

## A STUDY ABOUT FAMILIES OF CHILDREN AND TEENAGERS WHO WERE VICTIMS OF VIOLENCE AND FACED JUDICIAL INTERVENTION

Eliana Mendes de Souza Teixeira Roque<sup>1</sup>  
Maria das Graças Carvalho Ferriani<sup>2</sup>

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*The goal of this study was to track the steps of families that committed some kind of violence against their children and faced judicial intervention, as well as to explore their perceptions about the events involving such intervention; to quantify and assess the lawsuits, during the period from 2000 to 2005, characterizing situations of family violence and re-victimization. The study was theoretically based on the ecological context of human development. The methodology employed was quantitative-qualitative. The tools used were: analysis of the proceedings, filling out census maps, elaboration of genogram and ecomap. The analysis was based on dialectic hermeneutics. The results showed that there were 1766 lawsuits at the court, 8.21% of which were linked to family violence. Three empirical categories came up: "I didn't have", which portrays a kind of childhood where negation was a constructive element of interactions, perversely engendered in the economic, political and institutional universes; "It doesn't help and it won't change anything" showed a Judicial System that did not understand society and its conflicts, and "In the street", featuring everyday routines of social exclusion.*

**DESCRIPTORS:** family, domestic violence; child abuse; adolescent

## ESTUDIO DE LAS FAMILIAS DE NIÑOS Y ADOLESCENTES, VÍCTIMAS DE VIOLENCIA, QUE HAN SUFRIDO INTERVENCIÓN DE LA JUSTICIA

*El objetivo de este estudio fue conocer la trayectoria y percepción de la familia acerca de las ocurrencias ligas a intervención de la justicia a la violencia que se ha cometido: cuantificar y analizar los procesos forenses, en el período de 2000 a 2005, caracterizando violencia en la familia y revictimización. El referencial utilizado es el del contexto ecológico del desarrollo humano<sup>1</sup>. La metodología es cuantitativa-qualitativa. Los instrumentos son análisis de procesos, relleno de los mapas censuales, elaboración del genograma y ecomapa. El análisis se inspiró en la hermenéutica dialéctica. Los resultados apuntan 1.766 procesos judiciales de infancia y juventud, entre esos el 8,21% de violencia en la familia. Surgieron tres categorías empíricas: "No Tuve" que presenta una infancia en que la negación es elemento constructivo de interacciones perversamente generadas en los universos económico, político e institucional. "No Ayuda" y "No Da Nada", expresan un Poder Judicial con poca capacidad para entender la sociedad y sus conflictos. "En la Calle" trae cotidianos singulares de exclusión social.*

**DESCRIPTORES:** familia; violencia doméstica; maltrato a los niños; adolescente

## ESTUDO DAS FAMÍLIAS DE CRIANÇAS E ADOLESCENTES, VÍTIMAS DE VIOLÊNCIA, QUE SOFRERAM INTERVENÇÃO DA JUSTIÇA

*Objetivo do estudo: conhecer a trajetória e a percepção da família acerca dos acontecimentos ligados à intervenção da justiça na violência cometida; quantificar e analisar os processos forenses no período de 2000 a 2005, caracterizando situações de violência na família e de revitimização. O referencial utilizado é o do contexto ecológico do desenvolvimento humano. A metodologia é quantitativa-qualitativa. Os instrumentos são análise de processos, preenchimento dos mapas censitários, elaboração de genograma e ecomapa. A análise inspirou-se na hermenéutica dialética. Os resultados apontam 1.766 processos judiciais de infância e juventude, dos quais 8,21% são de violência na família. Emergiram três categorias empíricas "Não tive" que apresenta a infância na qual a negação é elemento construtivo de interações, perversamente engendradas nos universos econômico, político e institucional. "Não ajuda" e "Não vira nada", expressam um Poder Judiciário com pouca capacidade de entender a sociedade e seus conflitos. "Na rua" traz cotidianos singulares de exclusão social.*

