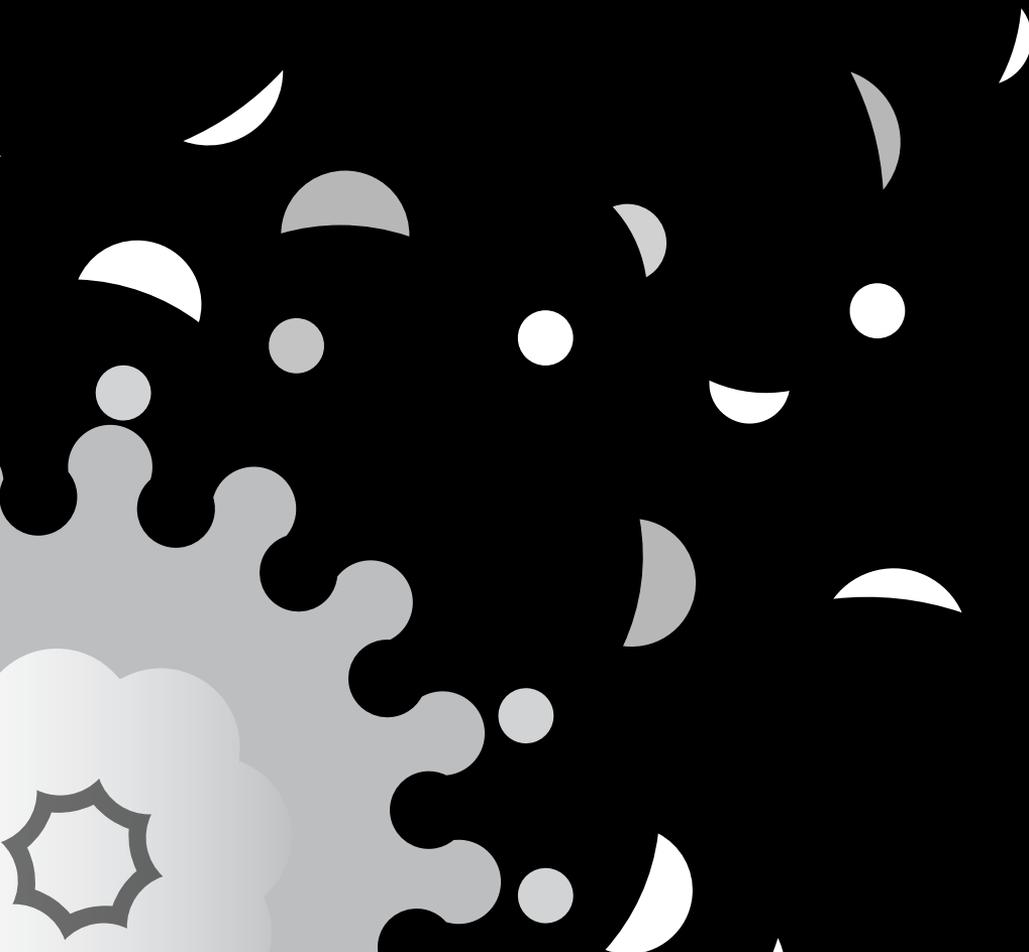


# *Just Say Goodbye'*

Parents who kill their children  
in the context of separation



© DVRCV

First published January 2012

This edition published online January 2013

ISSN 1441-0206

This work is copyright. Apart from any use as permitted under the Copyright Act 1968, no part may be reproduced by any process without prior written permission. Requests and enquiries concerning reproduction and rights should be directed to DVRCV.

Domestic Violence Resource Centre Victoria (DVRCV)

Phone +61 3 9486 9866

Fax +61 3 9486 9744

Email [drcv@dvrcv.org.au](mailto:drcv@dvrcv.org.au)

Internet [www.dvrcv.org.au](http://www.dvrcv.org.au)

Researched and written by Dr Debbie Kirkwood

Edited by Ann Standish and Mandy McKenzie

Layout by Lorna Hendry

#### ACKNOWLEDGMENTS

Mandy McKenzie provided invaluable support and assistance with the writing of this paper.

Thank you to the following people for their insight and feedback: Dr Renata Alexander, Dr Chris Atmore, Philippa Bailey, Professor Thea Brown, Dr Kristin Diemer, Libby Eltringham, Dr Michael Flood, Amanda George, Janet Hall, Marie Hume, and Dr Danielle Tyson. Special thanks to Delanie Woodlock for library assistance, in addition to providing feedback on the paper, and Mardi Harrington for assistance with preparing the referral information. Thanks also to Krista Mogensen and other workers at DVRCV.

Thank you to Jayson Payne and Tracy Cussen from the Australian Institute of Criminology, for providing the filicide data from the National Homicide Monitoring Program.

Title note: 'Just say goodbye' is a quote from Arthur Freeman whose case is discussed in Chapter 4.

# *Just Say Goodbye'*

Parents who kill their children  
in the context of separation

# Contents

<b>CHAPTER 1 INTRODUCTION</b>	<b>5</b>
Filicide: The killing of children by parents	6
The role of parental separation in filicides	6
Family violence and links with separation	7
Outline of the Discussion Paper	9
<b>CHAPTER 2 HOMICIDE IN FAMILIES: A GENDERED PATTERN</b>	<b>10</b>
Family homicide statistics	10
Intimate partner homicide	11
Familicide – killing partners and children	12
Separation: A key risk factor	13
A gendered phenomenon	13
<b>CHAPTER 3 WHAT WE KNOW ABOUT FILICIDE</b>	<b>14</b>
Filicide in Australia: Recent data	14
Why do parents kill? Understanding reasons and motives	19
Filicide categories	21
<i>Fatal abuse</i>	22
<i>Mental illness</i>	24
<i>Neonaticide</i>	25
<i>Altruistic</i>	26
<i>Filicide-suicide</i>	26
<i>Retaliatory filicides</i>	27
<i>Problems with filicide categories and determining mental illness</i>	29
Other factors contributing to filicide	30
<i>Intimate partner violence</i>	30
<i>Childhood trauma</i>	32
<i>Life stressors and mental overload</i>	32
<i>Separation</i>	32
Comparisons of mothers and fathers	34
Summary of key filicide research findings	35
Conclusion	36
<b>CHAPTER 4 ‘SUFFER FOR THE REST OF YOUR LIFE’: FATHERS WHO KILL CHILDREN IN THE CONTEXT OF SEPARATION</b>	<b>37</b>
<b>CASE STUDY Ramazan Acar</b>	<b>38</b>
Intimate partner violence in filicide	41
<b>CASE STUDY Rajesh Osborne</b>	<b>44</b>
Inadequacy of legal responses to violence against women	46
<b>CASE STUDY Jayson Dalton</b>	<b>46</b>

CASE STUDY <b>Gary Bell</b>	49
CASE STUDY <b>Phithak Kongsom</b>	49
Anger and revenge after separation	51
CASE STUDY <b>Robert Farquharson</b>	51
CASE STUDY <b>Arthur Freeman</b>	53
CASE STUDY <b>Dean Williamson</b>	56
Using children to hurt partners	57
Depression and suicide	58
Family law disputes	59
Entitlement and control	62
Conclusion: The killing of children as a form of violence against women	63
<b>CHAPTER 5 'BETTER OFF DEAD': WOMEN WHO KILL CHILDREN IN THE CONTEXT OF SEPARATION</b>	<b>64</b>
Filicides by mothers in Victoria 1985–1995	65
Providing for children after separation	66
CASE STUDY <b>'Cathy'</b>	66
CASE STUDY <b>'Samantha'</b>	69
Violence and abuse by ex-partners	70
CASE STUDY <b>'Rachel'</b>	71
Mental illness and motherhood	72
CASE STUDY <b>Donna Fitchett</b>	73
Anger and revenge in filicides by mothers?	76
Conclusion	77
<b>CHAPTER 6 CONCLUSION: SHINING SOME LIGHT IN THE DARK</b>	<b>78</b>
Recognising the significance of parental separation	79
Gender differences, domestic violence and retaliatory filicide	80
Improving system responses	81
Family violence death review process	86
Future directions for research and improving data collection	88
Changing community attitudes	89
Summary of key points in chapter	91
Conclusion	91
<b>APPENDIX 1 DATA TABLES</b>	<b>92</b>
<b>APPENDIX 2 REFERRAL INFORMATION</b>	<b>95</b>
<b>REFERENCES</b>	<b>96</b>

*While it is important that we explore the issues raised in this paper, be aware that the material, particularly the case studies in chapters 4 and 5, is distressing.*

## CHAPTER 1

# Introduction

In January 2009, Arthur Freeman stopped his car on the Westgate Bridge and threw his four-year-old daughter, Darcey, over the edge. She died later that day in hospital as a result of the injuries she received from the 60-metre fall. The Westgate Bridge is a highly public landmark in Melbourne and Arthur Freeman's actions, in the midst of early morning peak hour traffic, shocked the community. Widespread grief was felt for the loss of this child. In 2011, Arthur Freeman was convicted of his daughter's murder. Justice Coghlan, in sentencing Arthur Freeman, said 'you brought the broader community into this case in a way that has been rarely, if ever, seen before. It offends our collective conscience.'<sup>1</sup>

Arthur Freeman's case transfixed the community and from the time of Darcey's death until the aftermath of the sentencing the media grappled with efforts to explain what happened. The case was described as 'inexplicable'.<sup>2</sup>

This discussion paper was prompted by the death of Darcey Freeman and other young children in Victoria, killed by their fathers. Those of us working in the family violence sector believe these deaths are not inexplicable. Too often they occur in the context of the parents' separation and are linked to violence against the mother. Often the target of these acts is not the children themselves; rather the intention is to harm the mother. This context is not well understood and has received limited attention by child homicide researchers.

The paper explores the issue of parents who kill their children in the context of separation, in an attempt to demystify this topic. In order to prevent these deaths it is necessary to understand why they happen, what factors precipitate them and how to effectively intervene. It argues that to understand these cases, it is crucial to examine the nature of the relationship between the parents.

---

<sup>1</sup> *R v Freeman* [2011] VSC 139 (para 17). Justice Coghlan's sentence was broadcast live from the court.

<sup>2</sup> For instance, see Carlyon & Anderson (2011), 'Explaining the inexplicable: How could Arthur Freeman kill Darcey?' *Herald Sun*, 29 March 2011.

## **FILICIDE: THE KILLING OF CHILDREN BY PARENTS**

Approximately 10 per cent of homicides in Australia involve child victims and the overwhelming majority are killed by a parent (Dearden & Jones 2008). 'Parent' includes biological and non-biological or step-parents. The killing of a child by a parent is referred to as *filicide*. The term 'filicide' is used throughout this paper.

The picture of filicide that emerges from research in Australia is incomplete. The National Homicide Monitoring Program (NHMP) in Australia has found that 'the underlying motives behind incidents of filicide are difficult to explain' (Mouzos & Rushforth 2003).

In reviewing the national and international research literature on filicide, it became apparent that the research on filicide is limited. Filicide research has tended to be undertaken from a psychological perspective and has generally focused on either maternal or paternal filicide rather than comparing the two (Liem & Koenraad 2008). It is a general finding of filicide research that men and women kill children in different circumstances and for different reasons (Alder & Polk 2001). However, there is limited understanding of these gender differences (Bourget & Gange 2005).

This is a complex topic made more complicated by the often contradictory research findings. Differences result from studies undertaken in different jurisdictions, over different time periods, examining children from varying age groups, and obtaining information from different sources. Most studies use incompatible categories for the motives for filicide. A further significant limitation, particularly for the purpose of this paper, is the failure of most studies to investigate the existence and nature of prior family violence and the role of separation in filicides.

## **THE ROLE OF PARENTAL SEPARATION IN FILICIDES**

Research on domestic homicide more broadly has shown that many women and children are killed as a result of men's violence in families. There has been extensive research on intimate partner homicide over recent decades. One of the key risk factors identified for adult victims is separation or ending the relationship. Separation from a partner has been shown to increase the risk of women being killed (Mouzos & Rushforth 2003).

Explanations for filicide tend to focus on child deaths that result from fatal child abuse, in which a child's death may not be intentional but results from abuse or mistreatment, as well as those that occur in the context of the mental illness of the perpetrator. Some filicide researchers have identified that children

are also killed in situations where the parents are in the process of separating or have already done so. While separation is acknowledged as a factor, there is a gap in the filicide research regarding cases that occur in this context (Johnson 2005, Cavanagh et al. 2007). To address this gap, this discussion paper specifically focuses on the role of separation in filicides while also outlining filicide more broadly.

Some filicides that occur in response to separation from a partner are described in the literature as 'retaliatory' filicides. These cases are motivated by an intention to harm the other parent. The research outlined here shows that retaliatory filicides are primarily perpetrated by fathers, directed towards harming mothers. This discussion paper, while exploring gender differences in filicide generally, focuses on this particular subset of filicides that we identify as also being a form of violence against women.

The key questions addressed are: Why do parents kill their children in the context of separation? What role does family violence play?

The discussion paper draws on case examples, mainly from Victoria but also some from other Australian states. Information about the cases was primarily obtained from the media and trial judgments (when available).<sup>3</sup> Sources of information about filicides are difficult to obtain – trial transcripts are prohibitively expensive and coronial records difficult to access. The cases outlined in the chapter on paternal filicides were selected because they occurred in the context of separation; they do not form a large or representative sample.

## **FAMILY VIOLENCE AND LINKS WITH SEPARATION**

Family violence, as defined by the *Family Violence Protection Act Victoria (2008)*<sup>4</sup>, is behaviour towards a family member that includes:

- physical or sexual abuse
- emotional or psychological abuse
- economic abuse
- threats
- coercion
- behaviour that in any other way controls or dominates the family member and causes them to feel fear for their safety or wellbeing or that of another person
- behaviour that causes a child to hear or witness, or otherwise be exposed to, the effects of the above behaviours.

---

3 A number of cases outlined in Chapter 5 are drawn from previous PhD research undertaken by the author. The methodology of that study is discussed in Chapter 5.

4 See section 5 of the Act.

The preamble to the *Family Violence Protection Act (2008)* specifically states that the Victorian Parliament recognises that features of family violence are:

- while anyone can be a victim or perpetrator of family violence, family violence is predominantly committed by men against women and children
- children exposed to the effects of family violence are particularly vulnerable
- exposure to family violence may have a serious impact on children's current and future physical, psychological and emotional wellbeing (p 2).

A significant feature of family violence is that separation, or attempts to end the relationship, is a key risk factor<sup>5</sup> (Department of Victorian Communities 2007). Research on family violence shows that for many women violence persists after separation and often escalates<sup>6</sup> (Hardesty & Chung 2006, Bagshaw et al. 2010). There is evidence that post-separation violence is often a continuation of violence that occurred during the relationship and also that a substantial proportion of such violence occurs for the first time after separation (Brownridge 2006). Women assaulted after separation describe more severe forms of violence compared with those assaulted during a current relationship (Hotton 2001).

### **DVRCV Discussion Papers**

Domestic Violence Resource Centre Victoria (DVRCV) is an organisation which aims to prevent family violence. The purpose of DVRCV's Discussion Paper series is to explore family violence-related topics that are of current interest. The papers outline existing research and theories on the relevant topic, raise questions and highlight issues for further consideration.

While both men and women can perpetrate family violence, the focus of DVRCV's work, and this discussion paper, is violence against women and children, who are the majority of victims.<sup>7</sup>

### *Terminology*

This paper uses the term 'family violence' as defined above. It is primarily used when describing violence towards partners and/or children. The terms 'domestic violence' and 'intimate partner violence' have been used interchangeably, and refer to violence and other controlling behaviour towards an intimate partner or ex-partner.<sup>8</sup>

---

5 Leaving a violent partner can also be a protective factor and clearly reduces future risk in many cases.

6 This has not been found to be the case for men who are victims of family violence (Bagshaw et al. 2010).

7 For instance see Diemer (2009), Mouzos & Makkai (2004) and ABS (2005).

8 When referring to other studies that have not defined their terms, we replicate the terms they use.

## OUTLINE OF THE DISCUSSION PAPER

Filicide is a form of family homicide. **Chapter 2** highlights the gendered patterns in family homicide. These patterns are then explored in relation to filicide specifically in **Chapter 3**, which outlines the national and international literature on filicide. Chapter 3 also includes analysis of filicide data obtained by DVRCV from the National Homicide Monitoring Program at the Australian Institute of Criminology.

**Chapter 4** looks at fathers who kill their children in the context of separation. This chapter explores the issues of violence against the children's mother, anger in relation to separation and killing the children as a means to harm the mother.

**Chapter 5** considers mothers who kill children in the context of separation. This chapter considers the role of mothers as the primary carers for children and the impact of family violence victimisation and mental illness in filicides by mothers.

**Chapter 6** is the conclusion. This chapter explores the implications of the issues raised throughout, particularly for the prevention of 'retaliatory' filicides and for future research on this topic.

## CHAPTER 2

# Homicide in families: A gendered pattern

A large proportion of homicides in Australia are perpetrated within families. Most victims of family homicides are intimate partners. This chapter briefly outlines research on intimate partner homicide. The gendered pattern of intimate partner homicide is widely recognised. These deaths often represent the extreme end of a continuum of violence against a woman by her male partner (Websdale 1999). In some instances, the children are also killed in the same incident. This chapter will highlight key themes in intimate partner homicides that may assist us to better understand the killing of children by parents.

### FAMILY HOMICIDE STATISTICS

Since 1990, the National Homicide Monitoring Program (NHMP) at the Australian Institute of Criminology (AIC) has collected data on homicides in Australia. This data shows that approximately 40 per cent of homicide victims are killed by a family member – an intimate partner, parent, child, sibling or other family member (Mouzos & Rushforth 2003).

The most recent annual report from the NHMP shows that, in 2007/08 in Australia, 60 per cent of domestic homicides were classified as intimate partner homicides (Virueda and Payne 2010).

Of the 134 family homicides in 2007–08:

- 60 per cent were the killing of an intimate partner
- 16 per cent were filicides<sup>9</sup> – the killing of a child by a parent
- 13 per cent were parricides – where a parent is killed by their child

---

<sup>9</sup> This includes 1 per cent of cases that were infanticides – defined by NHMP as the killing of a child under one year of age by their mother (Virueda and Payne 2010).

- 6 per cent were the killing of other family members (such as aunts, grandparents etc)
- 4 per cent were the killing of siblings (Virueda and Payne 2010).

## **INTIMATE PARTNER HOMICIDE**

The majority of the victims of intimate partner homicide are women. A 13-year review of family homicide in Australia found that approximately 75 per cent of intimate partner homicides are perpetrated by men against their female partners (Mouzos & Rushforth 2003). Indigenous women are overrepresented as victims of intimate partner homicide (Dearden & Jones 2008).

There has been a significant body of research into intimate partner homicides which this paper does not have space to cover. The key finding is that most women are killed by their partners in the context of a history of violence against them (WHO 2002, Mouzos & Houliaras 2006, Adams 2007).<sup>10</sup> In his research on intimate partner homicide, Websdale found that male perpetrators had all used violence as a form of control against their female partners for a considerable period of time before the homicide (1999). In fact, most intimate partner homicides involve violence by the male partner toward the female partner, regardless of which partner is killed (Campbell et al. 2003a). Women who kill partners are often acting in self-defence, to protect themselves or their children from their male partner's violence (Walker 1989, Browne et al. 1998, Victorian Law Reform Commission 2004, Jones 2009, van Wormer & Roberts 2009).

Polk's groundbreaking work on men who kill in Victoria found that possessiveness and jealousy are common characteristics of male perpetrators of intimate partner homicide (Polk 1994). More recent studies report similar findings. Adams (2007) interviewed 31 men who killed their wives.<sup>11</sup> He found that most of the men were extremely jealous. They believed their partners were having affairs (even when there was evidence they were not) and constantly monitored their whereabouts and behaviour. Adams found that disdain for women was strongly evident, as was distrust. For most of the men who killed their partners, a sense of proprietary ownership was intertwined with jealous anger (Adams 2007). It has also been found that men who kill their partners frequently show a lack of remorse and empathy for the victim (Dobash & Dobash 2009).

---

<sup>10</sup> It should be noted, however, that some women are at risk of death even where there has been no previous violence against them (Block 2009).

<sup>11</sup> As Adams could not interview their victims, he instead interviewed women who had survived serious life-threatening, but not fatal, violence from a partner, to get their perspective as well.

## **FAMILICIDE – KILLING PARTNERS AND CHILDREN**

'Familicide' is the term used to describe the killing of a current or former intimate partner and one or more of their children. International studies show that approximately 93 per cent of familicides are perpetrated by men (Websdale 2010). Recent Australian data from the NHMP (outlined in the following chapter) shows that 82 per cent of homicides involving partners and children as victims were perpetrated by men. Many familicides involve the suicide of the perpetrator (Wilson, Daly & Daniele 1995).

Wilson, Daly and Daniele (1995) outline two types of familicide perpetrator. The first type is angry and accusatory with various grievances against their partners associated with a perception of her sexual infidelity and her desire to leave the relationship (these perpetrators were also likely to have subjected their partner to prior family violence). The second type is the despondent perpetrator (less likely to have been a family violence perpetrator). Both types of perpetrator had a sense of entitlement to kill their victims (Wilson, Daly & Daniele 1995).

A more recent study of familicide in the US by Websdale (2010) also identified two types of familicide perpetrator. He describes the first type as 'livid coercive' – they used violence, hostility and intimidation to control the activities of their partners and children and were violent to their partners before the familicide.

The second type is referred to as 'civil reputable'. The perpetrators in this category were more likely to repress their emotions. According to Websdale, the livid coercive types are generally from working-class backgrounds, while the civil reputable types are mostly middle class. They appear conformist and successful, but they kill themselves and their families to avoid facing disgrace arising from gambling, embezzlement, financial mismanagement or bankruptcy (Websdale 2010). Websdale found that most families affected by familicide were characterised by a traditional sexual division of labour, with the mothers being the primary carers for children and fathers the breadwinners, particularly in the civil reputable cases.

In reviewing the literature on familicide, Johnson<sup>12</sup> (2005) found that key explanations for men's motivations included the desire to retaliate for their wife leaving; separation causing depression which leads to suicide in which they include the children; and men's possessiveness and need to control their family (Johnson 2005).

---

<sup>12</sup> Johnson's work is discussed further in the following chapter.

## **SEPARATION: A KEY RISK FACTOR**

Separation is a significant risk factor in intimate partner homicides (Dobash & Dobash 2009). Forty per cent of men who killed their intimate partner in Australia were found to be motivated by the termination of a relationship or jealousy (Mouzos 1999).<sup>13</sup> A recent US study found that half the women (51 per cent) killed by a male partner were killed as they were trying to leave and approximately half these women were leaving for the first time (Block 2009). One review of domestic homicides in Ontario, Canada, found that 80 per cent involved actual or pending separation (Ontario Domestic Violence Death Review Committee 2004). The risk of homicide appears to escalate most when the man realises his wife will not return to the relationship, rather than when she actually leaves (Johnson 2008). Female partners are typically killed in order to prevent them pursuing a relationship with someone else or in revenge for having done so (Victorian Law Reform Commission 2002).

## **A GENDERED PHENOMENON**

This chapter has shown that research consistently demonstrates that there is a gendered pattern to homicides involving intimate partners. Women comprise the majority of victims, often killed in the context of prior violence against them and/or attempts to leave the relationship. These homicides are primarily by men and result from men's sense of proprietary ownership over their female partners. Men are also the vast majority of perpetrators of familicides involving partners and children. This paper will now turn to the issue of filicide and consider the research that indicates similarly gendered patterns exist when children are killed by their parents. It will explore ways to apply what we know about family violence and intimate partner homicide to our understanding of filicide.

---

<sup>13</sup> It is likely that the true incidence of separation as a factor in intimate partner homicide is underestimated as it is often not known if the victim was planning to leave.

## CHAPTER 3

# What we know about filicide

**F**ilicide appears to be a global phenomenon, although most research has focused on developed countries (Adinkrah 2003).<sup>14</sup> The research suggests that filicide follows similar patterns throughout the western world. This chapter outlines national and international research on filicide. It describes the incidence, characteristics and motives in filicides. The first part outlines national filicide data from the Australian Institute of Criminology's (AIC) National Homicide Monitoring Program (NHMP). This data was prepared by the AIC specifically for DVRCV and at the time of writing was not otherwise publicly available.

The second part describes explanations for why filicide occurs and outlines various categories that have been developed for classifying cases according to motives and other precipitating factors. This chapter also explores what is known about gender differences between fathers and mothers who kill their children.

### **FILICIDE IN AUSTRALIA: RECENT DATA**

When starting research on filicide, DVRCV requested data from the National Homicide Monitoring Program. The NHMP collects data on all homicides in Australia. The following information is drawn from the data provided by the NHMP for filicides, investigated by police in Australia over an 11-year period from 1997/8 to 2007/08.<sup>15</sup>

---

<sup>14</sup> The term 'filicide' should not be confused with the term 'infanticide'. The term infanticide, although used in a number of different ways, refers to the homicide of children under the age of one year, and may encompass all perpetrators – parents and non-parents (Leveille et al 2007). In Victoria, as in some other jurisdictions, infanticide is also a legal defence to homicide, available to mothers who kill children under 12-months old, at a time when the balance of their mind was disturbed owing either to the effects of childbirth or of lactation (VLRC 2003).

<sup>15</sup> Cautionary note: when dealing with small sample sizes and particularly small numbers for some variables, the difference of a few cases can make a large difference in proportions.

While the focus of this discussion paper is on filicides that occur in the context of separation, it was not possible to determine which cases in the NHMP database involved the parents' separation. The data therefore includes all types of filicide.

Data was provided in aggregated tables and analysed by DVRCV. The analysis was then reviewed by the AIC. Data tables relating to the analysis are provided in Appendix 1.

The information held in the NHMP database is primarily obtained from police offence reports, provided to the AIC by police departments in each state and territory in Australia annually. Some terms are defined by the AIC and where possible those definitions are provided.

### **Incidence of filicide**

In the 11-year period July 1997 to June 2008, 468 children under 18 years of age were killed in a homicide incident in Australia.<sup>16</sup> The majority of these children (62 per cent) were killed by their parents.

Approximately 27 children are killed by their parents<sup>17</sup> each year in Australia. Between July 1997 and June 2008, there were 239 incidents involving a child killed by one or more of their parents<sup>18</sup>. These incidents involved a total of 291 child victims (in 39 incidents there were multiple child victims).

### **Gender of perpetrators**

The vast majority of filicide incidents during the period 1997 to 2008 involved one parent (90 per cent) as a perpetrator.<sup>19</sup> In the remaining 10 per cent of incidents, two parents were involved. Table 1 below shows that 110 filicide incidents were perpetrated by fathers/stepfathers<sup>20</sup> and 106 by mothers. Fathers/stepfathers were responsible for the death of 140 children and mothers were responsible for the death of 127 children. Fifty-two per cent of the child victims of filicide were killed by fathers/stepfathers and 48 per cent by mothers.

---

16 See Table A1 in Appendix 1.

17 'Parents' includes 'custodial' and 'non-custodial' parents and 'step' parents. These terms are not defined on the police coding sheet. For the purposes of this paper, it is assumed that 'custodial parent' refers to a parent who resides with the child; 'non-custodial parent' refers to a parent who does not reside with the child and 'step-parent' refers to a non-biological parent who resides with the child.

18 See Table A2 in Appendix 1.

19 The data analysis provided in this chapter will primarily focus on the incidents involving one parent only, rather than incidents involving two parents, to enable gender comparisons in relation to perpetrators.

