

**For discussion
on 23 January 2018**

**Legislative Council House Committee
Subcommittee on Children's Rights**

Rights of Children affected by Domestic Violence

Purpose

This paper briefs Members on the various support services for children affected by domestic violence.

Principles

2. The Government attaches great importance to the well-being of children (including young persons aged under 18) and firmly believes that every child has a right to protection against harm and abuse. Child protection is premised on close collaboration amongst multi-disciplinary professionals. Adopting a “ child-centred, family-focused and community-based” approach in the planning and delivery of services, the Social Welfare Department (SWD) provides a range of preventive, supportive and remedial welfare services to safeguard the well-being of children.

3. To safeguard the best interests of children and to protect those children suspected or found to be abused, the SWD has drawn up the “Procedural Guide for Handling Child Abuse Cases (Revised 2015)” (Procedural Guide) for reference by different professionals, including 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 initial assessments, social enquiries, multi-disciplinary case conferences (MDCC) and follow up welfare plans when encountering suspected cases of child abuse. The SWD also specifically points out in the “Procedural Guide for Handling Intimate Partner Violence Cases” that children who have 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 as soon as practicable.

4. The Education Bureau (EDB) attaches great importance to the well-being and safety of children in school, and has all along reminded schools of the need of early identification and provision of support to students in need through various channels. The EDB has stated clearly in the circular and related documents to all schools (including secondary schools, primary schools and kindergartens) the procedures on handling child abuse cases and areas which the schools should pay attention to. Schools are advised to keep an eye on the behaviour and emotion of students for early identification of whether they have been abused, and take appropriate measures according to the Procedural Guide with a view to providing necessary assistance to the child suspected of abuse.

Legal Protection

5. The Government has put in place legislation to protect children from abuse. The Offences Against the Person Ordinance (Cap.212) contains a provision, which makes ill-treatment or neglect by those in charge of children an offence, while the Crimes Ordinance (Cap.200) and the Prevention of Child Pornography Ordinance (Cap.579) list out offences of sexual abuse. The Criminal Procedure Ordinance (Cap.221) allows child witnesses of certain sexual or violent offences to be accompanied by a Support Person in giving evidence through a live television video link system and admission of video recorded evidence as evidence-in-chief.

6. Where statutory protection is required for a child, social workers of the SWD or police officers may apply for a care or protection order under the Protection of Children and Juveniles Ordinance (Cap. 213). The Ordinance empowers the court to grant a supervision order or appoint a legal guardian in respect of a child or juvenile who is in need of care or protection.

7. Moreover, the Domestic and Cohabitation Relationships Violence Ordinance (Cap.189) provides that minors affected by domestic abuse may apply for an injunction in their own right by their next friends against molestation by their parents or other specified relatives. They are protected irrespective of whether they are residing with the abusers.

Early Identification and Support to Children Affected by Domestic Violence

8. The relevant Government bureaux and departments have launched various initiatives to prevent child abuse and are dedicated to providing services to abused children and their families. There are 65 Integrated Family Service Centres (IFSCs) and two Integrated Services Centres (ISCs) in the territory operated by the SWD or Non-governmental Organisations (NGOs), providing a spectrum of preventive, supportive and remedial services to enhance parenting capacity and assist those parents who have care and child discipline problems.

9. Early identification and intervention could effectively prevent family problems from deteriorating. The IFSCs operated by the SWD or NGOs, ISCs, Family and Child Protective Services Units (FCPSUs) and Psychiatric Medical Social Service Units of the SWD have jointly implemented the Family Support Programme to try to contact those families in need which are reluctant to actively seek help. Through telephone calls, home visits and other outreaching services, social workers contact the families with members at the risk of domestic violence (including child abuse) or mental illness etc., 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.

10. When a suspected child abuse case comes to the attention of a school, the school should directly refer the case to respective unit or report it to the police as soon as possible in the light of different circumstances so that the unit or the police can start the investigation and provide assistance in a timely manner. The first person in contact of the child should inform the school supervisor/principal, and the school social worker or guidance/professional staff should handle and follow up the case. The school should make initial attempt to understand the child's conditions and conduct assessment. During this process, the school may consult FCPSU of the SWD for further professional advice, if necessary, and refer the case to the unit, as appropriate. For cases suspected to involve criminal offence, schools should report them to the police. Whenever necessary, schools can also consult the EDB for advice and support.

11. In handling suspected child sexual abuse cases when the suspected abuser is a staff member of the school, the school should inform the EDB for effective communication among the caseworkers concerned (e.g. school social worker/guidance personnel), the school, the EDB and other relevant Government departments to ensure that appropriate follow-up actions are taken for the victims and the suspected abuser, and the safety of other students in the school are also safeguarded.

12. To support students in need, the school will provide various guidance programmes and deliver multifarious teaching strategies and counselling services to cater for students' different abilities and aptitudes. Professional staff of the schools (including school social workers, student guidance personnel and school-based educational psychologists) will work in collaboration with the social workers of the SWD or NGOs to help these students make adjustments or solve problems.

13. Moreover, the Comprehensive Child Development Service jointly implemented by SWD, EDB, Department of Health (DH) and Hospital Authority (HA) aims to identify, at an early stage, various health and social needs of children (aged 0 to 5) and their families as well as provide the necessary services so as to foster the healthy development of children. The Service makes use of the Maternal and Child Health Centres of DH, the hospitals of HA and other relevant service units, such as IFSCs, ISCs and pre-primary institutions, to identify at-risk pregnant women, mothers with postnatal depression, families with psychosocial needs (including families at the risk of domestic violence), and pre-primary children with health, developmental and behavioral problems. Children in need and families identified will be referred to the appropriate health and social services units for follow up.