**DESCRIPTORES:** família; violência doméstica; maus-tratos infantis; adolescente

<sup>1</sup> PhD in Nursing and Public Health, e-mail: jkroque@uol.com.br; <sup>2</sup> Full Professor, University of São Paulo at Ribeirão Preto College of Nursing, WHO Collaborating Centre for Nursing Research Development, Brazil, e-mail: caroline@eerp.usp.br

## INTRODUCTION

The interest in studying the reintegration of child and/or adolescent victims of violence into their families after judicial intervention is due to the results of our Master's thesis: "violence in the family against children and adolescents and the perception of legal operators in the County of Jardinópolis-SP".

The research was limited, as it assessed judicial cases based on denouncements, reducing the concepts and resulting problems, mainly with respect to the family, which is why we started to question: Which are these families that go to court, how do they live and what are their profiles and compositions?

To answer this question, we used the theoretical reference framework that centers on the view of the ecological context of human development, proposed by<sup>(1)</sup>.

Convenience was found among the described metamodels<sup>(2)</sup>, selecting "contextualism", that is, a given event at a given time as a result of the interaction among all aspects of the system, containing as relevant points that person and context cannot be separated; the context consists of different levels of variables; the person and the multiple-level context are a dynamic system; activity and change in the case of the organism do not need to be explained.

Contributions by<sup>(1-3)</sup> describe four cores of an ecological system: *Person, Process, Context* and *Time*.

The *person* is understood in his/her biological, physical, psychological characteristics, in interaction with the environment. The person's structure consists of three combining aspects: 1) the dispositions that activate and maintain his/her interaction with the environment; 2) the resources, acquired characteristics that are internalized through interaction with the environment, such as experiences and abilities; 3) inherent and predetermined demands (gender, ethnics, genetic inheritance, temperament) that sustain or not reactions exerted by the environment, adaptable and self-regulatory in view of the resistance capacity they present in the challenges of intra- and extra-family violence, drugs, low socioeconomic level, during and after a certain historical time of facts. "The person under development is not considered merely as a blank slate affected by the environment, but as a growing, dynamic entity that progressively penetrates the means it lives in and restructures it"<sup>(1)</sup>.

The *process* is how experiences and interactions are interpreted and the environment it is developed in elaborate this concept, nominating it as a proximal process, in which the person interacts with other persons, contexts, objects and symbols.

The interaction between the person and the environment is considered two-way, that is, it is characterized by reciprocity, does not remain limited to a single environment, but includes the interconnections among these environments, as well as external influences from broader means.

The *context* appears as subdivided in four systems: the first, called *microsystem*, is composed by the immediate environment that contains the developing person, the house, the kindergarten, the classroom; these are places where people can easily integrate face to face. Activity, role and interpersonal relation factors constitute the elements or blocks that construct the microsystem.

The second includes the inter-relations among the environments the person actively participates in (such as the relations at home, at school for a child), which are expended whenever the developing person enters a new environment and is called *mesosystem*.

The third system, the *exosystem*, refers to environments that do not involve the person as an active participant, but in which events occur that affect what happens in his/her immediate environment (parents' economic and work conditions and children's living conditions).

The manifestation of global ideology standards through the complex of systems that fit in and are connected, representing the dimensions related to the broader cultural, economic, political, social and educational views define the fourth system, designated as *macrosystem*, which exerts a strong influence on development and quality of life, as it covers the rules for joint life, stereotypes, beliefs and prejudices of a cultural group.

*Time*, called chronosystem, includes two distinct models. The first is related to the person and his/her proximal processes, which advance and need to be studied over time. The second refers to the passage of time in the sense of the historical context.

The ecological transition issue is discussed by<sup>(1)</sup>. It occurs whenever the person's position is altered as a result of a change in position, environment or both, making these changes be identified across life.