20 The NHMP uses the term 'step-parent' which is also described elsewhere as 'non-biological parent' or 'social parent'.

**TABLE 1: PERPETRATORS OF FILICIDE 1997–2008 – GENDER AND PARENTAL STATUS**

Perpetrator	Incidents		Victims	
	No.	%	No.	%
Custodial mother	103	43	124	43
Non-custodial mother	3	1	3	1
Total mothers	106	44	127	44
Custodial father	57	23	74	25
Non-custodial father	13	5	22	8
Stepfather	40	17	44	15
Total fathers	110	46	140	48
Multiple parents*	23	10	24	8
<b>Total</b>	<b>239</b>	<b>100</b>	<b>291</b>	<b>100</b>

\* When two parents are involved

As shown above, the NHMP data for 1997 to 2008 shows relatively equal proportions of mothers and fathers killing children. This has also been reported in previous Australian studies by Wallace (1986) and Alder and Polk (2001). Many international studies also report similar proportions of mothers and fathers (see for instance, Bourget et al. 2007, who reviewed numerous studies).

However, there is some discrepancy in filicide research in relation to the proportion of mothers and fathers who kill their children<sup>21</sup> (Bourget & Gagne 2005). Previous Australian data reported by the AIC from the NHMP for the 13-year period from 1989 to 2002, found that fathers were responsible for the majority of filicides – 63 per cent fathers compared to 37 per cent mothers (Mouzos & Rushforth 2003)<sup>22</sup>. In contrast, some international studies report higher proportions of mothers than fathers killing children (for instance, a study in Finland by Putkonen et al. 2011 found 63 per cent of perpetrators were mothers and 36 per cent were fathers).

These findings are conflicting, but what is clear is that the proportion of female and male perpetrators of filicide is much closer than in any other type of homicide. Men comprise approximately 90 per cent of homicide perpetrators generally, with women more likely to be a victim than a perpetrator of homicide (Davies & Mouzos 2007). The killing of children outside the family is also predominantly a male crime (Mouzos 2000). When women do kill, the victim is often their child (Kirkwood 2003). This is perhaps not surprising given the prevalent role of

<sup>21</sup> This may be the result of different research jurisdictions and methodologies, and because filicide is a relatively infrequent event, many studies have small sample sizes and therefore small differences in numbers from one study to the next can impact markedly on the figures given as percentages. The difficulties with comparing filicide studies are discussed in more detail later in this chapter.

<sup>22</sup> It appears that children over the age of 18 were included which may account for the discrepancy (personal communication with AIC).

women as the primary carers of children (Adinkrah 2003). Kauppi et al. (2010) note that the high incidence of maternal filicide is because neonaticides (the killing of a baby on the day it is born) are almost always perpetrated by mothers.<sup>23</sup>

### **Parental status of perpetrator**

Of the incidents in the NHMP data involving one parent, most (67 per cent) of these were identified by those recording the data as 'custodial' parents.<sup>24</sup> All the step-parents involved as perpetrators in the filicides were male.<sup>25</sup> This is consistent with previous research, which shows that mothers are more likely to be the biological parent of the children they kill than are fathers (Cavanagh et al. 2007). While the numbers of non-custodial parents who killed children are small (n16) they were more likely to be fathers (n13) than mothers (n3).

### **Age of child victims**

The NHMP data shows that younger children are at a higher risk of filicide than older children, with 90 per cent being under the age of ten years at the time they were killed. Seventy-seven per cent were aged five and under. Children less than 12-months old were the most at risk, comprising one-third of the filicide victims.

Previous research shows that mothers are more likely to kill younger children than are fathers (Liem and Koenraadt 2008, Kauppi et al. 2010). In the present data mothers were slightly more likely than fathers to kill children under 12 months of age (52 per cent and 48 per cent respectively). Unexpectedly, fathers were slightly more likely than mothers to kill children aged one to five years. While the numbers are very small (n13), teenage children were much more likely to have been killed by fathers than mothers (85 per cent and 15 per cent respectively).<sup>26</sup> Alder and Polk (2001) found that as children approach teenage years, men are almost exclusively the perpetrators.

### **Gender of child victims**

Most research shows that male and female children are killed at relatively equal rates by parents (Mouzos & Rushforth 2003). The present data shows similar proportions of male and female children killed by parents, with male children slightly more likely (57 per cent) to be the victims than female children (43 per cent).<sup>27</sup>

---

23 We were not able to obtain figures from the NHMP on the number of neonaticides that occurred during the period. This would be useful analysis for the AIC to undertake together with the gender breakdown of the perpetrators of neonaticide.

24 See footnote 17.

25 The vast majority of children killed by a step-parent are killed by a stepfather (Alder and Polk 2001).

26 See Table A3 in Appendix 1.

27 More male children were killed than female children during this period. However, we would need to know the gender breakdown of all the children in each family in order to determine if male children were more likely to be targeted as victims than female children.

Fathers and mothers killed male and female children in similar proportions. Fifty-five per cent of the children killed by mothers were male and 60 per cent of the children killed by fathers were male.

### **Indigenous status**

In the period 1997 to 2008, there were 24 incidents in which Indigenous children were killed by parents (in two incidents, two children were killed). Of the 24 incidents, 22 incidents involved Indigenous parents and two incidents involved non-Indigenous parents. There were a total of 24 Indigenous parents (in two incidents two Indigenous parents were involved). Of these, there were ten Indigenous mothers and 14 Indigenous fathers.

### **Cause of death**

The most common apparent cause of death for child victims of filicide was beating (24 per cent). This was followed by strangulation (16 per cent), poisoning (including carbon monoxide poisoning in cars) (10 per cent), stabbing (10 per cent), shaking (9 per cent) and drowning (9 per cent).<sup>28</sup>

The most common cause of death in children killed by fathers/stepfathers was beating (35 per cent), followed by strangulation (12 per cent), stabbing and shaking.<sup>29</sup> Examining stepfathers alone, the vast majority of the killings were by beating (43 per cent) and shaking (23 per cent). These methods are consistent with fatal abuse (where the death occurs as a result of child abuse and may not be intentional. This type of filicide will be discussed further in the following chapter). Previous research shows a high proportion of stepfathers among the perpetrators of fatal child abuse (Alder & Polk 2001).

The most common cause of death in children killed by mothers was strangulation (24 per cent) followed by poisoning, drowning and stabbing.<sup>30</sup> Only 9 per cent of the victims of filicides by mothers were killed by beating.

### **Multiple child victims**

More fathers than mothers were responsible for multiple child deaths in the filicide incidents (58 per cent and 42 per cent respectively).<sup>31</sup> However, the overall number of incidents involving multiple child victims was relatively small (39 incidents).

<sup>28</sup> See Table A4 in Appendix 1.

<sup>29</sup> See Table A4 in Appendix 1.

<sup>30</sup> See Table A4 in Appendix 1.

<sup>31</sup> This is calculated as a percentage of the 38 incidents that involved one parent. In one other case both a male and female parent were involved in killing multiple children.

### **Killing intimate partners**

In 7 per cent of filicides, the perpetrator also killed their intimate partner. The majority (82 per cent) of these incidents of familicide were perpetrated by fathers/stepfathers.

### **Suicide of perpetrator**

In 17 per cent of filicides in the NHMP data, the incident involved the suicide of the parent. Sixty per cent of the parents who committed suicide as part of a filicide were mothers (there were 24 mothers and 16 fathers who committed suicide). Parents who committed suicide were usually custodial parents (90 per cent). No step-parent committed suicide as part of a filicide.

## **WHY DO PARENTS KILL? UNDERSTANDING REASONS AND MOTIVES**

The following section considers reasons, or motives, for why parents kill their children. It will outline the NHMP data on apparent motive and also what we know from the international literature. Before starting this part of the discussion, it is important to consider some of the methodological problems with determining why parents kill their children (some of these are discussed in more detail later in this chapter):

- there are a limited number of studies and small sample sizes (filicide being a relatively infrequent phenomenon)
- different studies use different methodologies and sources of data. For instance, some studies may exclude some types of cases such as infanticides or filicide-suicides or only consider biological parents rather than social (or step) parents.
- there is a lack of a standardised system for the classification of filicide
- there is considerable overlap in categories for motives (Bourget et al. 2007)
- information regarding motive is often procured by police and forensic psychiatrists (Stanton & Simpson 2002)
- there is an emphasis on mental illness for explaining filicide which may obscure the relevance of other contributing factors (Putkonen et al. 2009)
- most studies are quantitative (primarily statistical) and do not involve in-depth analysis of individual perpetrators' circumstances and motives
- there are difficulties in determining motive because perpetrators may not provide explanations for their actions when they are facing legal consequences, or they may have committed suicide.

While determining motives for filicide is difficult, this work is critical to improve our understanding of filicide, as is aptly depicted in this quote from the NHMP Annual Report 2010.

*Assigning a single reason or motive to a homicide incident is difficult because the reasons, or lack thereof, may be varied and complicated. However, the objective of ascribing motivation is to better understand the factors or situations that are likely to have precipitated a homicide event (Virueda & Payne 2010:16).*

### **Apparent motive for filicide**

The NHMP records the apparent motive for filicides, provided by police based on their investigations. The data for the period 1997 to 2008 is shown in Table 2 below. There was 'no apparent motive' or 'unknown motive' for approximately half the filicides. A 'domestic argument' was the most common motive recorded (35 per cent). Four per cent of cases were recorded as the result of the 'termination of a relationship' and a further 4 per cent were classified as 'revenge'.

There are a number of difficulties with interpreting the NHMP data for 'apparent motive'. In addition to the kinds of limitations outlined above that apply to filicide research generally, there are some specific issues in relation to the NHMP data for this variable.

The NHMP database records data for all homicides in Australia. It was not designed specifically to collect data on filicide. The categories used to describe apparent motives are standard for all homicides, most of which involve adult victims. The killing of adults may be motivated by different factors to the killings of children. Categories such as 'revenge' and 'jealousy', when applied to homicides between adults are likely to involve behaviour directed towards the victim of the homicide. For instance, a perpetrator may be motivated by revenge towards a partner, friend or stranger. However, it is unclear if the data for filicide in the category of 'revenge' relates to revenge directed towards the child victim or towards the perpetrator's intimate partner.

It is likely that 'domestic argument' refers to an argument between the parents. However, this is unclear because 'domestic argument' is also used by the NHMP to refer to arguments between other family members. It is also possible that 'domestic argument' describes a preceding event rather than an actual motive or reason for the filicide. The data indicates 35 per cent of the filicides involved a domestic argument. Of the 102 filicide victims whose death was attributed to a domestic argument, 66 per cent were perpetrated by fathers/stepfathers and 23 per cent by mothers (11 per cent involved multiple parents). The precise nature of the 'domestic argument' is unclear, but it could be speculated that some of these cases would have involved domestic violence.

Another difficulty with interpreting the NHMP data, also related to the use of standard homicide categories, is that it does not include the key filicide categories identified in the international literature such as 'fatal child abuse', 'mental illness' and 'unwanted child' (these categories are outlined in the following

section). Given these limitations, and the large proportion of filicides for which apparent motive is not known,<sup>32</sup> the data relating to motive provides limited value for developing an understanding of the motives for filicide in Australia.

**TABLE 2: APPARENT MOTIVE FOR KILLING OF CHILDREN BY A PARENT, 1997 TO 2008**

Apparent motive	Total no. victims	% of victims	Mothers (n)	Fathers* (n)	Multiple parents (n)
No apparent motive	112	38	57	43	12
Argument of domestic nature	102	35	24	67	11
Unknown	31	11	23	8	0
Desertion/termination	12	4	8	4	0
Revenge	12	4	5	6	1
Apparently delusional	8	3	8	0	0
Money	4	1	1	3	0
Sexual gratification	3	1	0	3	0
Jealousy	2	1	0	2	0
Other argument	2	1	0	2	0
Prevent victim testimony	2	1	0	2	0
Drugs	1	0	1	0	0
<b>Total</b>	<b>291</b>	<b>100</b>	<b>127</b>	<b>140</b>	<b>24</b>

\* Includes stepfathers

## FILICIDE CATEGORIES

In the international filicide literature, researchers have developed classification systems with various categories to describe different types of filicide. Phillip Resnick, an American psychiatrist, was a pioneering filicide researcher who developed one of the first comprehensive categorisations of filicides, primarily based on apparent motive. Resnick (1969) devised the five categories below. He also developed a separate category for neonaticides (the killing of a newborn baby) (Resnick 1970).

- altruistic – parent kills to protect a child from real or imagined suffering
- acutely psychotic – parent kills the child under the influence of a severe mental illness or psychotic episode

<sup>32</sup> The apparent motive is identified by police at the time the data request is made by the AIC. This may be prior to the finalisation of a case and the motive may not yet have been ascertained.

- unwanted child
- accidental – unintentional deaths usually resulting from child maltreatment
- spouse revenge – child killed to punish partner.

Other filicide researchers have used different classification systems for filicide. For instance, Canadian researchers Bourget and Gagne (2005) devised a classification system that reflects whether the filicides were perpetrated with or without an intention to kill. They proposed the following five categories:

- mentally ill – actions associated with mental illness, psychosis, postpartum disturbance or other mental disturbance (a broader category than Resnick's 'acutely psychotic' category)
- fatal abuse – includes cases of child neglect and abuse (similar to Resnick's 'accidental' category)
- retaliatory – intentional killing as a result of anger or revenge (similar to Resnick's 'spouse revenge')
- mercy filicide – intentional killing when child has a severe and debilitating illness (not as broad as Resnick's 'altruistic' category)
- other/unknown – when there is insufficient information or cases with multiple contributing factors (Bourget and Gagne 2005).

The following sections will review the research relating to the key categories above. It will then consider some of the problems with these categories and explore other factors contributing to filicide that emerge from the filicide research literature.

### **Fatal abuse**

Fatal child abuse results from acts of physical violence or neglect. Many filicide studies have found that fatal abuse is the largest category of filicide (Alder & Polk 2000, Irenyi & Horsfall 2009, Cavanagh et al. 2007, Hatters Friedman & Friedman 2010, Sidebotham et al. 2011). A study of child homicide in NSW from 1991 to 2005 found that fatal child abuse was the most common cause of death of child homicide victims, with approximately 60 per cent of the deaths attributed to this cause (Nielsen et al. 2009). The fatal assaults generally involved being punched, thrown or shaken to death.

In fatal abuse cases, the death of the child is usually not intended but is the result of excessive physical maltreatment (Liem & Koenraadt 2008) often in response to the child's behaviour, particularly their crying (Alder & Polk 2001). One study of child abuse homicides found that where a trigger was known, inconsolable crying and child non-compliance were the most common (Kajese et al. 2011). Fatal abuse filicides often result from unrealistic expectations about children's behaviour and generally involve the person who was responsible for caring for the child at the time (Alder & Polk 2001). Fatal abuse is linked to misattribution of malevolence to children (Stanton & Simpson 2002). Younger

children are at a greater risk for fatal abuse, while older children are more at risk of intentional or purposeful filicide (Hatters Friedman et al. 2005).

Both men and women perpetrate fatal abuse filicides, but research shows that most fatal abuse filicides are perpetrated by men (Fujiwara et al. 2009, Liem & Koenraadt 2008).

Alder and Polk (2001) undertook a comprehensive study of child homicides in Victoria from 1985 to 1995. They found that approximately 75 per cent of fatal abuse filicides were perpetrated by men (Alder and Polk 2001:123). They also found that a larger proportion of the overall filicides by fathers are fatal assaults (58 per cent) than they are for mothers (23 per cent).<sup>33</sup>

Stepfathers are more likely than biological fathers to kill in the context of fatal abuse (Cavanagh 2007). Alder and Polk found that over half the men who perpetrated fatal abuse filicides were stepfathers of the child (2001). A NSW study found that 67 per cent of the perpetrators of fatal abuse filicides were male and 33 per cent were female (Nielssen et al. 2009). In some fatal abuse filicides, mothers are co-accused with the father or stepfather (Nielssen et al. 2009). In some instances mothers may be implicated for failing to protect the child from their partner's violence (Oberman and Meyer 2008).

Fujiwara et al. note that the 'preponderance of men' in the fatal abuse category is 'striking, given the far greater time that women typically spend caring for infants (2009:214). Wilczynski found that men are more likely than women to kill when disciplining the child, out of jealousy or because they felt rejected by the child (1995b).

#### *Links with intimate partner violence*

A common feature of fatal abuse filicides by fathers is that the mother of the child is also a victim of the violence (Alder and Polk 2001). A UK study of fatal abuse filicides by fathers found that violence against the mother was occurring in 71 per cent of the cases (Cavanagh et al. 2007). This is consistent with research on child abuse generally, which shows that where there is abuse of children, it is very likely that there will also be violence against the mother (Grealy et al. 2008). It has also been found that when mothers perpetrate fatal abuse they are also often victims of their partner's violence (Oberman & Meyer 2008).

Many fatal abuse cases involve a history of abusive behaviour towards the child and have therefore come to the attention of the child protection system before the death. In Victoria, the Victorian Child Death Review Committee (VCDRC) investigates and reports on deaths where the child has been involved

---

<sup>33</sup> See Table A5 in Appendix. The table also shows that filicides by mothers were most commonly neonaticides (27 per cent) and filicide-suicides (27 per cent).

with the child protection system at the time of their death.<sup>34</sup> The VCDRC identifies risk factors and makes recommendations for prevention of child deaths.<sup>35</sup> In 2009, they reported that the deaths of children they investigated involved families with high levels of 'family violence', substance misuse and mental illness (2009:34). Of the 28 child deaths reviewed by the VCDRC in 2010/11, 'family violence' was found to be a parental risk factor in 16 cases (57 per cent) (VCDRC 2011).

International child death reviews also report high levels of 'domestic violence'. For instance, 'serious case reviews' (SCR) are carried out in the UK when a child dies (or is seriously injured) and where abuse and neglect are involved. A study of SCR from 2003 to 2005 found that where information was available, there was evidence that domestic violence was present in 66 per cent of the cases (Brandon et al. 2008).

### **Mental illness**

Studies of filicide show that many perpetrators are mentally ill and that many had contact with mental health professionals before the filicide (Johnson 2005, Bourget et al. 2007). Common forms of mental illness identified in the literature are depressive disorders, schizophrenia or other forms of psychosis. More recently there has been a focus on personality disorders (Liem 2009, Kauppi et al. 2010). Theories regarding the psychological basis for filicide are abundant (Hatters Friedman et al. 2005).

Mental disorders are attributed to both male and female filicide perpetrators. However, many studies report higher rates of mental illness in female perpetrators. Resnick (1969) found 67 per cent of the 88 mothers who perpetrated filicide that he examined were psychotic, and that major depression and schizophrenia were more common in mothers than in fathers who perpetrate filicide. Bourget and Gagne (2002), who examined 27 maternal filicides in Quebec, found that 85 per cent of the mothers had a psychiatric motive and that most of them had received previous treatment for a depressive or psychotic disorder. Bourget and Gange (2005) later examined 77 cases of paternal filicide in Quebec and found that 62 per cent of fathers had a depressive or psychotic disorder at the time of the filicide.

Kauppi et al. (2010) examined two hundred filicides in Finland over a 25-year period. They found that 51 per cent of the maternal cases and 20 per cent of the paternal cases were diagnosed with psychosis or psychotic depression (Kauppi et al. 2010). A study in the Netherlands which looked at 161 perpetrators of attempted and completed filicides found that both maternal and paternal filicide

<sup>34</sup> Or up to three months before (VDCRV 2009).

<sup>35</sup> They advise the minister responsible for Community Services of the implications of their findings (Irenyi & Horsfall 2009).

perpetrators were diagnosed with similar levels of depressive disorders but that more women were diagnosed with psychosis than men (Liem & Koenraadt 2008).

Australian research has found that 15 per cent of filicide offenders had a mental disorder immediately before, or at the time of, the incident (Mouzos & Rushforth 2003). In that research, a higher rate of mental illness was found in female filicide perpetrators, with a third experiencing mental illness. This proportion was also found in a NSW study by Lawrence and Fattore (2002).

Nielssen et al.'s NSW study of child homicide found that 17 per cent of the homicides were committed during a psychotic illness, mostly the first episode of psychosis. Most of these perpetrators were female (73 per cent) (Nielssen et al. 2009). By analysing psychiatric reports, the researchers found the symptom most commonly associated with child homicide was a persecutory delusion regarding the child, usually arising from hallucinations. For example, a belief the child was a supernatural threat that endangered the perpetrator.

Mothers who kill children as a result of postpartum depression and postpartum psychosis are likely to be included in the 'mental illness' category. Many studies of filicide also classify neonaticides, altruistic filicides and filicide-suicides in the category of mental illness. These types of filicide are described below. There are significant difficulties with the way in which mental illness is identified in filicide perpetrators, and considerable overlap in categories. This is discussed on page 29.

### **Neonaticide**

Neonaticides are a distinct form of filicide that involves the killing of a newborn baby on the first day of life. Studies have found that between 18 per cent and 28 per cent of filicides involve neonaticides (Alder & Polk 2001, Putkonen et al. 2011, Kauppi et al. 2010). Neonaticides are perpetrated almost exclusively by young, unmarried women who did not want to have a baby in their circumstances (Resnick 1969; Meyer and Oberman 2001). Neonaticides are very rarely perpetrated by men (Hatters Friedman & Resnick 2007). Studies have found that, where gender of the neonaticide perpetrator is known, they are all women (for instance see Kauppi et al. 2010 and Alder & Polk 2001). Alder and Polk (2001) found that neonaticides comprise approximately 25 per cent of filicides by mothers in Victoria between 1985 and 1995 (see table A5 in Appendix).

Neonaticide has been described as an ignored pregnancy (Oberman & Meyer 2008) in which women deny they are pregnant and conceal the pregnancy from others (Liem & Koenraadt 2008). The women are often deeply fearful of the repercussions of a pregnancy so they do not acknowledge it to themselves (Alder and Polk 2001). The denial is so profound that it often attenuates the

biological manifestations of pregnancy<sup>36</sup> so those around the woman, including her GP, may not realise she is pregnant (Stanton & Simpson 2002). There is a high level of dissociation, particularly when the women give birth to the baby (Stanton & Simpson 2002). The majority of the women give birth on their own at home (Meyer & Oberman 2001). The baby is frequently killed by neglect or suffocation (Putkonen et al. 2007).

While the emphasis in most studies of neonaticide is on the pathology of the mother, it is also important to note that a lack of social support for the pregnant women has been found to be a typical characteristic of neonaticide (Putkonen et al. 2007). Putkonen et al. (2007) examined all cases of neonaticide in Finland from 1980 to 2000 and found that 88 per cent of the women reported the relationship with the father of the child to be unstable or nonexistent. They identified key risk factors as relatively young age, lack of support from the 'father-to-be' and dependency on others (Putkonen et al. 2007:21).

### **Altruistic**

'Altruistic' filicides are characterised by the motive of protecting the child from real or imagined suffering (Stanton & Simpson 2002). This can include relieving the child of anticipated suffering caused by the parent's suicide (McKee 2006). In some instances, a child may have a severe or terminal illness and this type of filicide is referred to as 'mercy killing' by some researchers (D'Orban 1979, Bourget & Gagne 2005). In other cases the perception that the filicide is in the 'child's best interest' is seen to be delusional. These cases are also referred to as 'misguided love' (Kauppi et al. 2010).

Altruistic killings have been found to be primarily perpetrated by women (Wilczynski 1995, Stanton & Simpson 2002) and to be one of the most common motives for filicides by women (Resnick 1969, Hatters Friedman et al. 2005, Kauppi et al. 2010). The women in these cases are generally devoted to their children and strongly invested in being good mothers (Alder & Polk 2001). While others may view their perceptions as delusional, they see their children's death and their own as rational (Stanton & Simpson 2002). The mother may be depressed and struggling to provide for herself and the children and may believe they are all 'better off dead'. These types of filicide are often associated with the suicide of the perpetrator. The concept of 'altruistic' filicide is discussed further in Chapter 5.

### **Filicide-suicide**

Filicides that include the suicide of the perpetrator are often included in the pathology or mental illness category (Bourget & Bradford 1990). The closer

---

<sup>36</sup> For instance, some women may not experience physiological aspects of pregnancy such as morning sickness and weight gain.

the relationship between the victim and perpetrator in homicide, the greater the likelihood the perpetrator will commit suicide (Carrach & Grabosky 1998). NHMP reports (Mouzos 2002, 2003) show that a quarter of filicides in Australia involve the parent committing suicide<sup>37</sup> compared to 6 per cent of other homicides. The NHMP data from 1997 to 2008, provided for this project (as outlined above), shows that 17 per cent of filicidal parents suicide. Alder and Polk (2001) found that the number of cases in which parents killed children as part of a suicide, which often occurs in the context of separation, was almost equal to the number of cases that resulted from fatal child abuse.

Some international studies report that fathers are more likely to suicide after killing their children than mothers (for instance, see Hatters Friedman et al. 2005). In contrast, the data provided by NHMP (outlined earlier) shows that in Australia 60 per cent of filicide-suicides were by mothers, compared to 40 per cent by fathers.

There are some apparent gender differences in filicide-suicides. Mothers who kill their children and suicide are usually the primary caregiver and live with their children at the time, while fathers are rarely so (Hatters Friedman et al. 2005). A Canadian study that compared men and women who kill their children and suicide or attempt suicide found the men were more likely to kill their spouse as well, to kill more victims, to be going through a separation, to have committed violence against their partner, to have threatened suicide and to have threatened to kill their spouse (Leveillee et al. 2007).

In some filicide-suicides the motive is suicide and it is extended to include the children. These parents kill their children as part of a suicide plan, while others kill themselves on realisation of the gravity of their act (Hatters Friedman et al. 2005). Liem and Koenraadt argue that filicide-suicide by men is primarily homicidal and aimed at the spouse, while filicide-suicide by women is primarily suicidal and aimed 'towards the self' (2008:173). They found that suicidal men tend to present a pattern of anger and desperation, whereas suicidal women display a pattern of hopelessness and despair (Liem & Koenraadt 2008).

### **Retaliatory filicides**

Retaliatory filicides<sup>38</sup> are associated with a specific intention to kill and are committed out of revenge towards an intimate partner (Bourget & Gagne 2005). This type of filicide is also described as 'spouse revenge' in which the children are used as tools to punish the partner.

---

37 There have been similar findings in other jurisdictions; for example, a Canadian study found that 22 per cent of parents who kill their children also suicide (Bourget et al. 2007).

38 While the filicide literature describes the killing of children that is directed towards hurting the other parent as 'spouse revenge' or 'retaliatory' filicide, it is important to recognize that people have a right to leave relationships and/or form new relationships and this in, and of itself, is not something that warrants retaliation or revenge.

International research has consistently shown that retaliatory filicides are predominantly committed by men (Daly & Wilson, 1988, Bourget & Bradford 1990, Wilczynski 1997, Liem & Koenraadt 2008). After a comprehensive review of the existing international filicide literature, Bourget et al. found that fathers more often kill in retaliation than mothers and that 'retaliating maternal filicide is rare' (2007:5). A study of filicide in the Netherlands between 1953 and 2004 found a quarter of filicidal fathers had killed in retaliation towards a partner in relation to separation, compared to 5 per cent of mothers (Liem & Koenraadt 2008). A range of other studies have found that women rarely perpetrate retaliatory filicide (Resnick 1969, Bourget & Bradford 1990, Alder & Polk 2001, Meyer & Oberman 2001, McKee 2006).

Retaliatory filicide is sometimes referred to as the Medea complex. This refers to an ancient myth in which Medea sought revenge on her unfaithful husband, Jason, by killing their children. This concept is misleading given that it is rare for women to commit retaliatory killings of children in this way (Alder & Polk 2001).

There has been limited research into retaliatory filicides. This may partly be due to the apparently high number of such cases that involve the suicide of the perpetrator. Filicide-suicides are less studied than other types of filicide because of the difficulty in collecting information after the death of the perpetrator (Kauppi et al. 2010). These types of cases are also frequently attributed to mental illness and therefore other motives may not be considered by researchers.

There is little data regarding the proportion of filicides motivated by revenge/retaliation in Australia or regarding the proportion of these cases that are perpetrated by fathers and mothers.<sup>39</sup> Nielssen et al. (2009) examined 165 cases of child homicide in NSW between 1991 and 2005.<sup>40</sup> The study included all child homicides, not only those perpetrated by parents. Nielssen et al. (2009) modified a classification system used by the NSW Child Death Review Team (CDRT). They used the term 'retaliatory killing' to replace the category of 'family breakdown' (2009:7).

