principles

2. The family unit is a vital component of society. It provides an intimate environment in which physical care, mutual support and emotional security are normally available to foster the development of children and young people into healthy and responsible members of society. The overall objectives of family welfare services are to preserve and strengthen the family as a unit and to develop caring interpersonal relationships, to enable individuals and family members to prevent personal and family problems and to deal with them when they arise and to provide for needs which cannot be met from within the family. With these objectives in mind, support services have been developed to assist families when they are unable to discharge their caring and protective functions satisfactorily. Attention has been drawn to a number of factors which are affecting, and will continue to affect the family as a unit including, inter alia, domestic violence and sexual violence.

3. To uphold the best interests of children (including young persons aged under 18) and to protect those children suspected or found to be abused, the Social Welfare Department (SWD) has drawn up the “Procedural Guide for Handling Child Abuse Cases” for reference by different professionals, personnel engaged in social services, health services, education services and law enforcement, and those who are in close contact with children in carrying out the necessary immediate assessments, social enquiries, multi-disciplinary case conferences (MDCCs)

and follow up welfare plans when encountering suspected cases of child abuse. SWD also specifically points out in the “Procedural Guide for Handling Intimate Partner Violence Cases” that children having witnessed domestic violence may be affected by the traumatic experience. Therefore, intervention should not be confined to victims. The officers concerned should also ensure the immediate safety of the victims’ children, render early assistance and support to them, stay sensitive and alert to their needs and have a clear understanding of the assistance that may be provided by other professionals. Whenever necessary, prompt referrals to other government departments or agencies should be made at the earliest.

4. Protecting children from abuse and the adverse effect of domestic violence/sexual violence is the collective responsibility of different professionals who may come into contact with children (including social workers, teachers and healthcare personnel). Effective protection of children is built on the close collaboration, mutual trust and care for the well-being of children by multi-disciplinary professionals. Furthermore, to reduce the stress of a child victim (including children witnessing domestic violence) and the trauma of repeating the account of unpleasant experience, SWD adopts a case manager approach in the intervention process so that the child victim only needs to interact with the case manager for most of the time. The key social worker handling the case will normally take up the role of case manager to coordinate different intervention services provided for the child victim by various parties, so as to ensure that these services are properly organised.

5. Be they victims of child abuse or witnesses of parents’ violence, children exposed to domestic violence may suffer from fear, worry, distress, guilt, anger, confusion and frustration. Some of them may even develop and exhibit maladaptive coping behaviour and/or psychological problems. Therefore, SWD provides various preventive, supportive and remedial welfare services to safeguard children’s safety and welfare, offers support to children who have encountered or witnessed domestic/sexual violence to tide them over the difficult period in the aftermath and lessen the trauma caused by such violence.

Early Identification of Children Facing or Witnessing Domestic or Sexual Violence

6. Early identification and intervention can effectively prevent family problems from deteriorating into domestic violence. As some families in need are reluctant to seek help, the Integrated Family Service Centres

(IFSCs), Integrated Services Centres (ISCs), Family and Child Protective Services Units and Psychiatric Medical Social Service Units have jointly implemented the Family Support Programme. Through telephone calls, home visits and other outreaching services, social workers contact the families with members at risk of domestic violence or mental illness and those with problems of social isolation and refer them to a host of support services. The service units will also recruit and train volunteers, including those with personal experience in overcoming family problems or crises, so that they can contact these families and encourage them to receive appropriate support services with a view to preventing the problems from deteriorating.

7. Moreover, the Labour and Welfare Bureau, Education Bureau, Department of Health (DH), Hospital Authority (HA) and SWD have collaborated to provide the Comprehensive Child Development Service (CCDS), which aims at identifying various health and social needs of children aged 0 to 5 and their families at an early stage and providing the needed services, so as to foster the healthy development of children. Through the Maternal and Child Health Centres of DH, hospitals under HA and other relevant service units, such as IFSCs, ISCs and pre-primary institutions, CCDS identifies at-risk pregnant women, mothers with postnatal depression, families with psychosocial needs, and pre-primary children with health, developmental and behavioural problems. Needy children and families identified are referred to relevant service units for appropriate health and/or social services.

Crisis Intervention and Joint Investigations

8. The Police treats all domestic and sexual violence reports seriously with a high degree of professional sensitivity in pursuit of the dual aim of preventing further abuses and prosecuting the offenders. Various measures have been put in place to protect the victims, including children and young persons, during the investigation of such cases.

9. When handling cases at the scene, frontline officers must ensure that children of the persons involved in domestic violence receive proper care and attention. The Police has developed the “All-in-One Domestic Violence Booklet” to remind frontline officers to accord top priority to the safety of the victims and their children. The “Emergency Referral Questionnaire” and the “Action Checklist” also provide frontline officers with reference factors to facilitate their assessment of the victims and their children, including whether any referral is required and whether child abuse

is involved. Based on the assessment results of domestic violence cases, the Police will take necessary and proper action, such as detention of offenders where appropriate to protect the victims and their children from further attack, and arrangement of temporary accommodation, counselling and other support services in collaboration with SWD or other organisations for the victims and their children. Cases involving child abuse, if identified, will be referred to the crime investigation teams concerned for follow-up action. The Police will arrange medical treatment for child or young victims where necessary.

10. Depending on the assessment results, the Police will conduct follow-up visits to ensure that the victims and their children are not subject to violence anymore. When necessary, the Police will seek assistance of SWD, including referring children or young persons to SWD for psychological counselling. Apart from domestic violence cases, the Police will also refer children or young persons involved in sexual violence cases to SWD for accommodation, psychological counselling and other support. As domestic/sexual violence cases involving children or young persons may happen any time, SWD has set up outreaching teams to provide immediate intervention service outside office hours.