The ecological conception of development in the context offered the theoretical base for the systematic definition of a construct executed in a natural environment and which involved objects and activities from daily life, where the characteristics of the person and the environment, the structure of the environmental scenarios and the processes occurring inside and among them were considered as interdependent and analyzed in terms of systems.

## OBJECTIVES

In this scope, we delimited the objectives of quantifying and analyzing the forensic intervention trials in Childhood and Adolescence in the County of Jardinópolis-SP, Brazil, from 2000 to 2005, characterizing situations of victimization of children and adolescents who suffered violence in the family, and of revictimization among children and adolescents attended in the County, from 1995 to 1999, as insertion in the family or not. We analyzed a trajectory of reintegration of aggressors and victims into the context, verifying how the family perceived the events related with the judicial intervention in the committed violence, getting to know the development over a ten-year period and how they perceived and dealt with their environment.

## METHODS

For the realization of this study, we considered the guidelines and regulations for research involving human beings published in Resolution 196 by the National Health Council, issued in 1996. The research was approved by the Institutional Review Board at the University of São Paulo at Ribeirão Preto College of Nursing.

As from this step of the research project, forensic authorities were asked for their authorization to carry out the research in the institution related to the processes.

As a part of the documentation determined in this legislation, we elaborated the "Consent Term", which contained clarifications for the research subjects, written in clear language, in order to inform them about the study objectives, procedures, risks, discomfort and benefits, and also to guarantee

anonymity and respect for their willingness to participate or not. Those who agreed to participate in the research were asked to sign the term. During the first meeting, they received a copy of the clarifications and of the term itself. On this occasion, we also asked for their authorization to record the interviews.

The quantitative<sup>(4)</sup> and qualitative<sup>(5)</sup> methodology was adopted. The first was used to quantify judicial trials of violence against children and adolescents, in the period from 2000 to 2005, as well as revictimization in the family.

We characterized types of mishandling, aspects related to the victim and the aggressor, revictimizations, care limits and problem solving ability, relating them with the previous five-year period. Data were collected by analyzing the trials and then filling out the census maps, for whose quantitative analysis electronic worksheet software was used. For the qualitative part, semistructured interviews and free observation were used, as well as photograph material produced by the research subjects. To outline the family structure, we used the Calgary Family Assessment Model (CFAM), which consists in a multidimensional structure with three main categories: structural, developmental and functional, based on a theoretical foundation that involves systems, communication and change. This model was adapted from the family assessment model<sup>(6)</sup>.

When assessing a family, there is a need to examine its structure, that is, who is part of it (internal structure), what is the affective bond with individuals from outside the family (external structure), and what is its context.

We also used the genogram, which is a diagram of the family group, and the ecomap, a diagram of the family's contract with other people, besides the immediate family, which represents the important connections between the family and the world, facilitating alternative interpretations of the family experience. The analysis was inspired on<sup>(7-8)</sup>.

## RESULTS AND DISCUSSION

The research results appoint that, between 2000 and 2005, according to data from the Judicial Movement, the County of Jardinópolis-SP, Brazil, totaled 1,766 Childhood and Adolescence trials.

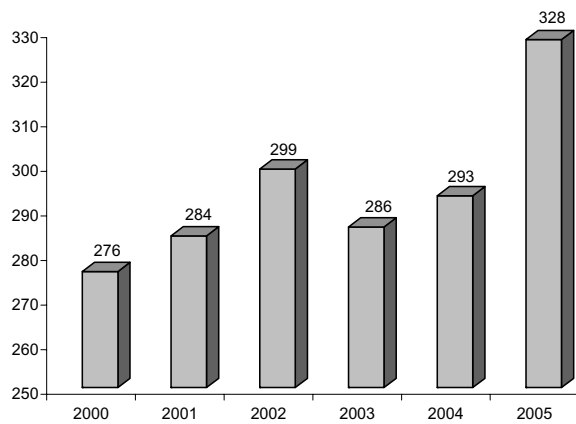


Figure 1 - Distribution of Judicial Movement related to Childhood and Adolescence according to the number of trials in Jardimópolis –SP-Brazil from 2000 to 2005