Nielssen et al.'s findings regarding retaliatory killing contradict the findings in the filicide research more generally. They reported that 41 per cent of retaliatory killings were by females; 59 per cent by males (Nielssen et al. 2009). However, the number of overall cases in this category was small (a total of 17: ten by males, seven by females). It should also be noted that the study examined all child homicides, including those perpetrated by non-parents such as strangers and acquaintances. Only 70 per cent of the perpetrators in the study were identified as parents. Therefore it is not clear what proportion of the

<sup>39</sup> See discussion on page 20 regarding the limitations with the NHMP data on this issue.

<sup>40</sup> The research drew on NSW Bureau of Crime Statistics, legal documents, media reports and medical reports.

male and female perpetrators of retaliatory killings were parents. They included all filicide-suicides in this category because, even though they acknowledge that the motivation in these cases was 'a matter of speculation', they state that 'retaliation seemed the most likely explanation' (Nielsen et al. 2009).

Meyer & Oberman (2001) highlight an important point made by Scott (1973) in relation to determining retaliation as a motive in filicide: 'It is extremely difficult to be sure that revenge was the real or only motivation; to find that there is currently a quarrel with the spouse is not sufficient reason for supposing that revenge is predominant'. Some researchers may make an assumption that a filicide is retaliatory because it occurs in the context of separation.

Retaliatory filicides are discussed further in the following chapter.

### **Problems with filicide categories and determining mental illness**

The filicide categories, discussed above, are useful for painting a picture of some of the main forms of filicide. However, there are a number of problems with the existing classification systems. Some filicides may fit into more than one category (Bourget et al. 2007). For instance, some filicide perpetrators with a diagnosed mental illness may also have been motivated by retaliation or have killed their child as a result of fatal abuse.

Unfortunately, the criteria for particular categories are often unspecified, so it is difficult to know which cases are included in which categories. For instance, some researchers may include attempted suicides in the filicide-suicide category and others may only include suicides that resulted in the death of the perpetrator. It is also the case that allocating cases to categories is a subjective process, with researchers often making judgments based on very limited information (Sidebotham et al. 2011).

The mental illness category often appears to cover a broad range of behaviours. Many studies include depression and other types of mental illness such as schizophrenia and psychosis in the one category. If the filicide was accompanied by the suicide of the perpetrator, there appears to be an automatic assumption of mental illness as a causative factor for the filicide. For instance, one group of researchers state 'psychic imbalance is per definition essential in the complex picture that leads a person to commit murder-suicide' (Galta et al. 2010).

Many studies of filicide are undertaken by psychologists and psychiatrists who focus on mental illness. There are, however, significant difficulties with the way in which mental illness is identified in filicide perpetrators. Many diagnoses are made after the filicidal event, when the perpetrator's state of mind is not necessarily indicative of what it was at the time of the event (Hatters Friedman et al. 2005). At this point, the perpetrator is faced with the reality of having killed their child and may be displaying signs of acute distress and mental illness as a consequence of what they have done. In many studies the

diagnosis of mental illness is made retrospectively, sometimes many years later, based on interpretation of records obtained by others rather than by making an assessment of the person directly.

The focus on mental illness as an explanation for filicide has been questioned by some researchers. Putkonen et al. (2009) who compared filicide offenders with other homicide offenders, found that filicide offenders were not significantly more mentally disordered than other homicide offenders. However, they found that filicide perpetrators exhibited emotional problems and an inability to handle everyday difficulties (Putkonen et al. 2009).

A further study by Putkonen et al. (2011) examined perpetrators' motives in 124 filicides in Finland. They found a range of motives such as anger, economic issues, separation (pending or actual), mental overload, impulsive acts and perceived failure as a parent, that were not reflected in the existing research categories.

Focusing solely on mental illness and an individual's psychology may result in a failure to recognise societal factors that are more important contributors to violence (Bolen 2000). Significant contextual factors such as gender socialisation and inequality, become obscured (Schwartz et al. 2006). Theories about filicide that focus on individual factors such as depression or disrupted attachment (see for example, Johnson 2008)<sup>41</sup> fail to explain why men perpetrate the majority of violent crime and homicide. They also shed little light on some of the gendered patterns in filicide such as why men are the primary perpetrators of retaliatory filicides.

## **OTHER FACTORS CONTRIBUTING TO FILICIDE**

The key filicide categories, described above, are useful for outlining the circumstances and factors that have been found to contribute to filicide. Recently, a number of other contributing factors, outlined below, have also been identified as important to consider.

### **Intimate partner violence**

Prior violence towards an intimate partner appears to be a factor in many filicides (for example, see Leveillee et al. 2007, Kauppi et al. 2010, Johnson 2005). Some

---

<sup>41</sup> Johnson (2008, 2009) draws on the psychological concept of attachment to explain intimate partner homicide and filicide in the context of separation. Attachment theory posits that children whose parents were unpredictable and inconsistent do not form successful attachment. Johnson (2008) explored childhood trauma in the background of perpetrators. She argues that disrupted attachment results in adult behaviours such as frantic efforts to avoid abandonment, inappropriate and intense anger and a lack of empathy (Johnson 2008). However, attachment theory as an explanation for violence has been widely critiqued; for instance, see Chaffin et al. (2006) who argue that there is no empirical support for the notion that children with attachment problems will grow up to be violent.

studies show that fathers who perpetrate filicide have often perpetrated violence toward family members including partners, while mothers who perpetrate filicide are often victims of family violence (Kauppi et al. 2010, Putkonen et al. 2011, Hatters Friedman et al. 2005). Bourget and Gagne's Canadian study of fathers who kill their children found that a history of family violence was conclusive in 40 per cent of cases with inconclusive evidence in many other cases (2005).<sup>42</sup> As outlined earlier, one study found that in 71 per cent of cases of fatal child abuse filicide the mother of the child was also a victim of the father's violence (Cavanagh et al. 2007).

Recently, a study of child homicide was undertaken in Britain by *Dispatches*, an investigative current affairs program on Channel 4. They analysed cases of all children killed by parents in Britain over a five-year period (January 2004 to December 2009). There were 163 children killed during that time. The program reported almost half these children were living with domestic violence before their deaths (Ferguson 2009). This was particularly the case for those children who were killed after their parents' separation. Forty-three children were killed soon after separation or after the decision was made to separate. In two out of every three of these cases, there was a history of domestic violence (Ferguson 2009).

Filicide research is likely to underestimate the incidence of prior violence against intimate partners. This is a hidden phenomenon and researchers may not be aware that violence had previously occurred. Researchers frequently rely on police, court and medical/psychiatric records which may not document prior violence. Police records usually do not contain historical information about the relationship and Family Court records have minimal information in some cases and none in others (Johnson 2005). Such records are also more likely to indicate where there has been physical violence rather than the range of other forms of violence including emotional, financial and controlling behaviour. Furthermore, many studies of filicide are quantitative and may not involve the in-depth analysis that is necessary to obtain information about family violence.

Even when researchers do have information about prior violence they may not recognise its significance. Some filicide researchers describe family violence as 'domestic disputes' or 'quarrels'. For instance, Adinkrah (2003), who undertook a small but important study of paternal filicides in Fiji, found that half the cases occurred as the result of what he describes as 'domestic quarrels' between parents. One example of a 'domestic quarrel' was a case in which a man killed

---

42 In several studies researchers describe family violence as present before many filicides; however, they do not specify which family members the violence was directed to or perpetrated by. In a personal communication with Dominique Bourget (3 August 2011), she confirmed that in her study 'family violence' referred to 'repeated physical violence perpetrated against either the spouse or children prior to the homicide, most often by the same perpetrator (i.e. father).' She is in the process of writing another article which will focus in more detail on this issue.

his four children because his wife refused to get up from her sleep to reheat his dinner late in the evening.

### **Childhood trauma**

Some recent studies of paternal filicide and familicide have analysed details about the childhoods of perpetrators. They have found high levels of childhood trauma, abuse and neglect. These are perceived to have long-term effects on behaviour and, some researchers claim, can ultimately lead to filicidal actions as adults (Websdale 2010, Johnson 2009).

Studies of maternal filicide also report high levels of childhood trauma in mothers who kill children (for instance, Oberman & Meyer 2008). Kauppi et al. (2010) found most male and female filicide perpetrators had experienced emotional abuse as children from their parents. Alcohol abuse, domestic violence and mental illness in their parents were also factors in the childhoods of most perpetrators. In their review of the filicide literature, Bourget et al. (2007) found similar numbers of fathers and mothers experienced a history of abuse in childhood.

### **Life stressors and mental overload**

A number of studies have shown that filicide perpetrators experience a range of stressful circumstances in their lives prior to the filicide. Stressors that have been identified for mothers who kill their children include being the primary caregivers for children, unemployment or financial problems, being in an ongoing abusive intimate relationship and having limited social support (Bourget et al. 2007). Stressors for fathers include financial difficulties, pending or actual separation from a partner and a partner having an affair (Bourget et al. 2007).

'Mental overload' is described as a motive by Putkonen et al. (2011), whose research in Austria and Finland is outlined below. The term 'mental overload' is used to describe 'mental exhaustion, or problem-override in the offender's mind, a state of hopelessness, despair, or failure' (2011:321). Mental overload was found to have been reported in almost 40 per cent of filicides (Putkonen et al. 2011). The term 'mental overload' resonates with other studies that report despair, desperation, a sense of failure and an inability to cope in filicide perpetrators.

### **Separation**

A key feature of some filicides, not adequately depicted through the filicide categories outlined above, is that children are often killed in the context of their

parents' separation.<sup>43</sup> For instance, Bourget and Gagne (2005) found 55 per cent of filicides in the mental illness category followed separation. As stated earlier, placing these cases in the mental illness category may obscure the significance of separation as a contributing factor.

NSW research has shown separation was a precipitating factor in a fifth of filicides (Lawrence & Fattore 2002). A study in Victoria found that when a father kills his children, it is often where the couple is separated or where the man believes separation is likely to occur (Alder & Polk 2001).

International research also shows separation is a significant factor. Bourget and Gagne's study of fathers who kill their children in Canada found a rupture of the marital relationship had recently occurred in 40 per cent of the cases. A large study in the Netherlands found 25 per cent of fathers killed their children in reaction to threatened separation or divorce (Liem & Koenraadt 2008).<sup>44</sup> A Canadian study found men who killed their children were more likely to have gone through a separation in the year preceding the offence than women who killed their children (Leveillee et al. 2007). Putkonen et al. (2011) also found that separation was more likely to be a factor in filicides by fathers than filicides by mothers. The study of filicides by *Dispatches* in the UK (see p 31) highlights separation as a dangerous time for children (Ferguson 2009).

There is a lack of clarity about what 'separation' means and how it is determined across various filicide studies, so that some studies may be referring to literal separation in which one partner has left the relationship and others may include cases in which separation was pending or a source of conflict in the relationship. It is often difficult to ascertain if separation was simply a circumstance, or a factor which contributed to the perpetrator's reasons for killing the child. Separation is a recurring theme in filicide literature but it is not adequately examined.

More in-depth qualitative studies that examine familicide or filicides that specifically occur in the context of separation provide useful insight into this issue. For instance, Websdale (2010), whose study of familicide in the US was outlined earlier, found that in 85 per cent of 'livid coercive' cases for which he had data, the perpetrator's partner was leaving or distancing themselves from the relationship. The perpetrators saw this as abandonment and in some instances as betrayal (Websdale 2010).

Australian researcher Carolyn Johnson (2005) examined cases where fathers had killed their children after family breakdown. She undertook in-depth analysis of seven West Australian cases involving the deaths of 15 children. The father committed suicide in six cases and attempted suicide in the remaining

---

<sup>43</sup> Filicides that occur in response to separation are not reflected in the existing classification systems unless they are deemed to be retaliatory. As outlined earlier, it may be difficult for researchers to ascertain retaliation as a motive.

<sup>44</sup> It was also found that over a third of the men and more than half the women were diagnosed as mentally ill at the time of the killing.

case. Johnson interviewed surviving family members to try to determine possible explanations for their actions. Johnson found that the men were controlling and possessive of their families and had difficulty accepting the separation from their partner (2005, 2006).

The prospect or experience of separation from an intimate partner may affect mothers and fathers differently. These differences are considered in the following chapters.

## **COMPARISONS OF MOTHERS AND FATHERS**

Some of the gender differences between fathers and mothers who kill their children have been identified in the above discussion of motives and factors contributing to filicide. As outlined earlier, there have been very few studies that directly compare maternal and paternal filicide (Bourget & Gagne 2005). In the last few years a number of international studies have sought to address this gap in understanding. These are outlined below. There remains very little research providing gender comparisons in Australia. To our knowledge, to date there has been no comprehensive Australia-wide research, specifically on filicide, which examines gender differences between perpetrators. There have been several state-based studies that examine child homicide more broadly, of which parents who kill are a large component, such as Alder and Polk's study in Victoria (2001) and Neilssen et al.'s NSW study (2009). The findings from these studies are referred to in this paper.

Turning to the international literature, Putkonen et al. (2011) examined gender differences in all filicide perpetrators in Austria and Finland between 1995 and 2000 (75 mothers and 45 fathers). They found that compared to mothers, fathers had been more violent before the filicide and reported more 'quarrels' with their partner. Separation was often a current threat just before the filicides by fathers (Putkonen et al. 2011). Fathers' motives were more often related to anger, impulsivity, revenge and quarrel than mothers' (Putkonen et al. 2011:325).

Another study in Finland examined two hundred filicide cases over a 25-year period (Kauppi et al. 2010). The researchers found that filicidal mothers had experienced severe stress caused by marital discord and the violence of their spouse, and a lack of support. Mothers tended to kill for altruistic reasons and in association with suicide (Kauppi et al. 2010). Paternal perpetrators, on the other hand, were reported to have been jealous in 50 per cent of cases. Male perpetrators were more likely to have abused alcohol and other substances and been violent toward their partners (Kauppi et al. 2010).

A Canadian study by Leveille et al. (2007) examined gender differences in 75 filicide-suicides in Quebec between 1986 and 1994. They found that

fathers that perpetrate filicide-suicide were more likely than mothers to be living without their children; to perpetrate the filicide-suicide after separation from a partner; to have been violent toward their partner; to have threatened to kill their partner; to kill their partner also and to have killed the children as a means of reprisal against their partner (Leveillee et al. 2007).

Bourget and her colleagues (2007) reviewed the international literature on maternal and paternal filicide and also undertook separate studies of filicide in Canada: one of 60 paternal filicide perpetrators (2005) and one involving 27 maternal filicide perpetrators (2002). Bourget et al. provide a useful overview of the similarities and differences between mothers and fathers who perpetrate filicide. They found the similarities are experiencing depression and/or psychosis; the presence of significant life stressors; social isolation and lack of support; and a history of abuse in childhood (Bourget et al. 2007). The key differences they identify between maternal and paternal filicide are that neonaticides are rarely perpetrated by fathers; retaliatory filicides are rarely perpetrated by mothers; and fathers are more likely to have been violent to the child before the episode which caused their death (Bourget et al. 2007).

Interestingly, Wilczynski, who studied filicide in Australia and England, described the main difference between maternal and paternal filicides as women generally kill children because they have too great a responsibility for their care, while men generally kill children as a result of too little responsibility for their care (1995). This notion will be explored further in the following chapters on fathers and mothers who perpetrate filicide in the context of separation.

## **SUMMARY OF KEY FILICIDE RESEARCH FINDINGS**

While similar numbers of men and women perpetrate filicides, the research consistently highlights some key gender differences, shown below.

Filicidal mothers, when compared to filicidal fathers, are more likely to:

- perpetrate neonaticide
- act for 'altruistic' reasons
- be diagnosed with a mental illness
- be the primary carer for the child
- be a victim of domestic violence.

Filicidal fathers, when compared to filicidal mothers, are more likely to:

- perpetrate fatal child abuse
- have previously been violent towards their partner
- act in 'retaliation' towards their partner
- kill their partner as well as the children.

## CONCLUSION

The research into filicide is complex and at times contradictory. Filicide researchers consistently note the need for further research to improve our understanding of this topic, particularly in relation to gender differences between perpetrators (Leveillee et al. 2007, Putkonen et al. 2011, Bourget et al. 2007, Kauppi et al. 2010). While the role of perpetrator gender difference remains unclear, it is nonetheless evident that there are gendered patterns in filicide.

This paper shows that while it is well recognised women are killed by partners who have previously been violent towards them, and often in the context of separation, we have limited understanding of the role of these factors in the killing of children. We do know that in many filicide cases fathers kill children as a result of fatal child abuse and that in many of these cases they have also been violent towards their intimate partner. In retaliatory filicides that occur in the context of separation, some fathers kill children as a means to harm their mothers. Existing research indicates that women rarely kill children in these circumstances.

While the significance of parental separation in some filicides is acknowledged in the research, there does not appear to be a comprehensive understanding of the role it plays in the killing of children by their parents, and particularly the differences in fathers and mothers who perpetrate filicide in this context. The following two chapters will therefore explore cases of filicide by fathers and mothers that occur in the context of separation. They will also highlight the relevance of intimate partner violence in these killings.

## ‘Suffer for the rest of your life’: Fathers who kill children in the context of separation

**M**ost research on filicide has focused on mothers, with fewer studies investigating filicides by fathers (Bourget & Gagne 2005). This limited understanding of men who kill their children makes it difficult to determine how these deaths may be prevented (Johnson 2009).

Most research has focused on fatal child abuse filicides – the most common type of filicide perpetrated by men. As outlined in the previous chapter, research shows many fathers who kill children in this context have previously been violent towards them. The research also suggests that in many instances there has also been prior violence towards the child’s mother. Fatal abuse cases often involve stepfathers as perpetrators. In contrast, filicides that are not the result of fatal child abuse are more likely to involve biological fathers and to occur in different circumstances.

The review of the filicide research also highlights parental separation as a factor in filicides by fathers. Previous research in Victoria has shown that when biological fathers kill their children, it is most often in a context in which they are separated from the children’s mother or they perceive there is a threat of separation (Alder & Polk 2001). Unlike fatal abuse filicides, these cases may not involve prior violence towards the children and the killing is often intentional rather than accidental or reckless. Many filicides by fathers that occur in the context of parental separation are motivated by anger against an intimate partner displaced on to the child (Alder & Polk 2001). The children are seen as an extension of the woman and their death a way of hurting her (Leveillee et al. 2007). As noted earlier, these cases are described as ‘retaliatory’ filicides.

This chapter examines filicides by fathers that occurred in the context of the parents’ separation. It explores the significance of intimate partner violence, anger about separation and using the children to hurt the mother. It also considers the role of mental illness and family law disputes in filicides by fathers.

This chapter describes eight cases of fathers who killed their children in the context of separation. It is not intended to provide a comprehensive review of recent cases. Rather, the chapter draws on case examples to explore some of the themes evident in the research on filicides by fathers involving separation. The cases are primarily recent Victorian cases. Some other Australian cases are also included to highlight key themes.

The cases in this chapter were chosen because they fit the criteria of having occurred in the context of separation and there was sufficient information available to obtain insight into factors contributing to the filicide. The information is drawn from public sources – media reports and, where available, sentencing judgments.

We start with a case that powerfully highlights the themes discussed throughout this chapter.

### RAMAZAN ACAR

On 17 November 2010, in Greenvale, Victoria, Ramazan Acar (24 years) killed his daughter, Yazmina (two years), by stabbing her multiple times.<sup>45</sup> Ramazan Acar and Yazmina's mother, Rachelle, began their eight-year on-and-off-again relationship when they were teenagers. Ramazan was violent towards Rachelle during their relationship and there was an intervention order against him at the time he killed Yazmina. Ramazan Acar pleaded guilty to murder and was sentenced to life in prison.<sup>46</sup>

Ramazan and Rachelle separated in September 2010 and an intervention order was obtained by Rachelle on September 16. After a week, Ramazan started breaching the order. Rachelle consistently reported the breaches to police and was advised by police to change her phone number. In November, Ramazan contacted Rachelle (via her mother) and told her that he believed he was going to go to prison in relation to some driving offences and he wanted to see his daughter beforehand. Consequently, Rachelle and Yazmina met him at a shopping centre. In Rachelle's view this meeting went well and she told Ramazan he could see Yazmina fortnightly.<sup>47</sup>

Yazmina stayed overnight with Ramazan on 13 November. A few days later Ramazan began harassing Rachelle again by contacting her several times a day.

On 17 November, he sent Rachelle a text saying 'RIP Ramazan Kerem Acar 1987–2010'. Earlier that day Ramazan had reacted badly when another woman, with whom he was establishing a relationship, told him he was moving too fast.

That afternoon, Ramazan drove to Rachelle's house. He appeared drunk and showed Rachelle where he had slashed his abdomen and arms with a knife. Yazmina, who was happy to see her father, spent 20 minutes playing in the car

<sup>45</sup> The following information is drawn from the sentencing decision, *R v Acar* [2011] VSC 310.

<sup>46</sup> Ramazan Acar was sentenced to a minimum of 33 years.

<sup>47</sup> *R v Acar* [2011] VSC 310 (para 3).

with him while Rachelle stood close by. Ramazan asked Rachelle if he could take Yazmina to a nearby milk bar for some chocolate, promising he would bring her straight back. Rachelle reluctantly agreed.

Shortly after Ramazan left with Yazmina he began a series of texts and phone calls taunting Rachelle about their whereabouts. He asked Rachelle to go to the police station and withdraw her statements in relation to the intervention order. When she refused, he became angry and ended the phone call.

When Rachelle phoned back, he said: 'Payback's a bitch. How does it feel?' When she pleaded with him to return Yazmina he replied: 'Guess what baby, you're not getting her back. I loved you Rachelle, and look what you've made me do.'<sup>48</sup> He then asked her whether he should drive at 120 kilometres an hour into an oncoming car or use the knife and put it through Yazmina's throat. He told her, 'I loved you more than her, and that's why I am doing this' and then ended the call.

Ramazan then posted a message on his Facebook page: 'Bout 2 kill ma kid.' After this he sent Rachelle a text message saying 'It's ova I did it' (although he had not yet killed Yazmina). He then posted a Facebook message: 'Pay bk u slut'.<sup>49</sup>

By this stage, Rachelle was at the police station and the calls were on speakerphone in the presence of police. Ramazan told Rachelle 'I'm going to kill her'. Rachelle begged him to return her, to which he replied 'Do you have any last words for her?' Yazmina came on the phone and said to her mother, 'I love you', and Rachelle, weeping, replied 'I love you too'.<sup>50</sup> Ramazan then ended the call.

Shortly after, in another phone call, Ramazan told Rachelle:

*I've killed her, she's just lying there next to me ... All I need to know is should I dump the body somewhere and how much time do you think I am going to get for this? I killed her, man, I killed her. I killed her to get back at you. I don't care. Even if I go behind bars, I know that you are suffering.<sup>51</sup>*

Ramazan continued phoning and texting Rachelle in relation to killing Yazmina until he was arrested later that evening.

At the sentencing hearing, his legal counsel said that on the day of Yazmina's death Ramazan had been ruminating on his place in his daughter's life and that he could see himself being 'squeezed out of it' and that he was constrained by the intervention order.<sup>52</sup>

<sup>48</sup> *R v Acar* [2011] VSC 310 (para 10).

<sup>49</sup> *R v Acar* [2011] VSC 310 (para 11).

<sup>50</sup> *R v Acar* [2011] VSC 310 (para 12).

<sup>51</sup> *R v Acar* [2011] VSC 310 (para 13).

<sup>52</sup> *R v Acar* [2011] VSC 310 (para 35). Counsel also referred to the fact that Rachelle was moving on with her life (she had met another man) as a factor in Ramazan's ruminations.

However, Justice Curtain said that even though Ramazan had been violent to Rachelle during their relationship, ‘She was fundamentally well disposed towards you. She was cooperating with you and had recently permitted you to have overnight access to Yazmina, and it appears she was prepared to encourage your relationship with her.’<sup>53</sup>

There are three key intertwined themes evident in Ramazan Acar’s case which are considered below:

- intimate partner violence
- anger towards intimate partner and desire for revenge in relation to separation
- using the child/ren to hurt their mother.

#### *Intimate partner violence*

A history of violence towards the intimate partner was documented in Ramazan Acar’s case.<sup>54</sup> When Ramazan and Rachelle separated in September 2010, Rachelle obtained an intervention order on the basis that Ramazan had ‘made threats towards her and giving evidence of previous harassment and fears for her safety and that of her daughter’.<sup>55</sup>

Justice Curtain, in sentencing Ramazan Acar, stated that the relationship between him and Rachelle was marked by his ‘jealousy, possessiveness, violence and drug use’.<sup>56</sup> She outlined two incidents in which Ramazan was convicted in relation to assaulting Rachelle. The first incident occurred in 2006, when he stabbed himself and threatened Rachelle by holding a knife to her throat. Ramazan was convicted of unlawful assault, threat to kill, threatening serious injury and criminal damage in relation to that incident.<sup>57</sup> In 2009, Ramazan was convicted of recklessly causing injury for an incident in which he hit Rachelle.<sup>58</sup> In 2009, Ramazan participated in a program directed at male family violence.

#### *Anger about separation*

Ramazan Acar’s anger towards his ex-partner in relation to their separation is evident in his phone calls and texts to her on the day he killed Yazmina. While in custody, Ramazan told a psychiatrist, Dr Danny Sullivan, that he remembered a feeling of rage when he went towards Yazmina with the knife. Dr Sullivan referred to witness statements which described Ramazan as

<sup>53</sup> *R v Acar* [2011] VSC 310 (para 61)

<sup>54</sup> These incidents were outlined in Ramazan Acar’s sentencing because they are prior convictions the Judge takes into account when sentencing.

<sup>55</sup> *R v Acar* [2011] VSC 310 (para 2).

<sup>56</sup> *R v Acar* [2011] VSC 310 (para 2).

<sup>57</sup> He was sentenced to three months wholly suspended for two years.

<sup>58</sup> For this offence he was sentenced to two months wholly suspended for 12 months.

domineering, aggressive and entitled' in his relationship with Rachele.<sup>59</sup> At the sentencing hearing, the prosecution described Ramazan as an angry man, consumed with hatred for his former partner and that this hatred had overtaken any thought of the welfare of the child.<sup>60</sup>

*Using the child/ren to hurt the mother*

It is apparent that Ramazan Acar intended to hurt his ex-partner by killing their child. In sentencing Ramazan Acar, Justice Curtain said 'You committed this murder for the worst possible motives: revenge and spite. You killed your daughter to get back at her mother. You used your daughter, an innocent victim, as the instrument of your overarching desire to inflict pain on your former partner'.<sup>61</sup>

One or more of these three factors – intimate partner violence, anger regarding separation and killing the child/ren to hurt the mother – are evident in each of the following cases in this chapter.

## **INTIMATE PARTNER VIOLENCE IN FILICIDE**

As outlined in Chapter 3, research indicates that violence against an intimate partner is a factor in many filicides. However, few studies have explored the impact and role that prior partner violence plays in filicides. This may be because homicide research generally focuses on the nature of the relationship between the perpetrator and the victim who is killed. It is also the case that filicide studies are often quantitative and rely on information from official records that may be of limited value in relation to the history of intimate partner violence.

Carolyn Johnson's qualitative research provides valuable insights into the issue of intimate partner violence and the limitations of existing research. Johnson's (2005) study of fathers who killed their children in the context of separation in Western Australia (outlined in Chapter 3) involved speaking to family survivors of the filicides. Johnson found that a history of violence was a significant factor in all the cases for which she was able to ascertain information about the couple's relationship before the filicide (2005). In six of the seven cases there was evidence of prior violence against the children's mother. Most of the women were subject to death threats from their partner and one woman was shot but survived. The relationships were characterised by male dominance and control, and all the men were described

---

<sup>59</sup> *R v Acar* [2011] VSC 310 (para 49).

<sup>60</sup> *R v Acar* [2011] VSC 310 (para 58).