11. Sexual abuse of children by family members or people entrusted with the care of the children concerned as well as cases involving serious physical abuse and organised child abuse are relatively more complicated. For such cases, the Police and SWD will form a Child Protection Special Investigation Team to initiate joint investigation, so that action can be more effectively planned and the abused children can receive better protection.

Welfare Plan

12. When formulating a welfare plan for a child (including one who witnessed domestic violence), a social worker will consider a number of risk factors such as whether violence is involved in the case, whether there is any previous record of violence (including the frequency/severity) and whether the violence has serious impacts on the child. When deciding if there is any immediate need to remove the child from the family, the social worker will also give due consideration to the family's ability to cope with the problems.

13. Irrespective of whether a child needs to be removed from the family, the social worker will assess his/her welfare needs and the support services required by the carer. The scope of assessment covers the

physical, mental and psychosocial conditions of the child and the carer, the batterer's attitude, the growth and developmental needs of the child, the family's ability to take care of the child, parent-child relationship, child care arrangement, and the availability of support in the family network.

14. Upon completion of social enquiry, the case manager would normally convene an MDCC for the professionals concerned to share their professional knowledge, information and views on areas that warrant attention. Most importantly, the MDCC will formulate a welfare plan for the abused child and his/her family. During the formulation of a welfare plan for the child, his/her parents/carers will be invited to express their views and to attend the MDCC. In addition, the child's views and wishes will be taken into account depending on his/her age and ability to understand the incident.

15. In case the family is no longer suitable for taking care of the abused child/child who witnessed domestic violence, the social worker will put the child under the care of his relatives as far as possible. If this is not feasible, foster care or institutional care services will be arranged. Where statutory protection is required for the child, social workers of SWD or police officers may apply for a care or protection order under the Protection of Children and Juveniles Ordinance (Cap. 213). The Court may appoint the Director of Social Welfare as the legal guardian; commit the child to the care of any person or institution that is willing to undertake the care of him/her; or order his/her parent/guardian to enter into recognizance to exercise proper care and guardianship; and/or place the child under the supervision of a designated person.

16. To tide those children facing or witnessing domestic/sexual violence over the difficult period in the aftermath, and lessen the trauma caused by such violence, social workers will, apart from providing individual counselling, arrange educational/support groups for them. In these groups, they will learn the ways to deal with their emotions and foster their development through activities like games and painting. In addition, parent-child activities will also be organised to improve the children's relationship with parents. Social workers will arrange assessment and treatment by clinical psychologists or psychiatrists for children who show symptoms of psychological or psychiatric problems. The social workers responsible for the cases will continue to assess all aspects of the children including their daily life and care. They will report the situation to the relevant professionals for discussion in a timely manner, and adjust the welfare plan where necessary.

Arrangement for Statement Taking and Giving of Evidence in Court

17. If a child is required to give evidence in a domestic violence case involving certain statutory offences¹, or is a victim or witness in a sexual violence case, according to section 79C of the Criminal Procedure Ordinance (Cap. 221), he/she may choose to give statement to the Police in a video recorded interview. In order to help a child witness relieve the anxiety, the Police will designate a “Vulnerable Witness Interview Suite” situated in non-police premises for the interview, so that the witness can recall details of the incident in a quiet and comfortable environment.

18. After the interview, the Police will seek instructions from the Department of Justice (DoJ). DoJ will apply to the court for permission to use the video interview record as evidence in chief in court, so as to spare the child witness the ordeal of repeating his/her account of the incident which may inflict further harm. The court will decide whether or not to accept the application.

19. When making arrangements for a child witness to give evidence in court, the Police will seek advice from DoJ according to section 79B of the Criminal Procedure Ordinance (Cap. 221). DoJ will apply to the court for the child witness to be cross-examined by way of a live television link to help reduce his/her stress of giving evidence in court. The court will decide whether or not to accept the application. Besides, the Police may apply to the court through DoJ for taking special measures for a child witness, such as allowing the use of special passageway and screen for him/her to give evidence in court.

20. For a child witness who has to give evidence in court in domestic or sexual violence cases, the Police will promptly request SWD to provide witness support service. Support person will accompany the child witness to give evidence in court and provide him/her with court information and emotional support so as to help minimise his/her stress of attending court trials.

Ongoing Public Education Efforts

21. Raising public awareness of various family problems and

¹ According to the Criminal Procedure Ordinance (Cap. 221), child witnesses include: those aged under 14 in cases relating to offences against the person, such as murder, manslaughter, wounding and serious assault; and those aged under 17 in cases relating to sexual offences, such as rape, indecent assault and unlawful sexual intercourse.

encouraging people in need to seek early assistance will help minimise the trauma suffered by victims of family problems. SWD will continue to promote the “Strengthening Families and Combating Violence” publicity campaign, through which territory-wide and district-based publicity and public education programmes are organised to raise public awareness of the importance of family solidarity and prevention of violence and to encourage people in need to seek early assistance. In 2013-14, SWD produced a series of six animation videos to encourage parents to help their children develop resilience against adversities, and to avoid hurting them with corporal punishment and verbal abuse. To increase public awareness of the well-being of those children facing domestic violence, SWD launched a series of television and radio announcements of public interest and displayed posters across the territory in 2014-15 to appeal to the public to protect themselves and their children from becoming victims of domestic violence and seek early assistance where necessary. SWD has also produced CD-ROMs, pamphlets and education kits, which can be used by social workers to help children witnessing domestic violence deal with the difficulties arising from such violence.

Advice Sought

22. Members are invited to note the content of this paper.

**Labour and Welfare Bureau
Social Welfare Department
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