In this group, 8.21% refers to physical and sexual violence and neglect in the family, involving 257 victims, of whom 121 were girls and 136 boys. Physical violence showed the highest incidence level (44.1%), followed by neglect (42.1%) and sexual violence (13.8%). It was verified that violent behavior appeared in child victims between 1995 and 1999, in the practice of offenses in (13) events, correlated with (37) repeated victims in subsequent years.

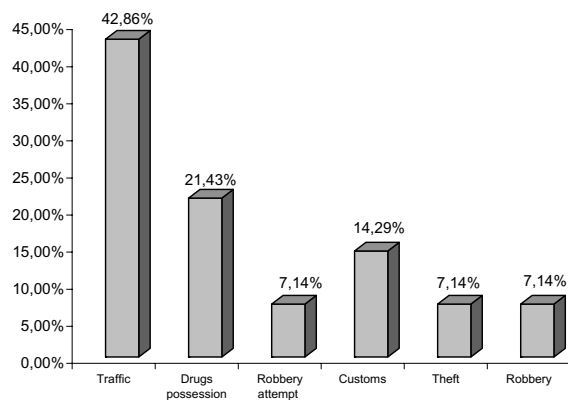


Figure 2 – Distribution of violent behavior per offense practice, between 2000 and 2005, according to victims of physical violence, neglect and sexual violence between 1995 and 1999

When comparing these results with an earlier research<sup>(9)</sup>, the current characterization of violence in the family appoint a significant increase in the occurrence percentages of neglect and sexual violence.

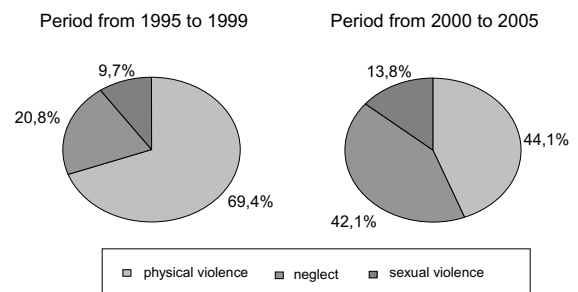


Figure 3 - Comparative distribution of physical violence, neglect and sexual violence, according to confirmation in Jardimópolis –SP-Brazil from 1995 to 2005

Neglect, considered as an attitude and perception in the context of family life and not as behavior, stood out in connection with family disorganization, in the roles men and women adopt in their family nuclei. The economic conditions to maintain and make feasible this same family nucleus are inserted in this context.

This is a negative element that, in the referred study, was pulverized together with other negative elements, distributed in different damages to the families.

We can even think of a continuum of elements that not only give rise to the physical discomfort of staying among insects like mice and bugs, one end of which would contain other parts of a whole that cause not only low interactional quality, but also elements that could lead to important losses in affective, intellectual and social development, until reaching the other end, in which the elements would be located that favor the breaking of family bonds, which were also present in the families under study as “vice”, “intra and extra-family violence” and “irresponsibility”. We consider that these related elements appear in this study as potentially more destructive to family bonds and to the protective functions the family should perform.

The results show that a single model of family life is being shared, in which the woman occupies a central position, and irresponsibility is an element related as potentially more destructive to family bonds.

In collecting information about the different sexual violence situations against children and adolescents in the family that occurred between 1995 and 2005, we observe that the victims are mostly female, bearing consequences of problems and threats to life and to the quality of existence, affecting health and frequently producing death.