<sup>61</sup> *R v Acar* [2011] VSC 310 (para 61).

as being possessive with their partners and their children (Johnson 2005). Johnson found that the men demonstrated obsessive and irrational jealousy and controlling behaviour, and engineered social isolation for their partners. The men exhibited a proprietary attitude towards their partners and their children, one stating to his partner, 'you're always mine, I'll own you forever' (Johnson 2005:92).

### **Escalation in violence after separation**

Johnson found that, where known, it was the wife who instigated the separation and her partner did not want to accept it (Johnson 2005). The men in her study would not tolerate their partner's leaving, even though in several cases they had reportedly been involved with other women before the separation. The women experienced violence following attempts to leave, often in the presence of the children. Most of the women said the violence worsened after separation and in some cases took new forms. For instance, one woman who had previously experienced primarily economic, social and verbal abuse, was tied up, gagged and beaten when she said she was going to leave. Her husband then left the house for several hours, leaving her tied up with their young child clinging to her in fear. Many of the men made threats to kill their partners and the children if they left the relationship. One woman stated, 'he made it clear that he wouldn't let another man have his kids' (Johnson 2005:67).

### **Underestimating intimate partner violence in filicide**

Johnson's research demonstrates the inadequacy of official records as a source of information about prior violence. She found there was insufficient documented information about previous threats to harm and of actual violence towards the partner in the filicide cases she examined. Violence was generally under-recognised by agencies involved with the case, even when there were clear signs it existed (Johnson 2005).

Johnson also found violence was frequently not identified by the victims themselves and was thus under-reported (Johnson 2005). For instance, some women whose children were killed by their ex-partners did not see his making threats, stalking and breaking into their home as forms of violence. It was not until Johnson undertook in-depth analysis of these cases that the true extent to which violence was a factor in the relationship was revealed.

Information about prior violence against the mother in filicide cases is also frequently absent in media depictions. Neale and Worrell (2010) analysed the media coverage of a familicide in Britain in which a police officer beat his wife and two children to death with a hammer before killing himself. There had been a history of extreme violence which was documented in police and social service records. However, the violence was depicted in

the media in a neutral way that shifted responsibility away from the perpetrator and the agencies that failed to protect the victims (Neale & Worrell 2010). The violence was rendered invisible and an impression created that the situation was one of 'mutual combat'. This was despite the fact that the wife had never been violent towards her husband. The 'conflicts', 'tensions' and 'difficulties' in the relationship, described in the media, were not acknowledged as being the direct result of the husband's violence (Neale & Worrell 2010).

In describing the case, police were reported to have said, 'there were core tensions and her leaving was probably at a relatively advanced stage. He may have thought he would lose his kids. I guess the factors combined to produce this horrendous case' (*Guardian* 31 August 2001 cited in Neale & Worrell 2010). The victim is inadvertently blamed, as her leaving is seen to be a trigger for violence. This interpretation ignores the alternative explanation, that the man's violence was driving his family away (Neale & Worrell 2010). In this case, the victim was also judged for staying in the relationship, as one media commentator noted, she 'not only stayed with her husband but had three more children with him after the initial violent episode' (*Guardian* 1 September 2010 cited in Neale & Worrell 2010).

It is therefore important to be mindful that the primary sources of information about filicide – police and court records and media reporting – may obscure the significance of a history of violence against the mother. It is highly likely that the extent of such violence in many filicides, including some of those outlined here, is not known.

The following cases highlight the role of violence towards intimate partners in the parents' separation and the events preceding the filicide.

## RAJESH OSBORNE

In April 2010 in Roxburgh Park, Victoria, Rajesh Osborne (37 years) shot his three children, Asia (12 years), Jarius (ten years), and Grace (seven years). He then shot himself. The children were killed in the home they shared with their father and grandmother. The children's father had separated from their mother several years earlier. On the morning of the incident, Rajesh Osborne sent his mother, his current girlfriend (of approximately six months) and her daughter out of the house to go shopping. When they returned they found the children and their father dead.

Rajesh Osborne was depicted in the media as a good man and a good father. For instance, his sister described him as a 'good man' who 'loved his kids' (Dowsley and Harris 2010). Another sister said 'When they [Rajesh and the children's mother] separated, he said he needed his kids. I really can't understand how he could do this' (Dowsley and Harris 2010). It was also reported that Rajesh had 'battled depression, and felt his children could not survive without him'. He had apparently told close friends he would kill his three children and himself, but was not believed (Dowsley and Harris 2010).

A week after the initial media reporting of the case, it emerged that Rajesh Osborne was interviewed by police three days before killing the children and himself. He was charged with a family-related offence and was due to face court in July (Houlihan 2010). It appears that the court matter was related to the breaching of an intervention order that his second wife had against him (this was his previous partner, not the girlfriend he was living with at the time and not the mother of the children) (*Native Affairs*, Maori Television 2010).

It also emerged that his first wife, 'Kaya', the mother of the children, had experienced extensive physical and sexual violence from Rajesh Osborne during their marriage (Houlihan 2010).<sup>62</sup> Kaya married Rajesh in New Zealand when she was 17. In 2004, the couple moved to Melbourne, where his family lived, to start a new life with their three children. In a television interview with a New Zealand current affairs program, *Native Affairs* (2010), Kaya said:

*As soon as we arrived in Melbourne things started changing from bad to worse and he started threatening me, knowing the fact that I couldn't get hold of anyone. There was no one that could come and support me if he did something and that really scared me. It really scared me ... to argue with him everyday, to be beaten up by him, to be sexually abused by him and it just was happening so much that at that point there was no way out for me.*

<sup>62</sup> A pseudonym has been used because the law in Victoria prohibits the identification of sexual assault victims.

## 'Just Say Goodbye'

According to Kaya, she regularly called the police to the house when Rajesh hit her. Kaya's mother encouraged her to leave and take the children back to New Zealand. Kaya said she 'couldn't do that 'cause he would follow me. He threatened me so many times, if you ever take the children anywhere I will find you and I will kill you' (*Native Affairs* 2010). She said that she believed that leaving was the only choice and that it would be better for the children if she left.

*I was sick of seeing my children grow up in a violent relationship ... I didn't want that to happen to them. I didn't want them to be psychologically damaged because I was ... I had such high dreams for them and I knew in myself that they would get there. But I seriously believed that they would not get there if I still lived with them and they were growing up like the way they were growing up – witnessing everything* (*Native Affairs* 2010).

Kaya also told the *Sunday Herald Sun* that 'He [Rajesh] was very violent. Every time we argued and fought my eldest daughter, Asia, would group the other two siblings together and she would hide in the room and cry' (Houlihan 2010).

Kaya said she fled the relationship and lived in a homeless women's shelter before establishing a new life. She said Rajesh Osborne took steps to stop her getting her children back. He did not allow her to have any contact with the children after they separated.

*'They weren't even allowed to say my name out loud,' she said. 'I would drive to their school and I would just watch them walking home and as soon as their father would find out he would change schools and residence'. She said she carried on with life by 'putting a rock in my heart'* (Houlihan 2010).

Kaya watched her children grow from a distance, secretly communicating with her ex-husband's sister about their progress. 'Whenever there was a birthday or something she would ring me and the children would be in the background. I would just hear their voices,' she said (Houlihan 2010).

*Native Affairs* reported that Rajesh Osborne left a suicide note to his second wife in which he blamed her for his situation and told her that she was the reason for killing the children. They said there was a suggestion that she was going to 'out' him publicly as a violent and abusive man.

When the children's mother, Kaya, was asked why she thought Rajesh killed his children, she said she believed it was connected to his violence towards her:

*He was a very selfish person. He believed that if he doesn't have the children, I shouldn't have them ... and I think things got really harder for him because part of his history with me was coming out slowly. Things he'd done in the past with me. No matter in which relationship and however many relationships he went into, he repeated the same scenario again and everyone ended up leaving him one by one (Native Affairs 2010).*

In this case, Rajesh Osborne had been violent towards the mother of his children for many years, which resulted in their separation. He was also violent to a subsequent partner. His violent behaviour appears to have played a role in his decision to kill his children and suicide.

## **INADEQUACY OF LEGAL RESPONSES TO VIOLENCE AGAINST WOMEN**

In the following case, intimate partner violence was also a key factor leading to the separation of the parents. As in the Ramazan Acar case, the mother had a family violence protection order against the father at the time he killed their children. The cases of Gary Bell and Phithak Kongsom, who also had family violence protection orders against them, are also briefly outlined in this section. These cases further highlight the inadequacy of legal responses to intimate partner violence, and a failure to recognise the risks to children in this context.

### **JAYSON DALTON**

On 25 April 2004, in Brisbane, Queensland, Jayson Dalton (32 years) drugged and suffocated his two children, Jessie (20 months) and Patrick (12 weeks), and then killed himself. Jayson and his wife 'Sonia' ran a business together.<sup>63,64</sup> Their relationship deteriorated because of Jayson's violence towards Sonia and their business began to fail. Sonia left Jayson and he entered a 12-week counselling program for separated men. Two days after losing a bid for a shared care arrangement for his children, Jayson Dalton killed the children and himself.

An ABC *Four Corners*<sup>65</sup> program interviewed Sonia and other family members. The program revealed Jayson Dalton's controlling and violent behaviour towards his wife, which began as soon as they were married. He isolated her from friends and family and restricted her activities. It began with verbal abuse and when their first child was six months old, Jayson started hitting Sonia.

<sup>63</sup> A pseudonym has been used – see footnote 62.

<sup>64</sup> Jayson Dalton ran as a One Nation candidate for the federal seat of Kennedy in Queensland in 1998, pushing for changes to the Child Support Agency (CSA) and campaigning on family law reforms (Cameron & Ross 2008).

<sup>65</sup> *Four Corners*, ABC TV, 16 August 2004. The following information and quotations are from this source.

## 'Just Say Goodbye'

*Sonia: The first time he did it to me I was just absolutely terrified. I said, 'Why did you hit me? What did I do to deserve that?' He said, 'You didn't do as you were told. If you had done as you were told, it wouldn't have happened.' I said to him, 'But I didn't do anything wrong. I just did what I was supposed to.' He said, 'You didn't do it the way I wanted it done.'*

The violence escalated and included sexual assault against Sonia. When Jayson Dalton threw a microwave at Sonia and Jessie, she reported the incident to police, who came and took him away. The police obtained a domestic violence order to protect Sonia. One month later, just before Christmas, Jayson punched a hole in the door of their house and threw a broom at Sonia. He took off with Jessie.

*Sonia: I was just out of my head with worry about where he'd taken her and what had happened. A police inspector came and he pulled me aside and said, 'Look, this is escalating, this violence, and you've really got to do something.'*

Sometime later, after Jayson had returned, Sonia packed her things and left with the children. On the one-and-a-half hour drive to her mother's, Jayson rang Sonia's mobile phone 76 times. He followed her and assaulted Sonia's mother at her house. The police later arrested him for breaching the domestic violence order for the second time and he was held in custody overnight. The police warned Sonia that he would be furious and seek revenge when he was released from custody and that she should go somewhere safe. At this point, Sonia's mental state deteriorated and she became manic and delusional. She was admitted to the Acute Mental Health Unit at Toowoomba Hospital, with what was described as postnatal psychosis.

While Sonia was in hospital her family cared for the children. However, Jayson went to the Family Court to obtain residence of the children. The court case lasted 14 minutes. Sonia was absent because she was in hospital. There was only one brief reference to the violence against Sonia, when her solicitor informed the judge, 'there are domestic violence issues'. The judge took the view that while Sonia was unwell, 'the next most logical person to care for the children ... is the children's father' (*Four Corners* 2004).

Several weeks later, the matter went before the Family Court again. Jayson unsuccessfully applied for shared care of the children. Sonia was given primary residence of the children and Jayson was given two weekends per month with the children. However, Sonia never saw her children again because he killed them before returning them to her.

*Sonia: I just couldn't believe that he'd actually done that to me, and taken the kids. He knew that the only thing I cared about were my children. My beautiful children ... were just gone out of my life in that one single moment, that one simple, selfish act.*

The history of violence against Sonia was well documented. There had been a domestic violence order which had been breached twice by Jayson Dalton and he had been held in custody for his violence. There were clearly warning signs that Sonia was at risk of serious harm. Unfortunately, this risk was not adequately addressed in the Family Court proceedings.

There also appears to be a lack of awareness of the risk posed to the children in this context. The Chief Justice of the Family Court, Diana Bryant, said, in relation to this case, 'there was nothing to indicate this would happen' (cited in McInnes 2008). However, it is now well recognised that violence against mothers impacts on their children. Children witness 65 per cent of family violence incidents recorded by police in Victoria (Diemer 2009). Research suggests that children who witness violence experience the same level of negative psychosocial outcomes as children who directly experience physical abuse (Kitzmann et al. 2003). Furthermore, Jayson Dalton's violence and abusive behaviour towards his wife had involved the children, as when he threw the microwave at Sonia when she was with Jessie and when, after another violent incident, he took Jessie and disappeared.

There also appears to have been a lack of recognition during the Family Court proceedings of the impact the violence had on Sonia's mental health. Bagshaw et al. (2010) found that most women who experience family violence before separation lived in an ongoing state of fear after separation and this contributed to some becoming mentally ill. However, family law service providers often fail to make the links between family violence and mental illness and mental illness can be used against mothers when parenting decisions are made (Bagshaw et al. 2010).

As stated earlier, Jayson Dalton's case highlights the inadequacy of protection orders for protecting the children of victims. This is further demonstrated in the following two cases.

## GARY BELL

In June 2008, in Bega, NSW, Gary Bell<sup>66</sup> (44 years), killed his three children Bon (18 months), Maddie (five years) and Jack (seven years), by drugging them, then placing them into a car and filling it with exhaust fumes (causing carbon monoxide poisoning). He also died in the car.

Gary and Karen had been married for 14 years. Gary was seen publicly as a family man, adoring his children, but privately drank heavily, was very jealous and violent to his wife (Narushima et al. 2008). Gary had a history of violence against his wife and there had been three apprehended violence orders (AVOs) against him, including one in place at the time he killed the children. Karen had left the relationship many times. She said she went back because 'he always kept the kids'.<sup>67</sup>

Gary had been charged by police for violence against Karen and was released a few days before killing the children and himself. After another incident of violence, Karen fled the house. In an interview with *Sixty Minutes*, a friend and neighbour, Tracey, said she went to the property and found the bodies of the children and their father. She said that Karen had rung police and asked them to go and check on the children but they wouldn't. She said she also rang the police, who told her they did not want to go and upset Gary.<sup>68</sup>

## PHITHAK KONGSOM

In September 2003 in Western Sydney, NSW, Marilyn (four years) and Sebastian (23 months) and the children's grandfather, Peter, were stabbed to death by their father, Phithak Kongsom, who died from stab wounds he inflicted on himself at the scene, after also being shot by police.

'Paula' met Phithak while travelling in Thailand.<sup>69</sup> They settled in Australia and had two children. They separated in June 2003, after a five-year relationship, because of Phithak's increasingly aggressive behaviour. His violence was the last straw (Poulson 2008). Following the separation, he made threats to harm Paula. Phithak had access visits with the children and one night when Paula went to collect the children he put a knife to his own throat. She managed to wrestle the knife from him. Paula rang 000 to say she feared he would kill himself in front of their daughter and that he had threatened to kill Paula too (Cameron & Ross 2008).

<sup>66</sup> His name was actually Gary Poxon. He reportedly changed his name to avoid responsibility for another family with several children that he left before marrying his current wife (Narushima et al. 2008).

<sup>67</sup> *Sixty Minutes* 2008.

<sup>68</sup> *Sixty Minutes* 2008

<sup>69</sup> A pseudonym has been used – see footnote 62.

Three weeks before the filicide, Paula applied for an apprehended violence order (AVO) which Phithak immediately breached by leaving messages on her phone and a handwritten note on the windscreen of her car, warning her he intended to kill both her and himself. The breach was reported by her father but no action was taken by police at that time (Brown & Tyson 2008).

On the night before the killings, Phithak Kongsom broke into Paula's home, tied her to her bed and sexually assaulted her (Poulson 2008). When she was with police reporting the assault, Phithak Kongsom went to the home where the children were being looked after by their grandfather, and killed both the children and their grandfather who tried to protect them (Poulson 2008, Cameron & Ross 2008).

Paula had reported her fears to police on three occasions in the six weeks before the filicide. The coroner found there were a number of shortcomings in the way the police handled the domestic 'incidents' and that the public would have expected police to arrest Phithak Kongsom after the rape (Cameron and Ross 2008).

In the cases of Ramazan Acar, Jayson Dalton, Gary Bell and Phithak Kongsom outlined earlier, the violence against the mother had been reported to police. Steps were taken to protect the mother directly from harm: protection orders were put in place, although the perpetrators continued their violence in breach of the orders. In each of those cases, the children were killed while the order was in place.

### **Risks to children not recognised**

It is evident that legal remedies are available that aim to protect women from harm; however, there appears to be a lack of awareness of the threat of harm posed to children in the context of the violence against their mother. These cases demonstrate that the risk of harm to the mother can extend to a risk of harm to the children.

In the cases of Ramazan Acar, Rajesh Osborne, Jayson Dalton and Gary Bell, there was a history of violence by the father towards the mother. This violence led to the separation. In Rajesh Osborne's case, this pattern of violent behaviour was repeated in a subsequent relationship. Prior to attending court in relation to a family violence matter, he killed his children and himself. In the Phithak Kongsom case, violence also led to the separation and escalated after separation. He threatened to kill himself and his ex-partner and sexually assaulted her. Threats to kill an intimate partner and threats to suicide have been identified as risk factors for intimate partner homicide (Department of Victorian Communities 2007). Phithak Kongsom's case, like the case of Ramazan Acar, indicates that these may also be risk factors for filicides that occur in the context of separation.

In the following three cases, there was no indication of direct physical violence against the mother prior to the filicide, although in one case (Arthur Freeman) there was evidence of controlling behaviour and in another (Dean Williamson) there was indication of possessive and jealous behaviour towards the ex-partner. In each of the cases there is evidence that the father's anger towards the mother in relation to their separation was a central factor in the filicide.

## ANGER AND REVENGE AFTER SEPARATION

Research suggests that many men who have separated from their partners feel anger towards them, that this anger can last for years and that the blaming of ex-partners intensifies over time (Flood 2010). The following case was extensively reported in the media during the period of writing this discussion paper. The evidence at the trial indicated the father was extremely angry with his ex-partner about their separation and that he killed the children to punish her. This case highlights the role of anger towards an ex-partner as a motive for killing children.

### ROBERT FARQUHARSON

On 4 September 2005, near Winchelsea, Victoria, Jai (ten years), Tyler (seven years) and Bailey (two years) drowned after the car their father, Robert Farquharson (36 years), was driving went into a dam. Robert Farquharson freed himself from the car. The boys were trapped inside, and the car sank seven metres to the bottom of the dam. Robert Farquharson was separated from the children's mother. He had spent the day, Fathers' Day, with the children and was travelling on the highway towards their mother's home where he was due to return. After the incident, Robert told police he did not recall driving into the dam. He said he recalled coughing and then found himself under water.<sup>70</sup> In 2007 Robert Farquharson was convicted of murder and sentenced to life imprisonment.<sup>71</sup>

At Robert Farquharson's trials, his defence counsel argued that he had blacked out as a result of a medical condition known as cough syncope.<sup>72</sup> The prosecution argued that the incident was not an accident but the result of a conscious, voluntary and deliberate act to punish the children's mother, Cindy, for the marital break-up. They submitted that he was 'determined to punish her by

<sup>70</sup> *R v Farquharson* [2010] VSC 462 (para 28), *R v Farquharson* [2009] VSCA 307 (para 9).

<sup>71</sup> Robert Farquharson appealed his conviction and sentence and was again found guilty at a retrial in 2010. He was sentenced to a minimum of 33 years in prison. In September 2011 he was granted an appeal of his convictions on the basis that the jury at his trial should have been given the option of convicting him of the lesser crime of manslaughter by criminal negligence (ABC News 2011a). At the time of writing a date had not yet been set for the appeal.

<sup>72</sup> Cough syncope is a condition in which a person coughs to the extent that they lose consciousness.

making her suffer a loss she would always remember with the date of Fathers' Day chosen for this purpose'.<sup>73</sup>

The prosecution's case against Robert Farquharson included the unlikelihood of his blacking out from coughing, the engineering and reconstruction evidence relating to the movement of the car, which was inconsistent with him blacking out, and statements made by Robert to his friend Greg King.<sup>74</sup>

Robert and Cindy started a relationship in 1993 and were married in August 2000. The relationship came to an end late in 2004 when Cindy said she did not want the marriage to continue and asked Robert to leave the family home. Later, Robert was told that Cindy had begun a new relationship with another man.<sup>75</sup>

Robert Farquharson found it difficult to cope with the family breakdown.<sup>76</sup> He was angry and had depression.<sup>77</sup> He was taking anti-depressants at the time of the incident.<sup>78</sup> Several witnesses gave evidence about Robert's resentment towards his ex-wife over their separation and her new relationship. According to media reports, Susan Hatty gave evidence that Robert told her he was going to take the children from their mother. He just shrugged his shoulders when she asked if he was going to go for custody (Petrie 2010). It was also reported that Cindy said Robert was upset over the level of child maintenance he had to pay (Kissane 2010).

Greg King, a long-term friend of Robert Farquharson, gave evidence at the trials about a conversation he had with Robert at the Winchelsea fish and chip shop. According to his evidence, as outlined in the Court of Appeal decision (2010), Robert Farquharson told Greg King the following:

*'Nobody does that to me and gets away with it, its all her fault'. I said, 'What is'? He said, 'Take that Sports Pack car, I paid \$30,000 for, she wanted it and they are fucking driving it. Look what I'm driving, the fucking shit one'. Now it looks like she wants to marry that fucking dickhead. There is no way I am going to let him and her and the kids fucking live in my house together and I have to pay for it. I also pay fucking maintenance for the kids, no way'. Then he said, 'I'm going to pay her back big time'. I asked him how, he then said, 'I'll take away the most important thing that means to her'. Then I asked him, 'What's that, Robbie?' He then nodded his head towards the fish and chip shop window where the kids were standing with Cindy and my kids. I then said, 'What, the kids?' He said, 'Yes'. I asked him 'What would you do, would you take them away or something?' He then just stared at me in my eyes and said,*

<sup>73</sup> *R v Farquharson* [2009] VSCA 307 (para 15).

<sup>74</sup> Petrie (2010); *R v Farquharson* [2009] VSCA 307 (para 16).

<sup>75</sup> *R v Farquharson* [2009] VSCA 307 (para 10).

<sup>76</sup> *R v Farquharson* [2010] VSCA 462.

<sup>77</sup> *R v Farquharson* [2009] VSCA 307 (para 47).

<sup>78</sup> *DPP v Farquharson* (Ruling No 1) [2010] VSC 163 (para 22).

## 'Just Say Goodbye'

*'Kill them'. I said, 'Bullshit, that's your own flesh and blood, Robbie'. He said, 'So I hate them'. I said, 'You would go to gaol'. He said, 'No, I won't, I will kill myself before it gets to that'. Then I asked him how, he said 'It would be close by'. I said, 'What'? He said, 'Accident involving a dam where I survive and the kids don't'. He then said it would be on a special day. I asked him what day, he said, 'Something like Fathers' Day so everybody would remember it when it was father's day and I was the last one to have them for the last time, not her. Then every Fathers' Day she would suffer for the rest of her life'.<sup>79</sup>*

Robert Farquharson had been separated from his wife for almost a year and killed his children on an access visit (Tyson 2009). There was no evidence of previous violence towards the children. In sentencing Robert at his first trial, Justice Cummins said 'You had love for your children; but it was displaced by vindictiveness towards your estranged wife, which led you to these crimes ... you contemplated it over months ... on the road back to Winchelsea on Father's Day you finally decided to fulfil your contemplation.'<sup>80</sup> There was no mention of violence towards the mother prior to separation, but there is evidence of jealousy, resentment, anger and hatred towards her after separation.

The following case, also extensively covered in the media during the writing of this discussion paper, is strikingly similar. In this case, the father was also angry with his ex-partner about their separation. He was found at trial to have killed his child to punish his ex-partner.

### ARTHUR FREEMAN

On 29 January 2009 in Melbourne, Victoria, Arthur Freeman (36 years) stopped his car on the West Gate Bridge, Melbourne and threw his four-year old daughter Darcey from the bridge. She died later in hospital. That day Arthur Freeman, who lived in Hawthorn, was driving his three children, aged seven, four and two, to school from his parents' place in Aireys Inlet. It was to be Darcey's first day of school. He asked Darcey to climb into the front seat of the car.<sup>81</sup> He pulled her from the car and led her over to the edge of the bridge and threw her over. He then returned to his car.

Shortly before the incident Arthur Freeman spoke to his ex-wife, Peta, on the phone and said 'just say goodbye ... you will never see them again' (Anderson 2011a). After the incident he drove with the two remaining boys to the Commonwealth Law Courts building in the city. Over the previous two days, he had been at the courts to attend proceedings relating to the residence and access arrangements for his children. He broke down in a distressed state in the court foyer and was subsequently arrested in relation to Darcey's death. Arthur Freeman pleaded not guilty on the basis of mental impairment. In April 2011 he was found guilty and sentenced to life in prison.<sup>82</sup>

<sup>79</sup> *R v Farquharson* [2009] VSCA 307 (para 44).

<sup>80</sup> *DPP v Farquharson* [2007] VSC 469 (para 16).

<sup>81</sup> *R v Freeman* [2011] VSC 139 (para 8).

<sup>82</sup> Arthur Freeman was sentenced to a non-parole period of 32 years.

Peta instigated separation from Arthur in March 2007. Initially there was a shared care arrangement with both parents spending equal time with the children. The day before Darcey's death, the parents were at the Family Court conducting a case about access and residence of the children.<sup>83</sup> The case was concluded and orders were made with the consent of both parties. The arrangements were that Arthur would have three days with the children each second weekend and on the afternoon and early evening of the Thursday in the alternate week.

Arthur Freeman was unhappy about the process at the Family Court and believed that he had been unfairly treated by the court psychologist. The psychologist's report indicated that Arthur Freeman was self-centred<sup>84</sup> and that he 'tended to be irrational and contradictory and demonstrated ... passive/aggressive traits, and seemed to cause chaos around him' (Carlyon & Anderson 2011).

The children had been staying at Aireys Inlet with their paternal grandparents while the Family Court matter was being negotiated. The evening before Darcey's death, Arthur arrived at his parents' home around midnight. He was distressed about the outcome of the Family Court negotiations and expressed dissatisfaction with the psychologist's assessment in the matter but did not want to talk about the events of the day.<sup>85</sup> He was still distressed the following morning. His father offered to accompany him on the drive to Melbourne to take the children to school but Arthur Freeman declined the offer.

During the drive to Melbourne, Arthur had a long phone conversation with a friend in England. She gave evidence at the trial that he was upset and crying and that he said he had lost his children. He also said there are a lot of angry women at the Family Court and that he would continue the fight, through the Family Court, in relation to access to the children.<sup>86</sup>

Arthur Freeman told psychologists who assessed him after the incident that he could not remember what happened. He told one psychologist, Dr Walton, that he recalled being very worried that he was running late getting the children to school and that when he was travelling on the West Gate Freeway in the busy traffic he had a feeling of being trapped. Dr Walton said Arthur Freeman described thinking 'We're never going to make it' and 'it seemed like an enormous failure to him that he would not deliver the children on time'. Dr Walton described 'a rising sense of anxiety and hopelessness'.<sup>87</sup>

In a police statement, Peta said that she believed her ex-husband was vengeful enough to kill their children to get back at her over their separation. She

---

<sup>83</sup> *R v Freeman* [2011] VSC 139

<sup>84</sup> *R v Freeman* [2011] VSC 139 (para 3).

<sup>85</sup> *R v Freeman* [2011] VSC 139 (para 5).

<sup>86</sup> *R v Freeman* [2011] VSC 139 (para 6).