Crisis Intervention and Investigations

14. Suspected child abuse cases will normally be handled in a cross-disciplinary manner. When a social worker or relevant professional personnel suspects that a child has been abused, he/she will assess in accordance with the initial information whether the child needs emergency services such as medical check, etc., and will make necessary arrangement. The EDB has also provided guidelines to remind schools that they should arrange professional staff to follow up and handle the child abuse cases in accordance with the established procedures if they identify suspected child abuse cases. Schools may also consult FCPSU

of the SWD for professional advice, if necessary, and refer the cases to the unit, as appropriate. For cases suspected to involve criminal offence, schools should report to the Police. The paediatricians of HA will keep close contact with the case manager on suspected child abuse case in hospitals. Whenever necessary, the child suspected to be abused will be referred to clinical psychology service for psychological assessment.

15. The Police treat all domestic violence reports seriously, with a high degree of professional sensitivity in pursuit of the dual objectives of protecting the victims from further harm and bringing the offenders to justice. The Police have put in place various measures to protect victims (including children and juveniles). When handling domestic violence cases at the scene, the frontline personnel must ensure that the children of the concerned persons are treated with proper care. The Police have 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 the SWD or other organisations for the victims and their children. If a child who witnessed domestic violence is required to give evidence, it will be conducted through a live television video link system as aforementioned. 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. If necessary, the Police will seek assistance from the SWD, such as referring the child or juvenile to the SWD for counselling.

Welfare Plans and Support Services

16. When formulating a welfare plan for a child affected by domestic violence (including one who was abused), the professionals 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), whether the violence has serious impacts on the child, whether the family is undergoing pressure or crisis, the ability of the

carers and the attitude of the family members. Upon completion of detailed social enquiry, the social worker would normally convene an MDCC for the professionals concerned to jointly formulate a welfare plan for the concerned 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.

17. When formulating the welfare plan, the professionals concerned will discuss whether the concerned child needs emergency residential care services. If it is considered that the family is temporarily not suitable for taking care of the abused child, the child will be placed under the care of his/her relatives as far as possible. Foster care or institutional care will be arranged only if care by relatives is not feasible. Where statutory protection is required for the child, social workers of the SWD or police officers may apply for a care or protection order under the Protection of Children and Juveniles Ordinance (Cap.213). The EDB will also provide placement assistance to the abused child under school age upon the SWD's request.

18. To tide the children affected by domestic violence (including the abused children) 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 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.

19. Moreover, refuge centres for women which provide refuge services to victims of domestic violence and their children will provide therapeutic groups which, by adopting approaches such as storytelling, art activities or games, help the children address emotions induced by witnessing domestic violence, and learn to express their needs.

20. To tide the victims of domestic violence and families in need over the difficult period and lessen the trauma caused by such violence, the SWD provided in 2016-17 additional manpower resources to the refuge centre for women and the Multi-purpose Crisis Intervention and Support Centre, i.e. the CEASE Crisis Centre (the Centre) with a view to enhancing support to the children who are temporarily accommodated in the Centre, and provided additional eight places with relevant manpower to refuge centres for women. At present, the refuge centres for women provide a total of 268 places. The SWD will continue to provide the additional 22 places in 2018-19.

Review of Procedural Guide

21. To further enhance the procedures for handling child abuse cases, the SWD has at various intervals formed task groups to review and update the content of the Procedural Guide. The task groups consist of representatives from different government departments, HA and NGOs. The current Procedural Guide was implemented in December 2015 after it was revised by the Task Group. In November 2016, the SWD formed another task group to review the whole Procedural Guide. The objectives of the review include providing the frontline professionals with clearer guides in handling and following up different types of suspected child abuse / child abuse cases. In early 2017, the Task Group collected views through consultation with different stakeholders. The Task Group will consult different stakeholders again in due course. It is anticipated that the review will be completed within the second half of 2019.

Publicity and Public Education

22. The SWD has promoted since 2002 the "Strengthening Families and Combating Violence" publicity campaign, through which territory-wide and district-based publicity and public education programme are organized to raise public awareness of the importance of family cohesion and prevention of domestic violence, as well as to encourage people in need to seek early assistance. The SWD has produced in recent years a series of three animation videos to encourage parents to help their children develop resilience against adversity, and to avoid hurting them with corporal punishment and verbal abuse. In 2017-18, the SWD will launch a series of television and radio Announcements of Public Interest, and will display banners and posters to promote the message of protection of children and against child abuse.

The District Social Welfare Officers of the SWD also organise education programmes relating to combating domestic violence and protection of children. The SWD will continue to promote the message of combating domestic violence and protection of children to the public through various means.

Training for Frontline Professionals

23. The SWD regularly organises different training programmes for frontline professionals to enhance their knowledge of handling domestic violence, including child abuse, spouse/cohabitant battering, elderly abuse, sexual violence and suicides, and to strengthen their capabilities in risk assessment, violence prevention and post-trauma counselling. Moreover, the SWD also deploys staff to provide training in child protection in the courses for frontline service personnel organised by the EDB, HA, DH and other NGOs. In 2017 ó 18, it is estimated that the SWD organises in total 160 training courses attended by about 7 700 participants.

Advice Sought

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

Labour and Welfare Bureau
Education Bureau
Social Welfare Department
Hong Kong Police Force
Department of Health
Hospital Authority

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