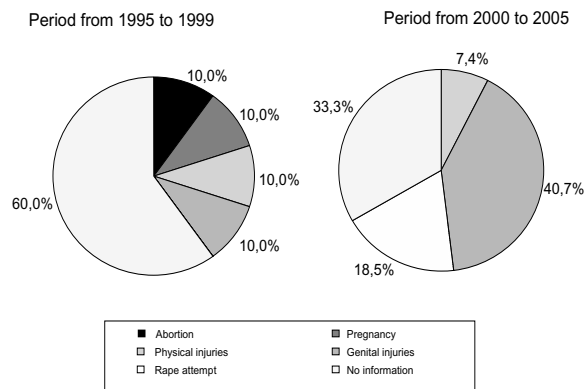


Figure 4 - Comparative distribution of sexual violence according to type of organic consequences for victims in Jardinópolis-SP, Brazil, from 1995 to 2005

Reports emerged from the interviewees' discourse, using Portuguese in a way that is quite distinct from its natural characteristics.

The elaboration of the genograms defined that the composition of these families always resulted from different and successive love relations, permeated by regular ruptures that involve elements of violence, non recognition of children's paternity, successive address changes, giving up children for adoption, little insertion in the labor world, some with unstable trajectories in the rural context or as painters or bricklayers. The ecomaps drew various relationship modalities. These families stood out by the presence of one or more serious and severe long-term and very intense symptoms. Their aggregate and kinship elements configure a family structure. The nature of the relations and roles played by each person in this structure finds things at the limits, conjugality, parenthood, resilience and molar activities, and is defined as a continued behavior that has a moment, quantity of movement, its own drive and is perceived as having a meaning or intention by the participants in the environment<sup>(1)</sup>.

Three empirical categories were identified from the material collected in the interview: "I did not have", "It does not help and it won't change anything", "In the street".

In the first empirical category "I did not have", situations of insecurity and helplessness emerge, with consequences for behavior and development in a childhood marked by "hunger", "child work", "absence of games", "no school insertion", in the economic, political and institutional universes.

We found in the study that 85% of the families consist of women. These data are corroborated by other research, such as a study developed in the

context of the project "Permanent Social Development Observatory" in Aveiro, Portugal<sup>(10)</sup>, where the centrality of women in the sample of poor families with multiple problems found a composition of 82.1% of women, who at a very young age became responsible for different figures in the house, even for younger siblings, in housework. The lack of rules and the devaluation of education, reflected in absenteeism, abandonment and even failure, intensify this role of early adulthood, without adequate maturity and preparation.

There is vulnerability in terms of the continuation of its members in the family, broken by regular occurrences of prisons, presence in police stations for different reasons, ranging from alcohol and drugs abuse, traffic, interurrences of successive visits to the courthouse, quite an interesting presence in the association of lawyers, seeking free legal representation, mainly in demands for DNA (Deoxyribonucleic Acid) tests. All of this co-exists over long periods of time, aligned with prostitution, incest, which are closely associated with complex health situations, such as sexually transmissible diseases, including AIDS. Some chronic diseases are observed, as well as impairments. However, although multiple and varied, the individual symptoms present a secondary role in the face of the family symptom, which we corroborate<sup>(11)</sup>.

In determining how the family perceives the judicial intervention, the category "It does not help and it won't change anything" reveals few incursions on violence, revealing points that strangle the judicial power's action possibilities in trials: (quantity, procedures and time); employees; child as absolute priority; institutional violence; lack of support institution. The judicial language is not understood, and difficulties are faced to translate and interpret legal procedures. They use but do not speak the same language, which is one of the determinants of disbelief in the judicial power, which is translated in the expansion crisis of society, not exclusive of the judicial culture, whose traditions and institutional vices turn the judicial power slow, formalist, elitist and distant from the social reality, in a picture that is unfavorable to the efficacy and efficiency of the Constitutional Power it holds.

The families present perceptions of justice's inefficiency through the violent event, and also consider this same justice as an authoritarian, centralized, rigid and bureaucratic organization.