<sup>87</sup> *R v Freeman* [2011] VSC 139 (para 11).

described him as a man who 'went from anger and vengefulness to remorse and back again' (Anderson 2009a). At trial she said her ex-husband had mood swings and anger management issues during their relationship (Carlyon & Anderson 2011). Peta expressed her concerns to a doctor soon after she left her husband. 'I spoke to him about my fears of Arthur and what he could do to hurt the children' (Anderson 2009b). She told him she believed he would kill them.

In her police statement, Peta said there was an incident some time after she left the relationship in which she feared Arthur would harm their baby. She said he told her he wanted to see her to talk but he 'just wanted to berate me for all of the things that I had done wrong' (Anderson 2009b). She said that as she and her mother went to leave, Arthur grabbed the baby from her. 'I thought he was going to throw him against the fireplace and kill him' (Carlyon & Anderson 2011). The police were called. After the trial the *Herald Sun* reported that in November 2008 Freeman told a relative that his ex-wife would 'regret it' if he lost 'custody' (Carlyon & Anderson 2011).

Arthur Freeman's defence counsel claimed that he was mentally impaired at the time he killed his daughter. Witnesses described him to police as depressed, paranoid and obsessive in the months before the incident (Carlyon & Anderson 2011). Six psychiatrists assessed him after the incident (Carlyon & Anderson 2011). They agreed he was experiencing some form of depression in the lead up to the incident. However, there was a difference of opinion about the extent of his depression and its impact on his actions. One psychiatrist was of the opinion that he was mentally impaired at the time, to the extent that he did not know what he was doing was wrong. The remaining psychiatrists did not think he was mentally impaired to that extent.<sup>88</sup>

In sentencing Arthur Freeman, Justice Coghlan said, 'any motive which existed for the killing had nothing to do with the innocent victim. It can only be concluded that you used your daughter in an attempt to hurt your former wife as profoundly as possible'.<sup>89</sup>

Justice Coghlan also said, 'I accept that your offending was not premeditated, but related to your increasing anger towards your former wife over the Family Court proceedings, exacerbated by your being late for Darcey's first day at school ... I have no doubt that the resentment you bore your wife had been building up for some time'.<sup>90</sup>

In the case of both Arthur Freeman and Robert Farquharson, there is indication that the men expressed anger and an intention to punish their ex-partner. In the following case, the perpetrator directly expressed his anger and desire to punish his ex-partner in a suicide note.

---

<sup>88</sup> *R v Freeman* [2011] VSC 139 (para 43).

<sup>89</sup> *R v Freeman* [2011] VSC 139 (para 43).

<sup>90</sup> *R v Freeman* [2011] VSC 139 (para 50).

## DEAN WILLIAMSON

In July 1999, in a motel room in Sale, Victoria, Dean Williamson (30 years) smothered and killed his five-year-old son, Braddon, while he slept.<sup>91</sup> Later, he cut himself with razor blades. He rang an ambulance for himself the next day.

Braddon's mother, Lisa, met Dean Williamson ten years earlier, when she was 18 and he was 20. They began living together but he was jealous and controlling which resulted in her leaving several times. Braddon was born in 1993 and was eight months old when Lisa left the relationship for the final time. Dean Williamson had access to Braddon during this time and when Braddon was old enough he had overnight access. Through solicitors, orders by agreement were eventually made in 1994 that stipulated Lisa had custody of Braddon and Dean had access each alternate weekend from 5 pm Friday to 5 pm Sunday with some other days and parts of holidays. Dean had Braddon for a weekend access visit when he killed him. Dean Williamson was found guilty of murder and sentenced to life imprisonment.<sup>92</sup>

Dean Williamson resented his financial obligation for child support (\$50 per week) and fell into substantial arrears. He complained to friends that the financial burden was destroying his life. He developed a deep anger towards Braddon's mother for this. He used access visits to manipulate Lisa, told Braddon his mother was a 'bitch' and returned him in an upset state.<sup>93</sup>

Dean Williamson's sister told the court that he was 'consumed' with thoughts of Lisa and Braddon. Several months before he killed Braddon, Dean Williamson started telling friends and family that he wanted to kill Lisa. Then he changed his focus. He told a friend he had thought of a 'better way to fuck her life': to kill Braddon and himself.<sup>94</sup>

After killing Braddon, Dean Williamson wrote a note to Lisa, in which he stated:

*Well have I got news for you. You're **not** getting Braddon back, and you're not getting any more money from me! again. You are a fucking useless bitch ... And you are now going to suffer for the rest of your fucking useless life. I hope you rot in hell for the rest of your miserable rotten lonely life ... I've taken Braddon with me because all he wanted was to be with me...*<sup>95</sup>

The killing of the child in this case may be related to resentment stemming from conflict about access and child support. However, Dean Williamson did not attempt to use avenues that were available to him to obtain greater access with his son. He did not seek legal assistance with this, although he did seek legal assistance to attempt to reduce his child support payments.

<sup>91</sup> The following information is taken from the sentencing decision – *DPP v Williamson* [2000] VSC 115.

<sup>92</sup> He was given a minimum sentence of 24 years. He killed himself a year later in prison (Berry 2003).

<sup>93</sup> *DPP v Williamson* [2000] VSC 115 (para 6).

<sup>94</sup> *DPP v Williamson* [2000] VSC 115 (para 9).

<sup>95</sup> *DPP v Williamson* [2000] VSC 115 (para 13).

It appears that Dean Williamson's primary motive in killing his child was to punish the mother in relation to their separation. Justice Cummins, in sentencing Dean Williamson, said 'yours is not a case of a history of violent behaviour; rather it is a history of jealousy, then resentment, and then hate sinking in to the darkness of the intention you ultimately formed'.<sup>96</sup> He said 'the crime was committed with full deliberation and because of emotion. The emotion was hate.'<sup>97</sup>

## USING CHILDREN TO HURT PARTNERS

In Dean Williamson's case, as in the cases of Arthur Freeman and Robert Farquharson, above, the perpetrators each allegedly told someone of their intention to hurt the mother. Robert Farquharson and Dean Williamson allegedly told others of their specific intention to kill the children in order to achieve this aim. But the people they told did not appear to believe them.

Ramazan Acar, Dean Williamson and Robert Farquharson each expressed the idea that killing the children would be an optimal way to hurt their mother. Ramazan Acar told his ex-partner 'I killed her to get back at you ... Even if I go behind bars, I know you are suffering'. Dean Williamson said that killing his child and himself would be a 'better way to fuck her [his ex-partner's] life' than his previous idea of directly killing her. Similarly, Robert Farquharson's friend said that Robert told him he would pay his ex-wife back by taking what was most important to her and that he wanted her to 'suffer for the rest of her life'.

The notion that killing the child is a greater punishment than killing the mother herself, was also strikingly evident in a case that occurred in Western Australia in the mid 1990s. Norman O'Neill left a window ajar at his ex-partner's house when he collected the children for an access visit. That night, he broke into the house through the window and went into the bedroom where the mother was sleeping with her two children. He shot both the children in the chest with a pump-action shotgun. He then shot their mother in the leg and calmly said to her, 'now you can call the police'. He then shot himself. A police officer investigating the deaths said, 'He knew when he killed himself that she was still alive. He knew that she was going to live the rest of her life, not only maimed, but without her two children' (*Australian Story* 2004).

These cases provide support for the contention that the primary target in some filicides by fathers is the ex-partner and the children become 'pawns in the process' (Liem & Koenraad 2008:172). In some cases, such as Arthur Freeman

---

<sup>96</sup> *DPP v Williamson* [2000] VSC 115 (para 17).

<sup>97</sup> *DPP v Williamson* [2000] VSC 115 (para 23).

and Ramazan Acar, the perpetrators taunted their ex-partners by telling them they would never see their children again.

Researchers have identified that it is common for perpetrators of family violence to hurt children as a means to hurt their mother (Fish et al. 2009, Radford & Hester 2006, Humphreys 2007). Perpetrators often undermine or attack the mother–child relationship, involve children in violence and make threats to harm the children (ADVCH 2011).

It has also been found that children are more vulnerable to abuse after separation (Bagshaw et al. 2010) and that post-separation violence is often connected with child contact arrangements (Humphreys & Thiara 2002). Child contact is now being recognised in some jurisdictions as a potential risk factor in the homicides of mothers and/or children by previously violent fathers (Association of Chief Police Officers/Home Office 2006).

## DEPRESSION AND SUICIDE

In all the cases outlined in this chapter there was either indication of prior depression (Arthur Freeman, Robert Farquharson) and self-destructive behaviour (Ramazan Acar) or the perpetrator committed suicide (or attempted to) after killing the children (Jayson Dalton, Rajesh Osborne, Phithak Kongsom, Gary Bell and Dean Williamson).

Johnson (2005) found most perpetrators in her study who committed filicide-suicide were depressed, disturbed and erratic in the period leading up to the killing. This raises questions about the role of depression and mental illness in the actions of filicide perpetrators.

The extent and role of mental illness in filicides is difficult to determine, particularly when the perpetrators suicide and are therefore not able to undergo a psychiatric assessment. It can also be difficult to assess retrospectively the perpetrator's mental health at the time of the incident. After the incident, their mental state may reflect their reaction to what they have done. For instance, at Arthur Freeman's trial there were lengthy debates about his mental state at the time of the filicide. In sentencing Arthur Freeman, Justice Coghlan said that he believed his behaviour after the incident was a result of 'realising the enormity and awfulness' of what he had done.<sup>98</sup>

As discussed in Chapter 3, while mental illness is likely to be a factor in many filicides, there is a need for a better understanding of the social and contextual factors that contribute to perpetrators' depression and psychological distress. In many of the cases outlined in this chapter the perpetrators' mental states at

---

<sup>98</sup> *R v Freeman* [2011] VSC 139 (para 19).

the time they killed their children were affected by their perceptions of and their attitudes towards their partners and families, and their responses to separation. Their emotional states appear to be intertwined with, and fuelled by, gendered attitudes towards women, ideas about masculinity and men's roles in families, and a sense of their entitlement to have control over women and children in families.

## **FAMILY LAW DISPUTES**

Fathers' rights groups claim that men are driven to the extreme of killing their children and themselves because the family law system discriminates against men and denies them access to their children (Flood 2010). This theme is evident in some of the cases outlined above. Jayson Dalton's cousin described a number of men attending the funeral saying 'this all goes back to the father not having equal rights as far as the custody of the children is concerned'.<sup>99</sup>

In response to the death of Darcey Freeman, a spokesperson for the Lone Fathers Association, Barry Williams, said 'It's a terrible thing what happened to that poor child ... but the system is to take blame for some of this' (Anderson 2011b). He said 'men are treated unfairly by the legal system when it comes to Family Court disputes. Their frustration and despair at not being able to see their children usually drives fathers to harm themselves, but some men, like Arthur Freeman, are driven to harm their children' (Anderson 2011b). These sentiments dominated the media, in particular talkback programs, the day after Arthur Freeman was sentenced.

Other commentators pointed to the potential of this discourse to provide justification for such violence, thus possibly placing other children at risk of future harm. Danny Blay, manager of No To Violence and the Men's Referral Service, in a letter to the *Age* said:

*Men don't kill their children out of a sense of frustration. It is another form of power being used where and how it hurts the most, based on a misguided sense of entitlement and rights. Telling men that the system is against them and that they are victims of a conspiracy ... provides no room for men to reflect on their previous behaviour and importantly, on what they can do to be the best man – and best father – they can be by ensuring the safety and wellbeing of their partners, their children and themselves (The Age, Letters, 1 April 2011).*

---

99 Four Corners 2004.

The perception that men's 'victimisation' in family law negotiations results in homicide was also evident in a familicide that occurred in Queensland during the writing of the conclusion to this discussion paper. Paul Rodgers killed his ex-partner, a family friend, his five-year-old daughter and himself. A police Acting Superintendent told ABC Radio 'Information we have received in interviewing a number of witnesses is that Mr Rogers understandably was upset and concerned about not having access to his children'.<sup>100</sup>

Johnson's research (2005, 2006), outlined earlier, examined cases of filicide-suicide in Western Australia where there had been a dispute about custody or access to children before the filicide. She found the killings were related more to separation than to a custody or access dispute. She argues that 'a dispute about custody and access could possibly be another manifestation of the perpetrator's inability to accept separation from their partner or to relinquish control of his partner and/or children' (Johnson 2006:457). Other research has shown that perpetrators of domestic violence can continue to exercise control over their ex-partners and children through ongoing litigation over parenting (Jaffe et al 2003).

Johnson identifies a number of misconceptions about fathers who kill children after separation which she found were disproved by her research. The misconceptions outlined by Johnson (2005) are that the following factors contribute to men's actions in killing their children.

#### *Disputes in the Family Court*

Johnson (2005) found that only one of the seven cases in her study involved a current dispute in the Family Court. Of the cases outlined in this discussion paper, although several appeared to involve conflict or resentment over access to children, only the cases of Jayson Dalton and Arthur Freeman occurred in the context of current Family Court negotiations.

#### *Women exaggerating violence in the Family Court*

Rather than being exaggerated, Johnson found that family violence was under-reported to the courts and the police by female victims (2005). This is also evident in Jayson Dalton's case, outlined earlier.

#### *Being denied contact with children*

In Johnson's study, the men who killed their children did in fact have contact with them. Six of the seven fathers in her study had contact with their children and killed them during contact. In the remaining case, the father refused to have access visits with his children despite being encouraged and supported

---

<sup>100</sup> ABC News (2011b).

to do so by his ex-wife (Johnson 2005). Similarly, in the cases outlined here, with the exception of one case (Phithak Kongsom), the perpetrator killed the children during contact (Ramazan Acar, Dean Williamson, Arthur Freeman, Robert Farquharson) or while they had the children residing with them (Rajesh Osborne and Jayson Dalton).<sup>101</sup>

Two recent British studies shed further light on this issue. The Women's Aid Federation of England examined the deaths of 29 children from 13 families in England and Wales between 1994 and 2004. These children were killed by their fathers during post-separation contact arrangements. In five of these cases the contact was ordered by the court (Saunders 2004). Domestic violence against the mother was involved in 11 out of the 13 families. In one of the two remaining cases the ex-partner had been obsessively controlling (a characteristic feature of intimate partner violence) and in the other case there were concerns about the child's safety.<sup>102</sup>

The *Dispatches* child homicide study, outlined in Chapter 3, found that 43 of the 163 children killed by parents in England between 2004 and 2009 were killed soon after their parents separated or the decision was made to separate. In two-thirds of these cases there was a prior history of domestic violence. Twenty of the children were killed on access visits following separation (Ferguson 2009).

These studies, and the cases outlined in this chapter, support Johnson's findings and indicate that despite the existence of violence against the children's mother in many cases, fathers who killed their children were having contact with them.

Some fathers expressed dissatisfaction with the level of contact they had. However, few of the fathers in the cases outlined in this chapter were pursuing legal avenues to increase contact. They express anger with their ex-partners over separation and the breakdown of the family, despite the fact that in many cases their violence and controlling behaviour contributed to the separation.

#### *An act of love*

Johnson (2005) disputes the perception that the men killed their children as an act of love. While some of the men in her study reportedly demonstrated love for their children and were involved in their care, she found that in most cases they had shown little interest in child-rearing or the day-to-day care of the children before separation (Johnson 2005). In the cases described in this chapter, the fathers' main expressed emotion is anger and resentment towards their partners for leaving them rather than concerns about the welfare of their children.

---

<sup>101</sup> In Jayson Dalton's case, the children had been temporarily residing with him and were killed when the court granted residence to their mother.

<sup>102</sup> Mental illness (including depression and suicide threats or attempts) was mentioned in regard to nine of the 13 fathers who killed their children (Saunders 2004).

## ENTITLEMENT AND CONTROL

There are many elements of the filicide cases in this chapter that are consistent with family violence towards intimate partners. The physical violence, threats to kill, threats to suicide, sexual assault and controlling behaviour evident in these cases, are forms of family violence recognised under the *Family Violence Protection Act (2008)* and outlined in Chapter 1.

While physical forms of violence are evident in many cases, it may be that controlling behaviour is a particularly important feature of separation filicides. The *Dispatches* study, outlined above, found that over-controlling behaviour towards the mother and children was more likely to be a key feature in filicides that occur in the context of custody disputes (Ferguson 2009). The research suggests that loss of control over the family after separation may be as significant as the motivation of revenge (Harne 2011). 'It is the extent of control over the whole family rather than the frequency of physical violence that indicates that such fathers are at high risk of killing children' (Ferguson 2009).

In addition to violence and controlling behaviour, the following factors, evident in many of the cases, are also common aspects of intimate partner violence:

- **Negative attitudes towards women:** The men's anger towards their partners, evident in many of the cases outlined in this paper, appears to reflect strong negative attitudes towards women. For example, Ramazan Acar told his ex-partner the killing was 'Pay bk u slut'; Dean Williamson said 'you are a fucking useless bitch'. In relation to assaulting his wife, Jayson Dalton said, 'If you had done as you were told, it wouldn't have happened'.
- **Blaming women for their actions:** Some perpetrators blamed the mothers for the breakdown of the relationship and justified the killing of the children with the idea that their partners drove them to it – by leaving them, by re-partnering, by making them pay child support, by restricting their contact with their children. For example, Ramazan Acar said 'look what you've made me do'; Rajesh Osborne told his second wife that she was the reason for killing the children; Robert Farquharson said in relation to his circumstances after the separation, 'Nobody does that to me and gets away with it, it's all her fault'.

## **CONCLUSION: THE KILLING OF CHILDREN AS A FORM OF VIOLENCE AGAINST WOMEN**

*I left him and the children have paid*.<sup>103</sup>

The cases explored in this chapter show that some filicides by fathers can also be a form of violence against women. In many of these cases, separation appears to be a key triggering factor in the events that led to the children's deaths. Several fathers express anger towards their ex-partners about the separation, and a desire for revenge, to punish them for leaving and for breaking up the family. In this context the children are used to hurt their mothers.

Regardless of whether or not it was preceded by a history of intimate partner violence, the killing of the children could be seen to constitute an act of intimate partner violence when the intention is to harm the mother.

In most of these cases there was no indication of prior violence against the children. In most cases there *was* prior violence or controlling behaviour towards the mother. While the mother may fear for the safety of her children, there appears to be a lack of awareness by professionals and agencies involved in these cases that the children are at risk in this context. The link between violence against women and risks to children does not appear to be adequately recognised.

---

<sup>103</sup> A quote from the mother whose children were killed by Phithak Kongsom (Poulson 2008). See the case outlined in this chapter.

## ‘Better off dead’: Women who kill children in the context of separation

The previous chapter identified a distinct group of filicides, intentionally perpetrated by fathers, which occur in the context of separation. The common features identified in many of those cases were violence and controlling behaviour towards partners, anger in relation to separation and killing the children to hurt their ex-partner. These factors are consistent with gendered patterns of family violence.

In order to develop further insight into gendered patterns in filicide, it is useful to provide some comparison to women who kill their children in the context of separation. The filicide research, outlined in Chapter 3, indicates that mothers kill their children in similar proportions to fathers but that they do so in different circumstances and for different reasons. Looking at filicides generally, the research shows that neonaticides, where a baby is killed on the first day of life, are almost always perpetrated by mothers; retaliatory killings to punish an ex-partner are rarely perpetrated by mothers; mothers are more likely than fathers to perpetrate ‘altruistic’ filicide, in which the parent believes they are protecting the children from future suffering; and mental illness is seen to play a greater role in filicides by mothers.

This chapter explores the role of separation in filicides by mothers. It considers issues raised in the research literature such as women’s role as primary carers for children, family violence victimisation, suicide and mental illness.

This chapter draws on the findings of previous PhD research undertaken by the author (Kirkwood 2000).<sup>104</sup> As part of that research, Kirkwood examined six cases in Victoria in which women intentionally killed their children in the context of separation. As with the previous chapter on men who kill their children, we sought to draw on recent Victorian case examples of mothers who kill their children. However, there was only one case, that of Donna Fitchett,

---

<sup>104</sup> The research by Kirkwood (2000) used pseudonyms (which was part of the agreement with the agencies providing the data). Other cases discussed in this paper, including the case of Donna Fitchett outlined in this chapter, are drawn from publicly available sources and include actual names.

that fits the criteria of having occurred in the context of separation and for which there was sufficient information about the circumstances and reasons for the filicide.<sup>105</sup> The information used here about that case is drawn from media reports and Supreme Court sentencing judgments.

## FILICIDES BY MOTHERS IN VICTORIA 1985–1995

Kirkwood (2000) studied female-perpetrated homicide in Victoria between 1985 and 1995.<sup>106</sup> Of the 77 cases examined, 16 involved women who killed their children.<sup>107</sup> In six of the filicide cases, the children were killed as part of a suicide plan (Kirkwood 2000). These cases will be discussed in this chapter because they were intentional killings which occurred in the context of the parents' separation; in each of the cases, the relationship with the intimate partner was either breaking down to the point at which separation was believed to be inevitable, or had ended. These women all killed their children as part of a suicide plan (five women died and one survived). The motivations or reason for the filicides are difficult to ascertain in most of the cases because the women died. In one case the woman survived and gave statements to police and in two other cases the women left suicide notes that provide some insight into the filicide. These three cases are outlined below.

The women's apparent primary motive in the filicide-suicide cases examined by Kirkwood was to kill themselves. They appear to have killed the children also, because they perceived that they could not leave their children without a mother. They believed no one else would be able to adequately care for the children. Some of the women expressed a belief that they and their children would be 'better off dead'.

Kirkwood (2000) found that while several of the women showed some anger towards their partner for contributing to their circumstances, this did not appear to be the primary motive for their actions. There is little indication that their actions were directed at harming or punishing their partners. (The concept of revenge as a motive for women to kill children is discussed later in this chapter).

---

<sup>105</sup> It is not clear why this is the case. It may be because many mothers who kill their children in the context of separation also commit suicide, and these cases are rarely reported in the media. It may also be that there are similar cases that involve suicides by father that were not reported in the media. Until recently journalists were advised not to report on suicides because of concerns about contagion (the notion that other people will copy the suicide). In August 2011, the Australian Press Council (APC) revised its standards in relation to suicide and journalists are now encouraged to report on suicides in a responsible manner. The APC standards on reporting suicide can be viewed at [www.presscouncil.org.au/document-search/standard-suicide-reporting/](http://www.presscouncil.org.au/document-search/standard-suicide-reporting/)

<sup>106</sup> The primary data source was coronial files, which contain a variety of information such as autopsy reports, witness statements and police records of interview with perpetrators.

<sup>107</sup> In two of these cases the male partner was also investigated as a perpetrator. However, those cases involved fatal child abuse and are not included in the six cases considered here.

## PROVIDING FOR CHILDREN AFTER SEPARATION

In all six filicide-suicide cases, the women's role as mother was central to their lives. Unlike most of the fathers in the previous chapter, the women in these cases, with the exception of one, were the primary carers for their children. Research shows that this is a common pattern. A large-scale national study of parents who had separated undertaken by the Australian Institute of Family Studies found that approximately 80 per cent of children spent most nights in the care of their mothers, with one-third spending all nights with her (Weston et al. 2011).

In their study of filicides in Victoria, Alder and Polk (2001) found that in all the filicide-suicide cases involving mothers, 'the mother's understandings and feelings regarding her relationships with her children and the nature of her responsibilities for them play a significant part in the unfolding of events' (2001:47). They also found that women's concerns about their children's wellbeing formed part of their own unhappiness (Alder & Polk 2001).

In several of the cases studied by Kirkwood (2001), women expressed concern about how they would provide for their children after separation from their partner. This theme is evident in the following case.

### 'CATHY'

Cathy (33 years) was the mother of three children under the age of 12 years.<sup>108</sup> Cathy strangled and killed one of her children. She intended to kill the other two children but one alerted neighbours, who called the police. Cathy proceeded to cut her own wrists, in an attempt to kill herself. When an ambulance arrived she resisted medical treatment, stating that she wanted to die. She survived. Cathy was found not guilty by reason of insanity and detained in a psychiatric institution at her Majesty's pleasure.

Cathy's marriage to the children's father, 'Derek', had ended three years earlier. Cathy told psychiatrists who assessed her after the filicide that Derek had been violent towards her during their marriage and that she left because he threatened to kill her.<sup>109</sup> She also said that Derek had little contact with the children before their deaths and was substantially behind in child support payments.

Derek, in a police statement, said that at one stage after separation, when Cathy was having difficulty coping with the three children, he was contacted by government personnel and asked if he would assume custody of the children, the alternative being they would become wards of the state. He declined. In

<sup>108</sup> The information about 'Cathy' is drawn from Coronial records as part of the research undertaken by Kirkwood 2000.

<sup>109</sup> Cathy also told police that Derek had been violent during their relationship and that he had also been violent towards the children.

the event, he said the situation resolved itself and the children were not made wards.

Cathy formed a relationship with 'Phillip', who offered to support her and her children. After a couple of years the relationship deteriorated and Phillip suggested they separate. Cathy was distressed at the prospect of rebuilding her life all over again.

A week before the incident, Cathy contacted social services and told them she was not coping and that she planned to kill herself and her children. Psychiatric crisis workers from the Psychiatric Assessment Crisis Team (PACT) attended the house regularly that week. Cathy gave them sedatives and razor blades which she had obtained to kill them all. Cathy and her partner Phillip gave evidence at the Coronial hearing that Cathy had asked the PACT workers to place the children in care because she could not cope with them. However, this did not eventuate. PACT noted that the children were well cared for.

In relation to killing her child, Cathy told police that her primary objective was to kill herself. She said that 'life was too hard' and she 'could not cope'. However, she was worried about the impact her suicide would have on her children. She said 'my major dilemma in all of this is that I want to die. If I died my children would be left on their own. And then they would wonder why their mum had to die. Would they blame themselves?' Cathy believed that if she were to die, the children would have no one to care for them and they would be better dead.<sup>110</sup> She later told a psychiatrist that she did not think the children should be in their father's care because he had physically abused her and the children.

During the police interview, Cathy said she believed she could not manage to financially support her children on her own:

*I love them very, very dearly and I just could not provide for them. I could never ever have given to them and it would have broken my heart to always have to say, I'm sorry, we can't or I can't do that. I can't send you to uni or I can't give you a future. There's nothing the CSA (Child Support Agency) can do to get money out of him and I've tried working and I can't get a job and I just don't believe I have the capacity, and I believe too if they all had've died they're dead, they don't know any different.*

She also indicated that she believed she had tried all available avenues to secure financial support from the children's father:

*The only way I can see it now is that all the doors were shut. I had explored many avenues to try and gain financial support from him [children's father].*

---

<sup>110</sup> Taken from a psychiatrist's report of the PACT teams involvement in Cathy's management.

*I'd been back to the Family Court to try and have those orders enforced ... had explored many avenues of trying.*

In her police interview, Cathy stated that she saw herself as failing in her role as mother of her children. She said that there was no way she could have provided for the children physically, mentally, emotionally and financially on her own.

Cathy's perception that she would fail to provide for the children is consistent with previous research that has shown social expectations of women to be 'good' mothers play a crucial role in maternal filicides (Wilczynski 1995). Oberman and Meyer (2008) found that mothers who killed their children struggled to be good mothers under exceedingly difficult circumstances.

While mothers and fathers may have similar emotional responses to separation – loss, failure, despair, anger – there are some practical differences in the impact of separation. While both parents may face financial difficulties, mothers are particularly disadvantaged after separation. Women continue to face gender inequality in economic opportunities (Cassells et al. 2009). Studies show that separation often has a greater negative financial impact on women than men, resulting in poorer living conditions and lifestyles. A recent study that used longitudinal data to examine and compare women's and men's financial living standards following separation found that it has a significant negative impact on women's household incomes compared with those of men (de Vaus et al. 2009).

Cathy was assessed in the week before the filicide by a psychiatrist and psychiatric nurses with the Psychiatric Assessment Crisis Team (PACT). The psychiatrist diagnosed her problems as the result of a 'situational crisis', an 'adjustment disorder with depressed mood' and a 'maladaptive reaction to identifiable psychosocial stressors'. After the filicide, Cathy was diagnosed by six psychiatrists as suffering clinical depression, which they identified as a mental illness. One psychiatrist described her as 'grossly depressed' and probably 'psychotic'. In another case, a psychologist equated the mother's 'irrational belief' that both she and her children would be 'better off dead' with 'schizophrenia'.

In the following case, the mother also expressed a perception that she and her children were 'better off dead'.

'SAMANTHA'

Samantha (24 years) was the mother of 'Dale' (five years) and 'Kirsten' (two years). She killed both the children and herself with carbon monoxide poisoning by connecting the vacuum cleaner hose to the exhaust and placing it in the window of the car.<sup>111</sup>

Samantha and her husband, 'Martin', had been under stress and financial hardship as a result of their son's condition. Dale suffered severe brain damage from a car accident when he was four months old. Both parents experienced depression. Samantha complained of insufficient help from her husband in looking after their son. Their relationship began to break down, with frequent arguments including an incident in which Martin hit Samantha.<sup>112</sup> Samantha made several suicide attempts. She told a psychiatrist that she intended to kill herself and her children and was treated in a psychiatric institution. Martin eventually moved out of the house. Three days later Samantha and her two children were found dead in the back seat of her car.

In a suicide letter to her parents Samantha said:

*I don't feel I am murdering my children but saving them from sorrow and pain without their father ... I'm sorry to take them away from you but it's the only way out ... all I ever wanted in life was a happy marriage, with happy, healthy children. I can't have any of this ... I have tried very hard in my marriage and with my children who I love very much. I suppose some people and the police will say I murdered the children. But I would never hurt them, they mean the world to me ... I felt very sad tonight because Martin didn't ring. So upset that he didn't ring about the kids or me. It pushed me over the edge. I cannot leave my children behind, who would take care of them and love them like I do? No body could. Where would Dale go, into a home? No way. Would Kirsten hate me? At least with God there will be peace and happiness and no pain. So I will take them where they will be happy and I will be there to care for them.*

Samantha, like Cathy above, reportedly sought to provide well for her children. She had high expectations of herself as a mother and was perceived by others to be a 'good' mother. She experienced pressure and difficulties in providing for her children, one of whom had a severe brain injury. Like Cathy, Samantha appears to have believed that she could not cope as a mother in her circumstances and became depressed and suicidal.

Samantha's husband, in his police statement, said 'I think she did what she did because she felt rejected and she took the kids with her because she loved them so much and wanted them with her all the time. I know she loved me

<sup>111</sup> The information about 'Samantha' is drawn from Coronial records as part of the research undertaken by Kirkwood 2000.

<sup>112</sup> This incident was mentioned in Martin's statement to police.

very much and just couldn't bear the two of us being apart'. Martin's statement provides an interesting insight into Samantha's actions. He indicates the separation contributed to her decision to suicide and she killed the children as well because she could not conceive of them being without her. There is no indication he believed Samantha killed the children in order to make him suffer. Samantha, like Cathy, did not think anyone else could care for the children the way she did. Both women believed death was the best option for them all.

### **'Altruistic' filicide**

The cases of Cathy and Samantha, above, appear to be consistent with the category of 'altruistic' filicide, outlined in Chapter 3. 'Altruistic' filicide is used in the literature to describe cases in which parents, predominantly mothers, believe they are saving their children from real or imagined suffering by killing them. The women's belief is seen to be irrational. For this reason, the women's actions are often described as 'delusional' or 'misguided' and linked with mental illness (Alder & Polk 2001).

The term 'altruistic' is problematic given that the children are killed; however, it captures a key difference between these types of filicides and 'retaliation' filicides. In discussions with others before the killings, and in suicide notes, the women in these cases focused their concerns on their children's welfare and on the negative impact their own suicide would have on them.

The filicide literature indicates that, although rare, it is also possible for fathers to perpetrate 'altruistic' filicides. It appears that such cases are often familicides in which some fathers kill their intimate partner and their children because they do not want them to suffer the consequences of their own suicide (Websdale 2010). These sorts of cases may be more likely to occur while the relationship is intact rather than in the context of separation.

## **VIOLENCE AND ABUSE BY EX-PARTNERS**

As outlined in Chapter 3, research shows that many fathers who kill children have previously been violent towards their intimate partner. This is not the case for women who kill their children. In contrast, research shows that often women who kill their children have been victims of violence from their male partners (Oberman & Meyer 2008).

There was indication of violence from women's partners or ex-partners in four of the six filicide-suicide cases studied by Kirkwood (including the cases of Cathy and Samantha discussed above).<sup>113</sup> In a further case, a mother believed

---

<sup>113</sup> As discussed earlier, the presence of family violence is not always evident from police and coronial records.

her ex-partner was sexually abusing their daughter on access visits. In the following case a young woman experienced ongoing violence from her partner before the filicide-suicide.

#### 'RACHEL'

Rachel (18 years) jumped from a high rise building with her two-year-old daughter, 'Jessica', killing them both instantly. She was seven months pregnant at the time. Rachel was separated from Jessica's father. Her current partner<sup>114</sup> 'Paul' (38), with whom she had become pregnant, was frequently violent towards her.<sup>115</sup> Rachel attempted suicide and indicated in a note that she had thought of killing Jessica as well but could not bring herself to do it. Consequently, Community Services Victoria (CSV, now known as Child Protection Victoria) became involved and court proceedings ensued for custody of Jessica. The maternal and paternal grandparents sought custody. The paternal grandparents were granted custody. Rachel was permitted to see her daughter once a week under supervision.

While seeking to get her daughter back Rachel became pregnant. During this time she was constantly covered in bruises and was forced to leave her home after assaults from Paul. On these occasions she stayed with her parents and also went to a women's refuge. Rachel was aware that the violence she experienced meant that it was unlikely she would be allowed to resume custody of her daughter. Rachel became suicidal again.<sup>116</sup>

When Rachel was seven months pregnant she was punched and kicked repeatedly by Paul. She went to her mother's house in a distressed state with bruising, stomach pains and uterine bleeding. That night she said to her mother, 'I'm not going to get my baby back am I?' The next day during an access visit she took Jessica to a high rise building. She threw Jessica off and then jumped.

Rachel was experiencing violence from her partner and had lost custody of her daughter. Distress in relation to the loss of custody of children was also evident in some of the cases of fathers who kill their children, discussed in the previous chapter. In this case, in contrast to many of the cases involving fathers, there is no indication that Rachel was seeking to hurt the father of her child, or her current partner, by her actions.

---

<sup>114</sup> He was not the biological father of the child, Jessica.

<sup>115</sup> The violent relationship and injuries to Rachel are mentioned in the Coroner's record of investigation into the death.

<sup>116</sup> She made two other suicide attempts (which did not involve Jessica) before the filicide-suicide.

## MENTAL ILLNESS AND MOTHERHOOD

In most of the filicide-suicide cases examined by Kirkwood (2000) there was evidence that the women were depressed for some time before the filicide. Three of the women had made previous suicide attempts in which they harmed themselves (but did not attempt to harm the children). In these cases and in one other case, the women eventually told others they intended to kill the children as part of a suicide plan. In three cases, mental health professionals were aware of the women's intentions and in the other case (Rachel's), Child Protection were aware of her thoughts of killing herself and her child.<sup>117</sup>

The women's behaviour in the period leading up to the filicide-suicides was described by relatives, friends, police officers and psychologists as 'strange', 'bizarre' and 'irrational'. After the incidents professionals attributed their actions to mental illness.

While it appears that mental illness plays a significant role in many of these cases, it is important to consider what factors contributed to the women's mental state and their decision to suicide and kill their children. As stated earlier, violence from a partner was evident in four of the six cases. Research shows that family violence has a detrimental impact on women's mental health (VicHealth 2004). Having primary responsibility for children post-separation also appears to place women under significant pressure.

Many feminist psychologists and researchers have argued there are links between the social construction of what it means to be a 'good' mother and depression. For instance, Lafrance found that women's narratives of depression often contain references to 'feeling overwhelmed by the demands and circumstances of their lives as mothers, while at the same time feeling as though they should be able to manage with unflinching patience, kindness and caring concern' (2009:35).

Meyer and Oberman (2008), who have undertaken in-depth research on women who kill children in the US, found signs of mental illness in women who killed children often emerged in response to their unstable environments. They suggest most cases of filicide cannot be explained by mental illness alone and they highlight the significance of socio-cultural and economic influences combined with the pressures of motherhood (Meyer & Oberman 2008). For instance, they found that culture and ethnicity can play a significant role in some filicides, particularly as they relate to immigrant women who may experience problems of acculturation or assimilation, as well as language barriers (Oberman & Meyer 2008). Two of the six women in the filicide-suicides examined by Kirkwood had migrated to Australia (one from Fiji and

---

<sup>117</sup> Child protection had removed Rachel's child from her custody.

one from Japan). They were isolated and did not have a network of friends and family for support.

The question of mental illness becomes central in trials of parents charged with killing their children. In most of the cases discussed above, the mother committed suicide and therefore did not go to trial. In the following case, a mother who killed her children survived her suicide attempt. This recent Victorian case was of a filicide that occurred in the context of separation, and was reported extensively in the media during the period of writing this discussion paper.

#### DONNA FITCHETT

On 6 September 2005, at her home in Balwyn, former nurse Donna Fitchett (46 years), gave her two sons, Thomas (11 years) and Matthew (ten years), an overdose of medication. When they started to wake and she realised they had not succumbed to the drugs, she strangled one and suffocated the other. She then cut her arm, neck and groin with a knife and ingested Rohypnol tablets. Later, after her husband came home and an ambulance arrived, she refused medical treatment stating 'I don't want to go to hospital. I've killed my boys. I just want to die'. Donna Fitchett survived her suicide attempt. She was charged with murder and pleaded not guilty on the grounds of insanity. In July 2008 she was found guilty of murder and sentenced to 24 years.<sup>118</sup> At a retrial in 2010, she was again found guilty and sentenced to 27 years.

Similar evidence was introduced at both of Donna Fitchett's trials. However, at the first trial the prosecution argued that her motivation for killing the children was spouse revenge, but this was not raised as a motive in the second trial. At both trials, the defence counsel argued that Donna was mentally impaired at the time she killed her children.

At the time of the filicide, Donna's marriage was failing. She told her husband, David, she was leaving the relationship and they discussed the financial implications of separating. David gave evidence that in the days before the killing, Donna had told him that she believed he was not capable of caring for the children (Gregory 2008). She also told him she had been seeing a psychologist, and had come to the conclusion that he was a 'passive aggressive' person and she was not going to live with him any more (Gregory 2008). Evidence at the first trial suggested that Donna Fitchett believed her husband spent too much time away from home and too little time with her and

---

<sup>118</sup> Donna Fitchett was given a hospital security order at her first trial and a non-parole period of 18 years (*R v Fitchett* [2008] VSC 258). She was not given a hospital security order at her second trial and also received a non-parole period of 18 years (*R v Fitchett* [2010] VSC 393).

the boys.<sup>119</sup> During counselling sessions she had developed the view that he was a selfish person and a bad father who would never change.<sup>120</sup>

In discussions about separating in the days before the filicide, David said to Donna that, in the circumstances, it would have been better if they had never had the boys.<sup>121</sup> He suggested that rather than she move out, he would move out and she and the boys could stay in the house. That night, Donna decided that she could not go on with life as a single parent and therefore would commit suicide.<sup>122</sup> She also decided that she would rather kill the boys than leave them behind with their father.<sup>123</sup>

In a suicide note to her psychologist, she indicated that she believed the boys would be ‘better off dead’ than living without their mother: ‘they would not be able to get over it and it would be too cruel to them’.<sup>124</sup> She also wrote:

*Sadly I am too broken to go on. Today the boys will be given an overdose as I cannot and wouldn't ever abandon them. If I had real support from somewhere from someone who really cared it may have been different ... Thomas and Matthew have had a wonderful childhood to date and I won't let anyone hurt them ever ... I'm not a coward nor am I crazy. I see this as my greatest act of love ... I know I was beyond help ... now want peace forever.*<sup>125</sup>

Donna also wrote a suicide note to her husband in which she said:

*I'm so so sorry for your pain upon the discovery of what I've done. I didn't do it because I'm angry with you. I forgive you for whatever hurt you caused me. You can't help it. I just couldn't abandon our beautiful boys. I've been dead for a few days and I just wanted peace ... I pray I do not live through this ... I hope you find the strength to go on without us.*<sup>126</sup>

Evidence provided at Donna Fitchett's trials showed that she was depressed at the time of the filicide and had a history of depression, including postnatal depression following the births of both her children and a period of taking antidepressants from 2002 to 2004.<sup>127</sup> She had been seeing a psychologist for over a year before killing the children. Her sister, who saw her on the day before

<sup>119</sup> *R v Fitchett* [2008] VSC 258 (para 5).

<sup>120</sup> *R v Fitchett* [2008] VSC 258 (para 6).

<sup>121</sup> *R v Fitchett* [2008] VSC 258 (para 9).

<sup>122</sup> *R v Fitchett* [2008] VSC 258 (para 6).

<sup>123</sup> *R v Fitchett* [2008] VSC 258 (para 10).

<sup>124</sup> *R v Fitchett* [2008] VSC 258 (para 10).

<sup>125</sup> *R v Fitchett* [2008] VSC 258 (para 14).

<sup>126</sup> *R v Fitchett* [2008] VSC 258 (para 18).

<sup>127</sup> *R v Fitchett* [2008] VSC 258, *R v Fitchett* [2010] VSC 393. Evidence also showed that Donna Fitchett suffered from Hashimoto's thyroiditis and menopausal hormonal imbalances for which she received medication (*R v Fitchett* [2008] VSC 258).

the incident, said she was irrational, distraught and crying, and saying that her marriage was over. She made a number of 'bizarre' and 'irrational' statements.<sup>128</sup>

Professor Mullen, Emeritus Professor of Forensic Psychiatry at Monash University, and Dr Sullivan, Assistant Clinical Director at the Victorian Institute of Forensic Mental Health, who both undertook a psychiatric examination of Donna Fitchett, gave evidence at her trials that she was suffering a major depressive illness when she killed her children and she could not reason that her conduct was wrong. Justice Curtain outlined Professor Mullen's description of Donna Fitchett's case as one of extended suicide, 'where a mother with a close relationship to her children decides that for her to die the children must die as well because she cannot conceive either of leaving them or of the children being able to survive without her'.<sup>129</sup>

However, Dr Yvonne Skinner, a consultant psychiatrist in private practice in Sydney, gave converse evidence. Dr Skinner was not able to undertake a psychiatric examination of Donna Fitchett. Relying on transcripts of the trial, statements and medical reports, she could see no evidence that Donna was suffering from anything more than mild depression before the killings.<sup>130</sup> At the first trial, Dr Skinner also gave evidence that what Donna said in her letters to her counsellor and husband suggested the killings were motivated by spousal revenge.<sup>131</sup>

Justice Nettle, in sentencing Donna Fitchett at her first trial, said that it was possible that she killed the children because she was upset that when she told her husband she was going to leave him, her son Thomas said he wanted to stay with his father. Justice Nettle also pointed to a 'further possibility' that Donna Fitchett wanted to punish her husband for saying it would be better if she had not had children or for 'not being the sort of husband and father she thought he should have been'.<sup>132</sup>

Justice Curtain, in sentencing Donna Fitchett at her second trial, said that he accepted that her mild to moderate depression was causally linked to her actions but that did not operate to reduce her moral culpability for the crimes to a significant degree. Justice Curtain said that in the second trial 'no evidence was led as to the motive being spousal revenge ... the only possible motive put forward was that you wanted to take your children into death with you, otherwise these are motiveless crimes'.<sup>133</sup>

---

<sup>128</sup> According to her sister, on the day before the killing Donna Fitchett was 'a shattered mess' and quoted conspiracy theories such as the Howard Government put Martin Bryant up to the Port Arthur killings and a BHP employee murdered former prime minister Harold Holt (Gregory 2008).

<sup>129</sup> *R v Fitchett* [2010] VSC 393 (para 13).

<sup>130</sup> *R v Fitchett* [2008] VSC 258 (para 27).

<sup>131</sup> *R v Fitchett* [2008] VSC 258 (para 27). It is not clear from the sentencing documents why this evidence was not given at the second trial.

<sup>132</sup> *R v Fitchett* [2008] VSC 258 (para 10).

<sup>133</sup> *R v Fitchett* [2010] VSC 393 (para 27).

At both trials Donna Fitchett was found guilty by the jury, which indicates the jury did not accept the psychiatric evidence that she was mentally impaired to the extent that she did not know that what she was doing was wrong.

Donna Fitchett's case shares some similarities with the cases of Cathy and Samantha, outlined above. She was the primary carer for her children and believed she had little support in that role. She was described as a loving mother, whose sons were the priority in her life. She was depressed for some time before the filicide. She was unhappy about the breakdown of her marriage and this appears to have contributed to her becoming suicidal. Her stated reason for killing the children was also similar: she said she did not want to leave her children without a mother. She expressed a belief that if she killed herself, she would be 'abandoning' her children.

### **ANGER AND REVENGE IN FILICIDES BY MOTHERS?**

The evidence that Donna Fitchett's case was one of 'spouse revenge' or 'retaliation' is less clear than in the cases of paternal filicide discussed in Chapter 4. In her suicide letter to her husband, Donna Fitchett apologised for her actions. This contrasts with the sentiments of anger and revenge expressed by some fathers in the cases outlined in Chapter 4.

In contrast to the cases in which mothers killed their children, in discussions with family and friends, and in suicide notes prior to the killings, the fathers expressed little direct concern about their children's welfare. Their focus was often anger at their ex-partners and a perceived loss of their own rights to significant contact with their children and the financial assets of the family. In these cases, filicide aimed at hurting their ex-partner appears to be the primary motive, even when suicide also occurs.

Kirkwood (2000) found that some of the women in the filicide-suicides she examined expressed some anger and disappointment with their ex-partners. For instance, Cathy, discussed earlier, cut up her partner's clothes. Women's anger appears to stem from the difficulties they faced as mothers after separation and their perception of their partner's lack of care for them and their children. It is possible that women may be motivated by anger and may seek to hurt their partners by killing the children. But retaliation or revenge does not appear to be a key motive in these cases. As outlined in the research in Chapter 3, women make up only a small proportion of the perpetrators of retaliation filicides. This is consistent with women forming only a small proportion of the perpetrators of intimate partner homicide and an even smaller proportion of the perpetrators of familicide (the killing of partners as well as the children).

The patterns of intimate partner violence – controlling, jealous and possessive behaviour – exhibited in many of the cases in which fathers killed their children are not evident in the research on maternal filicide, nor are they evident in the cases reviewed here. In none of the cases outlined above was there indication that the women had previously been violent towards their partner.

## **CONCLUSION**

This chapter has explored some Victorian case studies of mothers who intentionally killed their children in the context of separation. It confirms the findings of the filicide literature that shows factors contributing to maternal filicide include being the primary carers of their children, limited support, financial difficulties and experiencing family violence (Bourget et al. 2007, Kauppi et al. 2010).

Separation, or the prospect of it, has a significant impact on mothers as the primary carers for children. Culturally and socially women are viewed as ultimately responsible for the welfare of their children. In the cases outlined in this chapter, the women who were primary carers for their children faced difficulties providing for them post-separation and were worried about the welfare of the children in those circumstances. The women became depressed and suicidal because they believed they could not cope alone as mothers after separation.

The primary motive in many cases in which women kill their children in the context of separation appears to be suicide. However, the cases outlined in this paper show that the women did not want to 'abandon' their children and leave them without their mother and so they killed the children as well as themselves. The women appear to believe the children's fathers were uninterested in, or not capable of, caring for the children. Social expectations in relation to the responsibilities of women for children and mothers' perceptions that children could not survive without them may be important considerations for understanding maternal filicides.

Warning signs are evident when mothers kill their children in the context of separation. Many of the women discussed above, experienced depression and expressed suicidal thoughts or made suicide attempts. Some women told others they intended to kill themselves and to include their children in their suicide. The women also expressed concern about their ability to cope as mothers after separation from their partner. It follows that in terms of prevention, support related to mental health and practical support in providing for children post-separation may reduce risks to women and children in these circumstances.

## Conclusion: Shining some light in the dark

**T**his discussion paper has outlined international research and case examples of parents who kill their children in the context of parental separation. It has explored the motives, and other contributing factors, in these filicides. While the research shows that separation is a central element in many filicides, there is a limited understanding of the impact and role it plays in filicide. We have sought to contribute to the understanding of intentional filicide in the context of separation in order to stimulate further research and discussion, which is necessary to develop effective prevention strategies.

The paper argues that intentional filicides that occur in the context of separation differ to other types of filicide and therefore require a different approach to explanation and prevention. It also shows there are gender differences between fathers and mothers who perpetrate these filicides, which also need to be considered. The paper highlights a distinct type of separation filicide, primarily perpetrated by fathers, in which the children are killed to harm the other parent. This final chapter focuses on such filicides, described in the literature as 'revenge' or 'retaliation' filicides. As an organisation that aims to prevent family violence, this is the area in which we are most likely to be able to make a contribution.

The first part of this chapter highlights the importance of recognising the significance of separation in some filicides, the gendered patterns in filicide occurring in this context and the role and impact of intimate partner violence. The second part considers issues relevant to the prevention of these filicides. It considers ideas for improving legal, mental health and social service responses, and for assessing risks to children. This chapter also provides some suggestions for future research and data collection in Australia.

## **RECOGNISING THE SIGNIFICANCE OF PARENTAL SEPARATION**

This discussion paper has suggested that parental separation (or the prospect of it) is a central feature in many intentional filicides. These cases differ to the common filicide category of fatal abuse, in which a child is killed (often unintentionally) as a result of ongoing abuse and/or neglect. There is often no indication of prior physical violence towards the child(ren).

To understand why children are killed in the context of their parents' separation, it is necessary to examine the nature of the relationship between the child's parents. This contrasts with the approach taken in most homicide research, which is to examine the nature of the relationship between the filicide victim and the perpetrator. This paper has shown that in many filicide cases, where the parents have separated (or separation is pending), the nature of the relationship between the parents is more critical for understanding the reasons for the filicide than the relationship between the child victim and perpetrator.

### **Looking beyond 'mental illness'**

Many filicides by mothers and fathers that occur in the context of separation involve the perpetrators' depression and/or suicide. Consequently, many researchers have categorised these incidents as being the result of mental illness. This has drawn attention away from the significance of separation for understanding the perpetrators' actions. Mental health is clearly an important contributing factor in many filicides. However, it is necessary to consider the social, cultural and structural factors that contribute to the perpetrators' mental state and to their decision to kill their children. To concentrate solely on individual mental health obscures the gendered patterns that are evident in the motivations for many filicides.

There is a need for a clearer understanding of the role depression plays, but also consideration of the broader socio-cultural factors relating to separation. Some questions that may be useful to consider are: What factors led to the separation? Was there a history of violence or controlling behaviour? Did the perpetrator's response to separation contribute to their depression? How did socio-cultural expectations and attitudes about families and the roles of mothers and fathers impact on the perpetrator's state of mind?

To understand the impact of separation and its role in filicide cases, it is necessary, too, to consider social and cultural expectations about relationships, notions of marriage and the family and the gendered roles of mothers and fathers. For instance, societal pressure to marry and stay with a partner, particularly when children are involved, may mean separation is viewed as a personal failure that may contribute to depression and suicidal ideation. It may also be the case that some men have a social expectation of entitlement

to control over their families and this may be used to justify their anger and revenge towards female partners for instigating separation.

## **GENDER DIFFERENCES, DOMESTIC VIOLENCE AND RETALIATORY FILICIDE**

Existing research and the cases outlined here show that both fathers and mothers kill their children in the context of separation from their intimate partner. This paper has highlighted some important gender differences in circumstances and motives.

Separation filicides by fathers are more likely to involve one or more of the following contributing elements:

- violence and controlling behaviour towards their partner before, and after, separation
- anger towards their ex-partner and desire for revenge in relation to the separation
- an intention to harm the ex-partner by killing the children.

In some of the filicides discussed here, fathers had previously used physical violence to maintain control during the relationship. In other cases, other forms of controlling and threatening behaviour were evident. In some instances, there was no indication of prior violence or controlling behaviour. However, in such cases outlined here, the children were killed by fathers as a means of harming ex-partners after separation. In the filicide literature these cases are described as 'retaliatory' or 'spouse revenge' filicides. While the children are the direct victims, this type of filicide can also be seen as a form of violence against women, as the perpetrators' primary goal is to punish the mother for leaving the relationship. Recent research, outlined in this paper, has found perpetrators of intimate partner violence often use children to hurt their female partners. In some of the cases discussed here, perpetrators saw killing their children as the optimum way of punishing their ex-partners.

The gendered patterns of retaliatory filicides are similar to those found in intimate partner homicide: they are predominantly perpetrated by men seeking to hurt their intimate partners. Both these types of killings occur when the female partner attempts to leave the relationship.

There was no indication in the cases outlined in this paper that the women who perpetrated filicide in the context of separation had previously been violent towards their ex-partner. There was also little indication that the primary motive of the mothers who killed their children was to harm their partner. We acknowledge that women can be perpetrators of violence against intimate partners, can experience anger towards partners and may kill children to retaliate against a partner. The research and the cases outlined in this paper, however, show these forms of violence are predominantly perpetrated by men.

In contrast to fathers who killed their children in the context of separation, mothers were usually the primary carer for the children they killed. Mothers appear to be focused on the difficulties they experienced providing for their children on their own after separation. In the cases examined, the women's primary motive appeared to be suicide. The women were not able to conceive of leaving their children without their mother and consequently killed them, as well as themselves.

## IMPROVING SYSTEM RESPONSES

### Recognising risks to children

*For the past two years various authorities have been made aware of our fears for the safety of the children and unfortunately no one would listen. We feel the judicial system has failed our family and will continue to fail other families until someone in authority starts to take action (Darcey Freeman's uncle, statement to police).<sup>134</sup>*

In most of the cases outlined here, the parents who killed their children had prior contact with police, courts, mental health services, social services (such as men's behaviour change programs) and general practitioners in relation to family violence, separation, disputes relating to children or mental health issues. These contacts are opportunities for intervention and prevention. There is a need to improve responses to ensure service providers can adequately recognise warning signs and know, in particular, that risks to the safety of a parent can be linked to risks to the safety of their children.

The research indicates that there may be some specific warning signs for the risks of retaliatory filicide. They include a history of intimate partner violence, controlling behaviour towards family members, extreme anger towards the other parent in relation to the separation and any threats or indication of an intention to harm the children in order to punish an ex-partner.

The cases in this paper show that violence and/or threats towards the mother may be a warning sign of the child's risk of being intentionally killed by their father, even where there has been no previous violence against the children. This should be considered as an important aspect of risk assessment in relation to family violence (discussed further below). Other possible warning signs are threats to suicide or attempts to suicide.

The research on filicide undertaken by the Women's Aid Federation in the UK (outlined in Chapter 4) highlights the failure of agencies in contact with

---

<sup>134</sup> *Mornings with Jon Faine* (2009), ABC local radio Melbourne 5 February.

families in England and Wales to identify risks to children when the mother is a victim of domestic violence. They found that when domestic violence was identified it was not deemed to be relevant to child protection concerns (Saunders 2004). In several filicide cases, statutory agencies<sup>135</sup> knew the mother was experiencing domestic violence, but the children were not viewed as being at risk of 'significant harm' even when their mother was facing potentially lethal violence. The Women's Aid Federation recommend that all workers with child protection responsibilities receive training to enable them to understand the dynamics of domestic violence and its links with child protection, and to recognise significant risk indicators. They state that:

*if the child's primary carer is facing a potentially lethal level of violence, this should always be recognized as a serious child protection issue and efforts should be made to ensure the safety of both the non-violent parent and the children (Saunders 2004:17).*

The Women's Aid Federation argues that if allegations of abuse of a parent are made, they should be investigated. This investigation should involve separately assessing both parents and the children. The assessment of the children should occur in a child-friendly environment using child-friendly techniques over several weeks to establish the child's perspective, to assess whether the child is at risk and to make appropriate recommendations for the child's welfare (Saunders 2004). The Women's Aid Federation also recommend that research be undertaken to identify significant risk indicators for children in cases of domestic violence, specifically where there are contact or residence proceedings or arrangements.