They live situations in their context, outlined by intense difficulty, in a permanent risk situation, whether due to the local trafficker who is threatening or to an extremely vulnerable socioeconomic reality, mostly sustained by social subsidies granted by government actions like *Bolsa Escola* (School Scholarship). Therefore, despite some few reports, no large school evasion is observed, as the benefit's eligibility standard is based on school assiduity. Moreover, besides these subsidies, they also appropriate themselves of community or institutional help, often in combination with products of robbery or illegal activities. Children also take part in obscure income which, although attempts were made to hide it from the researchers, appeared quite clearly in the statements, demonstrating the production of disintegration symptoms. *When Tulio was, like, a minor, he worked as a carrier, you know, lady? For the drugs traffic, I did this to pay for my addiction, I didn't have a childhood, I don't have any memory of ever having played with anything. (F9)*

The category "In the street" entails insertion in perverse relations, established in the universe of drugs traffic, exploration, rejection, violation of rights and economic hardship.

Children, young people and adults present the same relations, except that children impede other dialogues in the family sphere itself, so as to break links and bonds, without success.

We could verify that, in living in a situation of misery, the families attempt to satisfy their basic needs of survival through some kind of activity on the street and, often, the strategies they use are based on the work of their children, elderly and relatives with some kind of impairment. This form of living directly affects the context of the family group as a whole, not only due to the socioeconomic situation, which places them in the popular classes, but also due to the obstacles faces in complying with their functions as socializing agent for their children and adolescents. We make no intent on considering the socioeconomic situation of popular classes, and specifically these families' income of not even one minimum wage, as the only factor determining the genesis of this situation "In the street". Resilience movements should be observed, even in the face of the hard conditions they present.

Studies about street children observe that it is very simplistic to say that, in all cases, the boys and girls were compelled by the socioeconomic structure to live in the streets because, often, the children themselves make this option. There are

general aspects of the social structure that determine the living conditions and exert a decisive influence for children and adolescents to become boys and girls living in a street situation. For them, the street can represent not only freedom but also almost direct access – even if illusionary - to the benefits the city offers<sup>(12)</sup>.

## CONCLUSION

It is concluded that the families present alterations from one historical moment to another, considering distinct variables and with a specific complexity, in terms of the abilities to discover, sustain or alter the characteristics of their development in the environment.

In focusing on the family in the framework of the Theory of Ecological Systems<sup>(1)</sup>, we could understand the factors that permeate the etiology of violence and its relations manifested within this focus. Tolerance to differences appeared as a bond that turns the family into the social and emotional structure of its members.

It is fundamental to try and develop research and programs with broader views, which not only focus on the victim, but also on the aggressor and the remainder of the family group.

The results of this research can be essential to encourage and implant programs to intervene in and prevent violence in the ecological context it is developed in, with possibilities, through educational contributions, to create awareness in the families about their behaviors and relationships that lead to violence, which can act as promoters of resilience.

We point towards the importance of an articulation of joint actions, in health systems, by the judicial power, with a view to a less bureaucratic action, within a shorter time period and more efficient, in the families that received judicial intervention when the committed violence was verified.

The view of holding the family responsible for the violence situations lost substantial force in our study, correlated with cultural, psychological, relational and socioeconomic factors.

Judicial intervention in cases of family violence needs to consider the new social frameworks, adapting them to new legal determinations on other process bases. The families' perception of the judicial

intervention is marked by the inability to solve problems, being considered as hermetic, slow and arbitrary.

The flexibilization of the law lacks reengineering of the trial procedures and of law itself, with a system of standards adaptable to the new reality.

Reflecting the limits and range of these results is of fundamental importance to influence theoretical-

methodological and ethical-political competence, in- and outside the judicial system, with strategies to overcome not only the obstacles to the guarantee of rights, but also to the families' participation in the construction of social policies, considered in its dimension within the ecological system and its meanings, interconnected in vast and intricate networks of person, process, context and time relations.

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