The material outlined in this discussion paper indicates that these recommendations are relevant in an Australian context. It also indicates that fears for the safety of children should also be investigated. The implications for risk assessment are discussed below.

It is beyond the scope of this paper to examine in detail the potential role of the child protection system in filicides that occur in the context of separation. In most of the cases explored in this paper, child protection services did not appear to be involved.<sup>136</sup> There is currently a review of child protection in Victoria which will investigate the child protection system and ways to improve it. This Inquiry will report its findings in early 2012.<sup>137</sup>

<sup>135</sup> Examples of statutory services in Australia are police, courts, child protection services and state mental health services.

<sup>136</sup> In the case of Kongsom, outlined in Chapter 4, the Department of Community Services (responsible for child protection services in NSW) had been notified and had closed the case days prior to the children being killed (Cameron and Ross 2008); in the case of Rachel, outlined in Chapter 5, Child Protection in Victoria were involved with the family at the time the child was killed.

<sup>137</sup> *Protecting Victoria's Vulnerable Children Inquiry* – for further information see [www.childprotectioninquiry.vic.gov.au](http://www.childprotectioninquiry.vic.gov.au).

### Legal responses

In several cases outlined here, children were killed by their fathers while there was a family violence protection order in place to protect their mother. It is not known if these orders also included the children, but it is clear that they did not protect the children, or the mothers from the harm caused by the loss of their children. These cases highlight the importance of including children in family violence protection orders where there is a risk to the safety of their mother and in responding to breaches of the orders. They also highlight the importance of state and federal agencies (such as police and family courts) sharing information about family violence and working together to prevent violence against children.

In many of the cases outlined in Chapter 4, fathers killed their children during access visits which had been negotiated through informal or formal family law agreements. Only one case appeared to involve a Family Court hearing (Jayson Dalton's case). In the case of Arthur Freeman, orders had been made the day before, but they were consented to by both parties by negotiations between their lawyers rather than contested through a hearing before a family court justice. Nevertheless, research shows that the Family Court regularly gives fathers access to children where there is violence against the mother but not against the children (Alexander 2010). Hart and Bagshaw (2008) undertook an in-depth analysis of twenty Family Court of Australia judgments in cases involving allegations of domestic violence. They found that in most of these cases the father's history of domestic violence or child abuse was ignored. The judgments placed greater emphasis on the harm to children caused by being deprived of contact with fathers, than on the harm to children from exposure to violence (Hart & Bagshaw 2008). The interconnection of abuse against women and children presents a challenge to a legal system that assumes the interests of women and children in this context can be disaggregated (Kaspiew 2005).

McInnes (2008) argues the Family Court must take a greater role in preventing access to children at risk of harm. She points out that the 'family law system has responsibility for allocating children between parents but has no capacity to investigate or assess the ability of parents to provide safe or appropriate care, nor the capacity to monitor what happens to the children whose best interests are supposed to have been serviced once the arrangements are made' (McInnes 2008).

There is a substantial amount of literature on systems' responses to family violence and there have been significant reforms at the state level to police and Magistrates Court responses to family violence. At the federal level there have recently been a number of reviews of family law that directly address the issue of family violence and the safety of children. Reviews have been undertaken by Chisholm (2009), the Family Law Council (2009), the Australian Institute of Family Studies (2009) and the Australian Law Reform Commission (2010).

The Australian Law Reform Commission's review examined the intersection between child protection systems and family law where violence is present in families. They found that where children are concerned there is a particularly fragmented system with unclear jurisdictional boundaries and inadequate communication and information sharing between the courts and child protection agencies (ALRC 2010).

The ALRC report contains recommendations for reform to improve safety for women and children, including greater recognition of the impact of intimate partner violence on children, and the risks of harm to children when there has been violence against the mother and/or where the mother holds fears for the safety of her children. The report also recommended the safety of children and their parents be prioritised in decisions about parenting arrangements.

The Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011 was introduced into Federal Parliament in March 2011. This bill proposed amendments to the *Family Law Act* to protect children and families at risk of violence or abuse. It did this in a number of ways, such as prioritising the safety of children in parenting matters; including harmful behaviour in the definitions of 'abuse' and 'family violence'; requiring family consultants, family counsellors, family dispute resolution practitioners and legal practitioners to prioritise the safety of children; and placing additional reporting requirements on certain parties to provide evidence to courts. The bill, which has been subject to a Senate inquiry, was passed in Parliament in November 2011. It is hoped that the new legislation will bring about positive changes to family law in Australia.

### **Social, medical and mental health services**

Many perpetrators of filicide experience depression and therefore may come into contact with general practitioners or mental health services. Brown and Tyson (2011), who recently commenced research on filicide in Victoria<sup>138</sup>, found that almost all perpetrators of filicide had contact with community services and that the most common service was GPs. They found that warning signs were present but were not passed on to relevant agencies (Brown and Tyson 2011).

Given that separation is a key factor in many filicides, it also follows that services coming into contact with separating parents (such as relationships' advice services, men's support services and family mediation services) may play an important role in identifying families at risk and providing appropriate supports and/or intervention.

---

<sup>138</sup> Thea Brown and Danielle Tyson from Monash University have commenced research on filicide in the context of parental separation. They have obtained access to coronial records in Victoria and were in the process of analysing their data at the time this discussion paper was being finalised.

It is important for parents experiencing difficulties with separation to be able to access appropriate services; it is also important those service providers are adequately trained to detect warning signs of risk to family members' safety and are able to undertake effective risk management (discussed further below).

Services should challenge any beliefs that may be used to justify family violence such as beliefs about men's entitlement to relationships and that women are to blame for separation. Service providers can help clients address their anger and blame, accept the separation and focus on building healthy relationships. Michael Flood (2008) suggests that responses to separated fathers be father-friendly, accountable and oriented toward encouraging positive and ongoing involvement in their children's lives. He has pointed to the 'potential to foster men's positive and non-violent involvement in parenting and families' (Flood 2008). Encouraging parents to focus on their children's needs is also clearly important.

*Contact details for services providing support to parents experiencing difficulties with separation are provided in Appendix 2.*

### **Risk assessment**

Workers coming into contact with families in which there are concerns about the safety of family members, or conflict in relation to separation, require skills (and tools) for effective risk assessment. Research indicates that despite 'certain limitations', risk assessment frameworks and tools can 'with some reliability, identify women who may be at risk of being killed by an intimate partner' (Campbell et al. 2003b).

Risk assessment is likely to be most effective when implemented as a whole system approach based on a shared understanding, which includes appropriate referral pathways. It is important that risk assessment frameworks be aligned across sectors and jurisdictions.<sup>139</sup>

The Victorian Family Violence Risk Assessment and Risk Management Framework (Department of Victorian Communities 2007) involves considering the following three elements when assessing risk:

- the victim's assessment of their own safety
- evidence based risk factors
- professional judgment.

It is well documented that the victim's own level of fear and views about the likelihood of future violence is a critical determinant of the level of risk of harm (Roehl 2005, Gondolf 2001). This discussion paper suggests this may need to be extended to include fear about harm to children.

---

<sup>139</sup> The Commonwealth Attorney General's Department is planning to develop a standardised framework for screening safety risks across the family law sector. The project aims to create a shared understanding across the family law system about the predictors of risks to safety and how they can be effectively identified and managed.

Current risk assessment frameworks focus on risks to the victim of family violence. The material outlined here indicates that where a parent is the victim of violence from a partner, it is important to extend risk assessment to the safety of the children. This is important while the relationship is intact, but also after separation.

## **FAMILY VIOLENCE DEATH REVIEW PROCESS**

Women's organisations have lobbied governments to implement family violence death review committees in Australia and internationally. Family violence death review committees have now been established in the USA, Canada, UK and, more recently, in Australia (Taylor 2008).

In Australia, the first family violence death review process began in Victoria in 2009.<sup>140</sup> The Victorian Systemic Review of Family Violence Deaths (VSRFVD) examines family violence-related deaths investigated by Victorian coroners to inform future interventions and assist in protecting children and adults from violence (Coroners Court of Victoria (CCOV) 2010). The VSRFVD has five main aims, which are to:

- examine the context in which family violence deaths occur
- identify associated risk and contributory factors
- identify trends or patterns in family violence-related deaths
- consider systemic responses to family violence
- provide an evidence base to support the formulation of prevention focused coronial recommendations aimed at reducing both fatal and non-fatal forms of family violence.

All family violence-related deaths identified from 1 January 2009, including those of children killed by family members, are subject to review (CCOV 2010).

The VSRFVD is led by the State Coroner of Victoria and assisted by the Coroners Prevention Unit (CPU) situated within the Coroners Court of Victoria. A reference group has been established to advise on systemic issues and opportunities for prevention within the family violence service system.

The VSRFVD is a valuable development and has the potential to contribute to our understanding of filicide, and to make recommendations for systemic changes which may prevent further deaths from occurring. The Coroners Court of Victoria has access to substantial information about these deaths, including post-mortem reports, medical records and police interviews with perpetrators and witnesses. It also has the power to conduct further investigations and to hold inquests into these deaths.

---

<sup>140</sup> The Victorian Law Reform Commission made a recommendation to implement a Family Violence Death Review Committee in their Family Violence Review (2006).

The VSRFVD has the capacity to collect information on a large number of cases and to identify trends and patterns which will contribute to our understanding of why the deaths of children and other family members occur. The VSRFVD is a relatively new process, and at the time of writing the extent to which information and data collected as part of the review will be made publicly available has not yet been determined.

There are two key reasons it is important that information about family violence deaths be shared. First, from a research perspective it is currently very difficult to obtain information about family violence deaths, particularly where the perpetrator dies by suicide and no further criminal justice proceedings occur. Research is also important for developing our knowledge of the phenomenon of homicides involving family members; particularly filicides, for which there is a very limited amount of information available. This understanding is crucial for informing effective prevention strategies.

Second, from a policy perspective the VSRFVD has the potential to directly contribute to knowledge and prevention strategies relating to family violence deaths in the community. For this to happen, the process needs to be comprehensive, transparent and accountable. This is more likely if detailed findings are publicly available, ideally including access to coronial files and transcripts of coronial hearings.

It is important that death reviews have access to all relevant information about family violence deaths. Information from federal organisations, such as Family Court proceedings, should be made available to state death review processes. The Women's Aid Federation in the UK specifically points to the need for death review processes to have the power to investigate Family Court decisions in filicides (Saunders 2004). If federal organisations are not included, there is not only a significant gap in knowledge but those agencies cannot be held accountable, which impedes opportunities for reform. In addition, Websdale (2010), former Director of the National Domestic Violence Fatality Review Initiative in the US, points to the importance of death review committees speaking directly to surviving family members and friends to gain insight into family homicides. This is not currently a feature of family violence death reviews underway in Australia.

It is essential for family violence death reviews to be established in each state and territory in Australia with a nationally consistent approach. A centralised national database of family violence deaths should be established to inform prevention policy and research. It is also crucial that all family violence death reviews include the deaths of children in families and explore the link between adult domestic violence and the killing of children (Websdale 1999).

## **FUTURE DIRECTIONS FOR RESEARCH AND IMPROVING DATA COLLECTION**

This discussion paper has relied on previous research and information available on specific cases through media sources and the internet. There are many gaps in the literature, and methodological limitations with the available data sources. Many filicide researchers continue to highlight the need for further research into the motives and factors contributing to filicide, in particular into gender differences between perpetrators (Putkonen et al. 2011, Liem & Koenraadt 2008, Leveillee et al. 2007, Bourget & Gagne 2005, Hatters Friedman et al. 2005). Lack of knowledge makes prevention difficult (Hatters Friedman et al. 2005). In undertaking this discussion paper there was difficulty obtaining access to data and information about filicide cases.

There is a need for further research, particularly with more rigorous methods and more in-depth analysis of a larger sample of cases. A comprehensive Australia-wide study of filicide, which pays close attention to the issues of separation and family violence, is necessary for developing a better understanding of filicide. A key question to be asked is: what has been the nature and dynamics of the relationship between the parents prior to the filicide?

Research should draw on administrative records, sources such as coronial files and trial transcripts but also involve speaking to family members and friends (where this is appropriate and can be undertaken with sensitivity). This is particularly important because official records have limited information about the nature and extent of prior family violence.

### **National Homicide Monitoring Program**

The Australian Institute of Criminology (AIC), a commonwealth statutory authority, produces the National Homicide Monitoring Program (NHMP), outlined in Chapter 3. The program provides analysis of homicide trends as the basis for implementing public policy on the prevention and control of violence. The NHMP database is a unique resource and the analysis provided in AIC reports provides valuable information about homicide in Australia. The AIC produces annual reports on the NHMP and Trends and Issues papers on specific homicide topics. Unfortunately, at the time of writing the NHMP has not produced a Trends and Issues paper on child homicide since 1996 (Strang) or on family homicide since 2003 (Mouzos & Rushforth). The AIC is planning to release a Trends and Issues Paper on filicide in the near future.<sup>141</sup>

While the NHMP annual reports provide some useful information, there is inconsistency in what they report from one year to the next which makes comparisons over time difficult. The reports do not currently provide information

---

<sup>141</sup> Personal communication with AIC.

about what proportion of mothers and fathers perpetrate different types of filicide such as neonaticide and fatal abuse filicides and what proportion of mothers and fathers suicide as part of the filicide.

DVRCV requested filicide data from the NHMP which has been valuable for this paper. However, as discussed in Chapter 3, the data only provided a limited amount of information about the reasons or motives for filicide and did not use categories consistent with the international literature. Improvements to the data collection to include specific filicide categories and to clarify the nature of categories such as 'revenge', 'jealousy' and 'domestic argument' may assist in reducing the high number of cases in which the motive is not recorded and would help develop a better understanding of filicide in Australia. It would also be useful to be able to identify which cases involved separation as a factor in the filicide and in which cases there had been prior family violence towards partners and/or children.

Without accurate and regularly reported statistics it is not possible to get a thorough understanding of the patterns of filicide or to measure changes that may occur as the result of policy developments (such as changes to family law) and the implementation of prevention strategies.

## **CHANGING COMMUNITY ATTITUDES**

In many of the cases outlined in this discussion paper, perpetrators of filicide told someone what they planned to do and were not taken seriously. Some told professionals and others told friends or family members. International research also shows that many parents who killed their children talked about filicidal ideation with a professional, friend or family member before the incident (Putkonen et al. 2011). This is a key warning sign that is not being heeded. There is a need for an awareness campaign so early detection and intervention is improved (San Diego DV Fatality Review Team 2008). Such a campaign should target professionals but also the wider community. People should be supported to share any information they may have about risks of harm to children with appropriate agencies without negative repercussions for themselves (Humphreys 2010). Recent work on developing approaches to bystander action on family violence may be useful to explore in relation to preventing filicide.<sup>142</sup>

It is also important that those working in the media are informed about filicide and its links with violence against women. Media reports of parents who kill their children attract a great deal of attention. The way these cases are reported

---

<sup>142</sup> See for instance, the review of bystander approaches to preventing violence against women by VicHealth (Powell 2011).

shapes public discourse on the subject and the way people understand the events (Bullock & Cubert 2002, Neale & Worrell 2010). But media depictions of child homicide are very inconsistent and journalists are often looking for ways to explain what has happened without success.

There has been extensive activism across Australia and internationally around the issue of women and children killed by men in their families. One of the early campaigns by the Women's Coalition Against Family Violence resulted in a book *Blood on Whose Hands?*, which documented the deaths of women and children in Victoria (1994). This raised awareness about this issue with the community, media, policy makers, police and the judiciary.

As these deaths continue to occur, there is a need for ongoing awareness raising and community education. Current campaigns and initiatives at the state and federal level that seek to challenge the social attitudes that underlie family violence are critical. It is important such campaigns challenge ideas that are used to justify violence, including the misconceptions about family law outlined in Chapter 4 – in particular, the notion parents are driven to violence because they are not able to see their children after separation. Parents should be encouraged to seek help and strive to form positive, respectful relationships in the best interests of their children. We also need to challenge the sense of entitlement that some men continue to have in relation to their families, an entitlement that leads them to believe their partner has no right to leave them and no right to form a new relationship, and that punishing her is justified because of the suffering they experience.

This paper shows intimate partner violence against women is a key factor in many filicides and retaliatory filicides are also a form of violence against women. Initiatives aimed at responding to, and preventing, these forms of violence are likely to be important for preventing future deaths of children that occur in the context of their parents' separation. Ongoing state and federal initiatives are critical. The National Plan to Reduce Violence Against Women and their Children, developed by the National Council to Reduce Violence Against Women and their Children (NCRVWC) includes important strategies such as advancing gender equality and improving services to meet the needs of women and their children experiencing violence (NCRVWC 2011).

At the state level, the continuation of initiatives outlined in *A Right to Respect: Victoria's Plan to Prevent Violence Against Women 2010–2020* (Office of Women's Policy 2009) and *A Right to Safety and Justice: Strategic Framework to Guide Continuing Family Violence Reform in Victoria 2010–2020* (Office of Women's Policy 2010) would be likely to contribute to the prevention of filicides in Victoria.

## **SUMMARY OF KEY POINTS IN CHAPTER**

There is a need for:

- comprehensive Australia-wide research on filicide which examines the role of separation and the presence and impact of prior family violence
- improved national data collection and reporting on filicide
- family violence risk assessment frameworks that include assessing children's safety when there are risks to the safety of a parent
- a requirement that all professionals who come into contact with perpetrators or victims of family violence, and with separating parents – police, magistrates, family court personnel, family dispute resolution services, mental health practitioners, general practitioners, child protection etc – receive training in the dynamics of family violence and in risk assessment, and that they implement risk assessment processes
- continued community education campaigns about family violence, particularly highlighting the potential risks to children when there is violence towards a parent
- continuing statewide and federal initiatives to reduce family violence.

## **CONCLUSION**

This discussion paper has considered a difficult and complex topic. It demonstrates that filicides that occur in the context of parental separation are not always inexplicable, although they are frequently depicted as such in the media. It shows there are factors related to separation and parents' responses to it that can explain why some children are killed in this context.

The paper also highlights the role of family violence in filicides. The research and case studies outlined show that violence towards an intimate partner is a factor in many filicides that occur in the context of separation. In some instances the filicide is directed towards harming the ex-partner. These cases are primarily perpetrated by fathers and often appear to be the extreme end of a continuum of intimate partner violence.

For every case in which a child is killed there are likely to be many other children who have had their lives threatened or who have been harmed by a parent. We need to continue to develop our understanding of these filicides so that we can find effective ways to identify children at risk, to intervene and prevent the future harm and deaths of children. It is hoped that this paper will stimulate further discussion and research.

APPENDIX 1

## Data tables

**TABLE A1: TOTAL VICTIMS AGED UNDER 18 KILLED BY PARENTS AND OTHERS**

Year	Number of victims killed by a parent	Number of victims killed by others
1997/98	21	22
1998/99	19	26
1999/00	34	17
2000/01	14	16
2001/02	39	13
2002/03	32	14
2003/04	25	16
2004/05	26	11
2005/06	31	15
2006/07	22	15
2007/08	28	12
<b>Total</b>	<b>291</b>	<b>177</b>

Source: NHMP 1997–2008

**TABLE A2: PARENT PERPETRATORS AND NUMBER OF CHILD VICTIMS KILLED**

	Number of incidents	%
One parent – one child	178	74
Two parents – one child	22	9
One parent – multiple children	38	16
Two parents – multiple children	1	0
<b>Total</b>	<b>239</b>	<b>100</b>

Source: NHMP 1997–2008

## APPENDICES

**TABLE A3: GENDER AND AGE OF CHILD VICTIMS KILLED BY A PARENT (VICTIMS N = 291)**

Age of child	Custodial parent		Non-custodial		Step-parent		Total	
	Male child	Female child	Male child	Female child	Male child	Female child	Male child	Female child
0	43	39	2	1	6	4	51	44
1	16	10	1	2	9	3	26	15
2	12	6	3	0	5	1	20	7
3	6	9	3	0	1	3	10	12
4	6	10	2	0	1	3	9	13
5	9	2	1	0	2	1	12	3
6	4	5	3	0	0	0	7	5
7	7	4	0	1	1	0	8	5
8	5	1	2	0	0	0	7	1
9	1	1	2	0	0	1	3	2
10	3	4	0	1	0	0	3	5
11	4	3	1	0	0	0	5	3
12	0	1	0	0	0	0	0	1
13	1	1	0	0	0	0	1	1
14	0	2	0	0	0	1	0	3
15	0	0	0	0	1	1	1	1
16	1	0	0	0	0	1	1	1
17	1	1	0	0	1	1	2	2
<b>Total</b>	<b>119</b>	<b>99</b>	<b>20</b>	<b>5</b>	<b>27</b>	<b>20</b>	<b>166</b>	<b>124</b>

Source: NHMP 1997–2008

Note: Excludes one case where the child's gender was unknown.

**TABLE A4: APPARENT CAUSE OF DEATH – PERCENTAGE OF MOTHERS AND FATHERS**

Method	% of mothers	% of fathers*	% of all perpetrators
Beating	9	35	24
Strangulation	24	12	16
Poisoning (incl. carbon monoxide in cars)	14	7	10
Stab wound	13	9	10
Shaking	3	14	9
Drowning	13	6	9
Gun Shot	2	6	4
Smoke inhalation/burns	7	2	4
Drug overdose	5	1	3
Criminal neglect	2	1	3
Other eg hit by car, hang	5	6	5
Unknown	3	1	2
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>

Source: Calculated from data provided by NHMP 1997–2008

\*includes stepfathers

Note: Table excludes multiple perpetrators.

**TABLE A5: VARIOUS TYPES OF FILICIDE AND GENDER OF PERPETRATORS, VICTORIA 1989–1999**

Type of filicide	Victims		Perpetrators			
			Mothers		Fathers	
	No.	%	No.	%	No.	%
Neonaticides	11	19	6	27	0	0
Fatal assault*	19	33	5	23	14	58
Filicide-suicide	18	31	6	27	7	29
Extreme psychiatric disturbance	6	10	3	14	1	4
Other	4	7	2	9	2	8
<b>Total</b>	<b>58</b>	<b>100</b>	<b>22</b>	<b>100</b>	<b>24</b>	<b>100</b>

Source: Alder and Polk 2001

\* Alder and Polk (2001) use the term ‘fatal assault’ in the same way as the term ‘fatal abuse’ is used by other researchers, as outlined in Chapter 3.

## Referral information

### **NATIONAL SERVICES**

**National Sexual Assault, Family & Domestic Violence Counselling Line:  
Toll Free 1800 737 732 (1800 RESPECT)**

For any person who has experienced, or is at risk of, family and domestic violence and/or sexual assault. Available 24 hours, 7 days a week.

**MensLine: Toll Free 1300 78 99 78**

A telephone support, information and referral service, helping men to deal with relationship problems. Available 24 hours, 7 days a week.

**Lifeline: Toll Free 13 11 14**

Lifeline provides access to crisis support, suicide prevention and mental health support. Available 24 hours, 7 days a week.

**Family Relationships Advice Line: Toll Free 1800 050 321**

Assists families affected by relationship or separation issues.  
Available 8am – 8pm Mon-Fri and 10am – 4pm Saturday (local time),  
except national public holidays.

**Legal Aid**

Assists people to obtain legal services. For links to the Legal Aid Program in your state, go to website: [www.ag.gov.au/www/agd/agd.nsf/Page/Legalaid\\_LegalAidProgram](http://www.ag.gov.au/www/agd/agd.nsf/Page/Legalaid_LegalAidProgram)

### **VICTORIAN SERVICES**

**Women's Domestic Violence Crisis Service: 9322 3555 or Toll Free 1800 015 188**

Statewide service for women experiencing violence or abuse from a partner or ex-partner, another family member or someone else they are close to. Available 24 hours, 7 days a week.

**Men's Referral Service Victoria: 9428 2899 or Toll Free 1800 065 973**

Anonymous and confidential state-wide telephone service for men who want to stop their violent or abusive behaviour towards family members. Also assists men who have experienced family violence. Available 9am – 9pm Monday to Friday.

**Victoria Legal Aid: 9269 0120 or Toll Free 1800 677 402**

Provides free legal services including information over the phone, legal advice, duty lawyers at many courts and tribunals. Available 8.45am – 5.15pm Monday to Friday.

**Women's Legal Service Victoria: 9642 0877 or Toll Free 1800 133 302**

Statewide legal service for women, specialising in relationship breakdown and violence against women. Available 9am – 5pm Monday to Friday.

**Department of Human Services Child Protection**

To report or discuss concerns about the safety of children, contact the After Hours Emergency Service 13 1278 or for regional contacts in Victoria during business hours go to website: [www.cyf.vic.gov.au/child-protection-family-services/library/contacts](http://www.cyf.vic.gov.au/child-protection-family-services/library/contacts).

## References

- ABC News (2011a), 'Farquharson Adds New Argument to Appeal', 23 September 2011, viewed 24 September 2011, <[www.abc.net.au/news/2011-09-23/child-murderer-farquharson-wins-right-to-appeal/2913032](http://www.abc.net.au/news/2011-09-23/child-murderer-farquharson-wins-right-to-appeal/2913032)>
- ABC News (2011b), 'Custody Battle Behind Gold Coast Murders', 19 May 2011, viewed 20 May 2011, <[www.abc.net.au/news/2011-05-19/custody-battle-behind-gold-coast-murders/2720672](http://www.abc.net.au/news/2011-05-19/custody-battle-behind-gold-coast-murders/2720672)>
- Adams, D (2007), *Why Do They Kill? Men Who Murder Their Intimate Partners*, Vanderbilt University Press, Nashville.
- Adinkrah, M (2003), 'Men Who Kill Their Own Children: Paternal Filicide Incidents in Contemporary Fiji', *Child Abuse and Neglect*, vol. 27, no. 5.
- Alder, C and Polk, K (2001), *Child Homicide in Australia*, Cambridge University Press, Cambridge.
- Alexander, R (2010), 'Moving Forwards or Back to the Future? An Analysis of Case Law on Family Violence under the Family Law Act 1975 (Cth)', *UNSW Law Journal Forum*, vol. 16, no. 2.
- Anderson, P (2009a), 'Peta Barnes feared Arthur Phillip Freeman was 'vengeful' before Darcey Freeman's death, court told', *Herald Sun* 9 October 2009, viewed 12 July 2010, <[www.heraldsun.com.au/news/victoria/peta-barnes-feared-arthur-phillip-freeman-was-vengeful-before-darcey-freemans-death-court-told/story-e6frf7kx-1225784566819](http://www.heraldsun.com.au/news/victoria/peta-barnes-feared-arthur-phillip-freeman-was-vengeful-before-darcey-freemans-death-court-told/story-e6frf7kx-1225784566819)>
- Anderson, P (2009b), 'Dad to stand trial for allegedly throwing Darcey Freeman off West Gate Bridge', *Herald Sun* 8 October 2009, viewed 12 July 2010, <[www.news.com.au/national/dad-to-stand-trial-for-allegedly-throwing-darcey-freeman-off-west-gate-bridge/story-e6frfkvr-1225784299954](http://www.news.com.au/national/dad-to-stand-trial-for-allegedly-throwing-darcey-freeman-off-west-gate-bridge/story-e6frfkvr-1225784299954)>
- Anderson, P (2011a), 'Arthur Freeman Case: Say Goodbye to your Children', *Herald Sun*, 17 March 2011, viewed 20 March 2011, <[www.heraldsun.com.au/news/victoria/darcey-freemans-mum-takes-stand-in-trial-of-ex-husband/story-e6frf7kx-1226022479658](http://www.heraldsun.com.au/news/victoria/darcey-freemans-mum-takes-stand-in-trial-of-ex-husband/story-e6frf7kx-1226022479658)>
- Anderson, P (2011b), 'Legal System Failed Darcey Freeman Lobbyist Says', *Herald Sun*, 29 March 2011, viewed 27 March 2011, <[www.heraldsun.com.au/news/more-news/west-gate-bridge-tragedy-arthur-freeman-guilty-of-murdering-daughter-darcey/story-fn7x8me2-1226029614780](http://www.heraldsun.com.au/news/more-news/west-gate-bridge-tragedy-arthur-freeman-guilty-of-murdering-daughter-darcey/story-fn7x8me2-1226029614780)>
- Association of Chief Police Officers and Home Office (2006), *Lessons Learnt from the Domestic Violence Enforcement Campaign*, Police and Crime Standards Directorate, Home Office, London.
- Australian Bureau of Statistics (2005), *Personal Safety Survey Australia*, Catalogue no. 4906.0, AGPS, Canberra.
- Australian Domestic and Family Violence Clearinghouse (2011), *The Impact of Domestic Violence on Children: A literature Review*, Australian Domestic and Family Violence Clearinghouse for the Benevolent Society, Sydney.
- Australian Law Reform Commission (2010) *Family Violence – A National Legal Response*, Report 114.
- Australian Story* (2004), 'From This Day Forth', ABC TV 12 July.

## REFERENCES

- Bagshaw, D, Brown, T, Wendt, S, Campbell, A, et al. (2010), *Family Violence and Family Law in Australia: The Experiences and Views of Children and Adults from Families Who Separated Post-1995 and Post-2006*, Attorney-General's Department, Canberra.
- Berry J (2003), 'Knight calls for suicides shakeup', *The Age*, 10 April 2003, viewed 24 September 2010, <[www.theage.com.au/articles/2003/04/09/1049567739685.html](http://www.theage.com.au/articles/2003/04/09/1049567739685.html)>
- Block, C (2009), 'Reducing Intimate Partner Homicide Rates: What Are the Risk Factors for Death When a Woman Is Being Abused?', in Australian Institute of Criminology (ed.), *AIC Domestic-Related Homicide: Keynote Papers from the 2008 International Conference on Homicide Research and Public Policy*, Australian Institute of Criminology, Canberra.
- Bolen, R (2000), 'Validity of Attachment Theory', *Trauma, Violence and Abuse*, vol. 1, no. 2.
- Bourget, D and Bradford, J (1990), 'Homicidal Parents', *Canadian Journal of Psychiatry*, vol. 35, pp. 233–8.
- Bourget, D and Gagne, P (2002), 'Maternal Filicide in Quebec', *Journal of the American Academy of Psychiatry and the Law*, vol. 30, no. 3.
- Bourget, D and Gagne, P (2005), 'Paternal Filicide in Quebec', *Journal of the American Academy of Psychiatry and the Law*, vol. 33, no. 3.
- Bourget, D, Grace, J and Whitehurst, L (2007), 'A Review of Maternal and Paternal Filicide', *Journal of the American Academy of Psychiatry and the Law*, vol. 35, no. 1.
- Brandon, M, Belderson, P, Warren, C, Howe, D, Gardner, R, Dodsworth, J and Black, J (2008), *Analysing Child Deaths and Serious Injury through Abuse and Neglect: What Can We Learn?* Department for Children, Schools and Families: Nottingham.
- Brookman, F and Nolan, J (2006), 'The Dark Figure of Infanticide in England and Wales: Complexities of Diagnosis', *Journal of Interpersonal Violence*, vol. 21, no. 7.
- Brown, T and Tyson, D (2008), 'He's No Killer; He Was a "Loving Doting Dad": Preliminary Findings from a Study of Filicide in the Context of Parental Separation and Divorce in Victoria, 1997–2007', in *AIC International Conference on Homicide-Domestic Related Homicide*, Gold Coast.
- Brown, T and Tyson, D (2011), *Filicide in the Context of Parental Separation and Divorce*, paper presented at the Australian and New Zealand Society of Criminology Conference, September 28-30, 2011.
- Browne, A, Williams, K and Dutton, D (1998), 'Homicide between Intimate Partners', in M Smith and M Zahn (eds), *Homicide: A Sourcebook of Social Research*, Thousand Oak, California.
- Brownridge, D (2006), 'Violence against Women Post-Separation', *Aggression and Violent Behavior*, vol. 11, no. 5, pp. 514–30.
- Bullock, C F and Cubert, J (2002), 'Coverage of Domestic Violence Fatalities by Newspapers in Washington State', *Journal of Interpersonal Violence*, vol. 17, no. 5.
- Cameron, L and Ross, F (2008), *Killer in the Family*, The Five Mile Press, Scoresby.
- Campbell, J, Webster, D, Koziol-McLain, J, Block, C, et al. (2003a), 'Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study', *American Journal of Public Health*, vol. 93, no. 7, pp. 1089–97.
- Campbell, J, Webster, D, Koziol-McLain, J, Block, C, Campbell, D, Curry, M, Gary, F, McFarlane, J, Sachs, C, Sharps, P, Ulrich, Y, Wilt, S (2003b), Assessing Risk Factors for Intimate Partner Homicide, *National Institute of Justice Journal*, Issue 250, 14–19.
- Carlyon, P and Anderson, P (2011), 'Explaining the Inexplicable: How Could Arthur Freeman Kill Darcey?', *Herald Sun*, 29 March, viewed 29 March 2011, <[www.heraldsun.com.au/news/more-news/trying-to-explain-the-inexplicable-how-could-a-dad-kill-his-daughter/story-fn7x8me2-1226029860679](http://www.heraldsun.com.au/news/more-news/trying-to-explain-the-inexplicable-how-could-a-dad-kill-his-daughter/story-fn7x8me2-1226029860679)>

- Cassells, R, Miranti, R, Nepal, B and Tanton, R (2009), *She Works Hard for the Money: Australian Women and the Gender Divide*, NATSEM Income and Wealth Report, Canberra.
- Cavanagh, K, Dobash, R and Dobash, R (2007), 'The Murder of Children by Fathers in the Context of Child Abuse', *Child Abuse and Neglect*, vol. 31, no. 7, pp. 731–46.
- Chaffin, M, Hanson, R, Saunders, B, Nichols, T, et al. (2006), 'Report of the APSAC Task Force on Attachment Therapy, Reactive Attachment Disorder, and Attachment Problems', *Child Maltreatment*, vol. 11, no. 1.
- Coroners Court of Victoria (2010), 2009-10 Annual Report, State Government of Victoria.
- Daly, M and Wilson, M (1988), *Homicide*, Aldine de Gruyter, New York.
- Davies, M and Mouzos, J (2007), *Homicide in Australia: 2005–06 National Homicide Monitoring Program Annual Report*, Australian Institute of Criminology, Canberra.
- Dawson, M (2009), 'Over Three Decades of Public Policy Change: What Has Been the Impact for Victims of Intimate Partner Violence and Homicide?', in Australian Institute of Criminology (ed.), *AIC Domestic-Related Homicide: Keynote Papers from the 2008 International Conference on Homicide Research and Public Policy*, Australian Institute of Criminology, Canberra.
- de Vaus, D (2004), *Diversity and Change in Australian Families: Statistical Profiles*, Australian Institute of Family Studies, Melbourne.
- de Vaus, D, Gray, M, Qu, L and Stanton, D (2009), 'The Effect of Relationship Breakdown on Income and Social Exclusion', in *Australian Social Policy Conference An Inclusive Society? Practicalities and Possibilities*, Sydney.
- Dearden, W and Jones, W (2008), *Homicide in Australia: 2006–2007 National Homicide Monitoring Program Annual Report*, Australian Institute of Criminology, Canberra.
- Department of Victorian Communities (2007), *Family Violence Risk Assessment and Risk Management*, Department of Victorian Communities, Melbourne.
- Diemer, K (2009), *The Victorian Family Violence Database Volume 4: Nine Year Trend Analysis*, Department of Justice, Melbourne.
- Dobash, R and Dobash, R (2009), 'The Murder in Britain Study: Broadening the Analysis of Men Who Murder an Intimate Woman Partner', in Australian Institute of Criminology (ed.), *AIC Domestic-Related Homicide: Keynote Papers from the 2008 International Conference on Homicide Research and Public Policy*, Australian Institute of Criminology, Canberra.
- d'Orban, P (1979), 'Women who Kill their Children', *British Journal of Psychiatry*, vol. 134, pp. 560–71.
- Dowsley, A and Harris, A (2010), 'Rajesh Osborne Warned Friends He'd Murder Children', 12 April 2011, viewed 20 April 2011, <[www.heraldsun.com.au/news/rajesh-osbourne-warned-friends-hed-murder-children-grace-jarius-and-asia/story-e6frf7jo-1225852498934](http://www.heraldsun.com.au/news/rajesh-osbourne-warned-friends-hed-murder-children-grace-jarius-and-asia/story-e6frf7jo-1225852498934)>
- DPP v Farquharson* (2007) VSC 469, viewed 20 May 2011, <[www.austlii.edu.au/au/cases/vic/VSC/2007/469.html](http://www.austlii.edu.au/au/cases/vic/VSC/2007/469.html)>
- DPP v Farquharson* (No 2) (Ruling No 1) [2010] VSC 163, viewed 11 September 2011, <[www.austlii.edu.au/cgi-bin/sinodisp/au/cases/vic/VSC/2010/163.html](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/vic/VSC/2010/163.html)>
- DPP v Williamson* [2000] VSC 115, viewed 25 September 2011, <[www.austlii.edu.au/au/cases/vic/VSC/2000/115.html](http://www.austlii.edu.au/au/cases/vic/VSC/2000/115.html)>
- Farooque, R and Ernst, F (2003), 'Filicide: A Review of Eight Years of Clinical Experience', *Journal of the National Medical Association*, vol. 95, no. 1, pp. 90–4.
- Ferguson, L (2009), *Dispatches Child Homicide Study: Main Findings*, viewed 4 August 2011, <[www.channel4.com/media/dispatches\\_downloads/Dispatches\\_Child\\_Homicide\\_Research.pdf](http://www.channel4.com/media/dispatches_downloads/Dispatches_Child_Homicide_Research.pdf)>

## REFERENCES

- Fish, E, McKenzie, M and MacDonald, H (2009), *'Bad Mothers and Invisible Fathers', Parenting in the Context of Domestic Violence*, Discussion Paper, no. 7, Domestic Violence Resource Centre Victoria.
- Flood, M (2008), 'What Is Wrong with Father's Rights?', in S Tarrant (ed.), *Men Speak Out: Views on Gender, Sex and Power*, Routledge, London.
- Flood, M (2010), "'Fathers' Rights" and the Defense of Paternal Authority in Australia', *Violence Against Women*, vol. 16, no. 3.
- Four Corners (2004), 'Losing the Children', *ABC TV*, 16 August 2004, viewed 1 September 2010, <[www.abc.net.au/4corners/content/2004/s1176255.htm](http://www.abc.net.au/4corners/content/2004/s1176255.htm)>
- Fujiwara, T, Barber, C, Schaechter and Hemenway, D (2009), 'Characteristics of Infant Homicides: Findings from a US Multisite Reporting System', *Pediatrics*, vol. 124, no. 2.
- Galta, K, Lerstol, S and Wik, G (2010), 'Murder Followed by Suicide: Norwegian Data and International Literature', *Nord J Psychiatry*, vol. 64, no. 6.
- Grealy, C, Humphreys, C, Milward, K and Power, J (2008), *Practice Guidelines: Women and Children's Family Violence Counselling and Support Program*, Department of Human Services, Victoria.
- Gregory, P (2008), 'Wife 'in turmoil' before she killed sons', *The Age*, 16 May 2008, viewed 3 March 2011, <[www.theage.com.au/articles/2008/05/15/1210765057439.html](http://www.theage.com.au/articles/2008/05/15/1210765057439.html)>
- Harne, L (2011), *Violent Fathering and the Risks to Children*, The Policy Press, Bristol.
- Hardesty, J L and Chung, G H (2006), 'Intimate Partner Violence, Parental Divorce, and Child Custody: Directions for Intervention and Future Research', *Family Relations*, vol. 55, no. 2, pp. 200–10.
- Hart, A S and Bagshaw, D (2008), 'The Idealised Post-Separation Family in Australian Family Law: A Dangerous Paradigm in Cases of Domestic Violence', *Journal of Family Studies*, vol. 14, no. 2–3, pp. 291–309.
- Hatters Friedman, S and Friedman, J B (2010), 'Parents Who Kill Their Children', *Pediatrics in Review*, vol. 31, no. 2.
- Hatters Friedman, S, Hrouda, D R, Holden, C E, Noffsinger, S G, et al. (2005), 'Filicide-Suicide: Common Factors in Parents Who Kill Their Children and Themselves', *Journal of American Academy of Psychiatry Law*, vol. 33, no. 4, pp. 496–504.
- Hatters Friedman, S and Resnick, P J (2006), 'Mothers Thinking of Murder: Considerations for Prevention', *Psychiatric Times*, September 1.
- Hotton, T (2001), 'Spousal Violence after Marital Separation', *Juristat*, vol. 21, no. 7, pp. 1–19.
- Houlihan, I (2010), 'Cops Grilled Killer Dad Raj 'Eddie' Osbourne', *Sunday Herald Sun*, 18 April 2010, viewed 2 September 2010, <[www.heraldsun.com.au/news/cops-grilled-killer-dad-raj-eddie-osborne/story-e6frf7jo-1225854982884](http://www.heraldsun.com.au/news/cops-grilled-killer-dad-raj-eddie-osborne/story-e6frf7jo-1225854982884)>
- Humphreys, C and Thiara, R (2002), *Routes to Safety: Protection Issues Facing Abused Women and Children and the Role of Outreach Services*, Women's Aid Federation of England: Bristol.
- Humphreys, C (2007), *Domestic Violence and Child Protection: Challenging the Directions for Practice*, Issues Paper 13, Australian Domestic and Family Violence Clearinghouse, University of NSW: Sydney.
- Irenyi, M and Horsfall, B (2009), *Fatal Child Abuse*, Australian Institute of Family Studies, Melbourne.
- Jaffe, P, Lemon, N and Poisson, S (2003), *Child Custody and Domestic Violence, A Call for Safety and Accountability*, Sage Publications, Thousand Oaks, California.

- Johnson, C H (2005), *Come with Daddy: Child Murder-Suicide after Family Breakdown*, University of Western Australia Press, Crawley.
- Johnson, C H (2008), *Killing the Other – Killing the Self: A Distorted Strategy for Survival*. Unpublished PhD thesis, School of Social and Cultural Studies, University of Western Australia.
- Johnson, C H (2009), 'Intimate Partner Homicide, Familicide and Child Trauma and the Need for Information Sharing and Differential Case Management in Justice', paper presented to Australasian Institute of Judicial Administration (AIJA) Family Violence Conference, Brisbane, Queensland.
- Johnson, C H (2009), 'Intimate Partner Homicide and Familicide in Western Australia', in Australian Institute of Criminology (ed.), *AIC Domestic-Related Homicide: Keynote Papers from the 2008 International Conference on Homicide Research and Public Policy*, Australian Institute of Criminology, Canberra.
- Jones, A (2009), *Women Who Kill*, The Feminist Press, New York.
- Kajese, T, Nguyen, L, Pham, G, Pham, V, et al. (2011), 'Characteristics of Child Abuse Homicides in the State of Kansas from 1994 to 2007', *Child Abuse and Neglect*, vol. 35, no. 2, pp. 147–54.
- Kaspiew, R (2005), 'Violence in Contested Children's Cases: An Empirical Exploration', *Australian Journal of Family Law*, vol. 19, no. 2, pp. 112–43.
- Kauppi, A, Kumpulainen, K, Karkola, K, Vanamo, T, et al. (2010), 'Maternal and Paternal Filicides: A Retrospective Review of Filicides in Finland', *Journal of American Academy of Psychiatry Law*, vol. 38, no. 2.
- Kirkwood, D (2000), *Female Perpetrated Homicide in Victoria between 1985 and 1995*. Unpublished PhD thesis, Monash University, Clayton.
- Kirkwood, D (2003), 'Female Perpetrated Homicide in Victoria between 1985 and 1995', *The Australian and New Zealand Journal of Criminology*, vol. 36, no. 2, pp. 152–72.
- Kissane, K (2007), 'In the name of the father, how could he?', *Sydney Morning Herald*, 6 October 2007, viewed 13 August 2010, <[www.smh.com.au/news/national/in-the-name-of-the-father-how-could-he/2007/10/05/1191091364670.html](http://www.smh.com.au/news/national/in-the-name-of-the-father-how-could-he/2007/10/05/1191091364670.html)>
- Kitzmann, K, Gaylord, N, Holt, A and Kenny, E (2003), 'Child Witnesses to Domestic Violence: A Meta-Analytic Review', *Journal of Consulting and Clinical Psychology*, vol. 71, no. 2, pp. 339–52.
- Lafrance, M N (2009), *Women and Depression: Recovery and Resistance*, Routledge, New York.
- Lawrence, R and Fattore, T (2002), *Fatal Assault of Children and Young People*, Child Commission, NSW.
- Leveillee, S, Marleau, J and Dube, M (2007), 'Filicide: A Comparison by Sex and Presence or Absence of Self-Destructive Behaviour', *Journal of Family Violence*, vol. 22, no. 5.
- Liem, M (2009), 'Homicide Followed by Suicide: A Unique Type of Lethal Violence', in Australian Institute of Criminology (ed.), *AIC Domestic-Related Homicide: Keynote Papers from the 2008 International Conference on Homicide*, Australian Institute of Criminology, Canberra.
- Liem, M and Koenraadt, F (2008), 'Filicide: A Comparative Study of Maternal Versus Paternal Child Homicide', *Criminal Behaviour and Mental Health*, vol. 18, no. 3.
- McInnes, E (2008), 'System Failure and Children at Risk: When Family Law, Mental Illness and Family Violence Come Together', paper presented to Shared Parental Responsibility in Australian Family Law and the Impact on Children Seminar, University of South Australia.
- McKee, G (2006), *Why mothers kill: A forensic psychologist's casebook*. Oxford University Press, New York.

## REFERENCES

- Meyer, C and Oberman, M (2001), *Mothers Who Kill Their Children: Understanding the Acts of Moms from Susan Smith to the 'Prom Mom'*, New York University Press, New York.
- Mornings with Jon Faine* (2009) ABC local radio, Melbourne, 5 February.
- Mouzos, J (1999), *Femicide: An Overview of Major Findings*, Australian Institute of Criminology, Canberra.
- Mouzos, J (2000), *Homicidal Encounters: A Study of Homicide in Australia 1989–1999*, Australian Institute of Criminology, Canberra.
- Mouzos, J and Makkai, T (2004), *Women's Experiences of Male Violence: Findings from the Australian Component of the International Violence Against Women Survey*, *Research and Public Policy Series* No. 56, Australian Institute of Criminology, Canberra.
- Mouzos, J and Houliaras, T (2006), *Homicide in Australia: 2004–05 National Homicide Monitoring Program Annual Report*, Australian Institute of Criminology, Canberra.
- Mouzos, J and Rushforth, C (2003), *Family Homicide in Australia*, Australian Institute of Criminology, Canberra.
- Narushima, Y, Kennedy, L, Gibson, J (2008), 'Killer's Past: Liar who Abandoned his First Family', *Sydney Morning Herald*, June 30, viewed 3 March 2011, <[www.smh.com.au/news/national/killers-past-liar-who-abandoned-his-first-family/2008/06/29/1214677850259.html](http://www.smh.com.au/news/national/killers-past-liar-who-abandoned-his-first-family/2008/06/29/1214677850259.html)>
- Native Affairs*, Maori Television (2010), viewed 3 May 2010, from <[www.maoritelevision.com/Default.aspx?tabid=349andpid=212andepid=9985](http://www.maoritelevision.com/Default.aspx?tabid=349andpid=212andepid=9985)>
- National Council to Reduce Violence Against Women and their Children (2011), *National Plan to Reduce Violence Against Women and their Children 2010–2022*, Department of Families, Housing, Community Services and Indigenous Affairs, Canberra.
- Neale, J and Worrell, M (2010), 'Visibility, Responsibility and Identity in Domestic Murder-Suicide', *Safe: The Domestic Abuse Quarterly*, no. 33.
- Nielsen, N, Large, M, Westmore, B and Lackersteen, S (2009), 'Child Homicide in NSW from 1991 to 2005', *Medical Journal of Australia*, vol. 190, no. 1.
- Oberman, M and Meyer, C (2008), *When Mothers Kill: Interviews from Prison*, New York University Press, New York.
- Office of Women's Policy (2010), *A Right to Safety and Justice: Strategic Framework to Guide Continuing Family Violence Reform in Victoria 2010–2020*, Department of Planning and Community Development, Melbourne.
- Office of Women's Policy (2009), *A Right to Respect: Victoria's Plan to Prevent Violence against Women 2010–2020*, Department of Planning and Community Development, Melbourne.
- Ontario Domestic Violence Death Review Committee (2004), *Annual Report to the Chief Coroner*, Ontario Office of the Chief Coroner, Ontario.
- Petrie, A (2010), 'Farquharson – the man behind the nightmare', *The Age*, 23 July 2010, viewed 14 August 2010, <[www.theage.com.au/victoria/farquharson--the-man-behind-the-nightmare-20100722-10mym.html](http://www.theage.com.au/victoria/farquharson--the-man-behind-the-nightmare-20100722-10mym.html)>
- Polk, K (1994), *When Men Kill: Scenarios of Masculine Violence*, Cambridge University Press, Melbourne.
- Poulson, I (2008), *Rise*, Macmillan, Sydney.
- Powell, A (2011), *Review of Bystander Approaches in Support of Preventing Violence against Women*, VicHealth, Melbourne.
- Putkonen, H, Amon, S, Eronen, M, Klier, C, et al. (2011), 'Gender Differences in Filicide Offense Characteristics – a Comprehensive Register-Based Study of Child Murder in Two European Countries', *Child Abuse and Neglect*, vol. 35, no. 5.

- Putkonen, H, Weizmann-Henelius, G, Lindberg, N, Eronen, M (2009), 'Differences between Homicide and Filicide Offenders: Results of a Nation-Wide Register-Based Case-Control Study', *BMC Psychiatry*, vol. 9, no. 27.
- Radford, L and Hester, M (2006), *Mothering through Domestic Violence*, Jessica Kingsley Publishers, London.
- Resnick, P (1969), 'Child Murder by Parents: A Psychiatric Review of Filicide', *American Journal of Psychiatry*, vol. 126, pp. 73–82.
- Resnick, P (1970), 'Murder of the Newborn: A Psychiatric Review of Neonaticide', *American Journal of Psychiatry*, vol. 126, pp. 1414–1420.
- Ringland, C and Rodwell, L (2009), *Domestic Homicide in NSW January 2003 – June 2008*, NSW Bureau of Crime Statistics and Research, Sydney.
- Ruth, W, Qu, L, Gray, M, Kaspiw, R, et al. (2011), 'Care-Time Arrangements after the 2006 Reforms: Implications for Children and Their Parents', *Family Matters*, vol. 86.
- R v Acar* [2011] VSC 310, viewed September 11 2010, <[www.austlii.edu.au/cgi-bin/sinodisp/au/cases/vic/VSC/2011/310.html](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/vic/VSC/2011/310.html)>
- R v Farquharson* [2009] VSCA 307, viewed 1 May 2011, <[www.austlii.edu.au/au/cases/vic/VSCA/2009/307.html](http://www.austlii.edu.au/au/cases/vic/VSCA/2009/307.html)>
- R v Farquharson* [2010] VSC 462, viewed 20 May 2011, <[www.austlii.edu.au/au/cases/vic/VSC/2010/462.html](http://www.austlii.edu.au/au/cases/vic/VSC/2010/462.html)>
- R v Fitchett* [2008] VSC 258, viewed 3 May 2011, <[www.austlii.edu.au/au/cases/vic/VSC/2008/258.html](http://www.austlii.edu.au/au/cases/vic/VSC/2008/258.html)>
- R v Fitchett* [2010] VSC 393, viewed 3 May 2011, <[www.austlii.edu.au/au/cases/vic/VSC/2010/393.html](http://www.austlii.edu.au/au/cases/vic/VSC/2010/393.html)>
- R v Freeman* [2011] VSC 139, viewed 6 June 2011, <[www.austlii.edu.au/au/cases/vic/VSC/2011/139.html](http://www.austlii.edu.au/au/cases/vic/VSC/2011/139.html)>
- San Diego Domestic Violence Fatality Review Team (2008), *County of San Diego Domestic Violence Fatality Review Team 2008 Report*, Health and Human Service Agency Office of Violence Prevention, County of Diego.
- Saunders, H (2004), *Twenty-Nine Child Homicides: Lessons Still to Be Learnt on Domestic Violence and Child Protection*, Women's Aid Federation of England.
- Schwartz, J, Hage, S, Bush, I and Burns, L (2006), 'Unhealthy Parenting and Potential Mediators as Contributing Factors to Future Intimate Violence', *Trauma, Violence and Abuse*, vol. 7, no. 3.
- Sidebotham, P, Bailey, S, Belderson, P and Brandon, M (2011), 'Fatal Child Maltreatment in England 2005–2009', *Child Abuse and Neglect*, vol. 35, no. 4.
- Sixty Minutes* (2008) 'A Mother's Story' Channel 9, 6 July, viewed 14 July 2011, <[sixtyminutes.ninemsn.com.au/stories/lizhayes/590636/a-mothers-story](http://sixtyminutes.ninemsn.com.au/stories/lizhayes/590636/a-mothers-story)>
- Stanton, J and Simpson, A (2002), 'Filicide: A Review', *International Journal of Law and Psychiatry*, vol. 25, no. 1.
- Strang, H (1996), *Children as Victims of Homicide*, Australian Institute of Criminology, Canberra.
- Taylor, B (2008), *Dying to Be Heard: Domestic and Family Violence Death Reviews Discussion Paper*, Domestic Violence Death Review Action Group, Queensland.
- Tyson, D (2009), 'Questions of Guilt and Innocence in the Victorian Criminal Trial of Robert Farquharson and the Fact before Theory Internet Campaign', *Current Issues in Criminal Justice*, vol. 21, no. 2.
- van Wormer, K and Roberts, A (2009), *Death by Domestic Violence: Preventing Murders and Murder-Suicides*, Praeger Publishers, Westport.

## REFERENCES

- Victorian Child Death Review Committee (2006), *Child Death Group Analysis: Effective Responses to Chronic Neglect*, Office of the Child Safety Commissioner, Melbourne.
- Victorian Child Death Review Committee (2009), *Annual Report of Inquiries into the Deaths of Children Known to Child Protection*, Office of the Child Safety Commissioner, Melbourne.
- Victorian Child Death Review Committee (2011), *Annual Report of Inquiries into the Deaths of Children Known to Child Protection*, Office of the Child Safety Commissioner, Melbourne.
- Victorian Law Reform Commission (2002), *Defences to Homicide Issues Paper*, Victorian Law Reform Commission, Melbourne.
- Victorian Law Reform Commission (2004), *Defences to Homicide Final Report*, Victorian Law Reform Commission, Melbourne.
- Virueda, M and Payne, J (2010), *Homicide in Australia: 2007–08 National Homicide Monitoring Program Annual Report*, Australian Institute of Criminology, Canberra.
- Walker, L (1989), *Terrifying Love*, Harper and Row, New York.
- Wallace, A (1986), *Homicide: The Social Reality*, NSW Bureau of Crime Statistics and Research, Sydney.
- Websdale, N (1999), *Understanding Domestic Homicide*, Northeastern University Press, Boston.
- Websdale, N (2010), *Familicidal Hearts: The Emotional Styles of 211 Killers*, Oxford University Press, Cambridge.
- Wilczynski, A (1997), *Child Homicide*, Oxford University Press, Cambridge.
- Wilson, M, Daly, M and Daniele, A (1995), 'Familicide: The Killing of Spouse and Children', *Aggressive Behaviour*, vol. 21, 275-291.
- Women's Coalition Against Family Violence (1994), *Blood on Whose Hands: The Killing of Women and Children in Domestic Homicides*, The Federation Press, Melbourne.
- World Health Organisation (2002), *World Report on Violence and Health*, World Health Organisation, Geneva.





