

ACCESS DENIED:
**The Barriers of Violence & Poverty for Abused
Women and Their Children's Search for Justice
and Community Services After Separation**

A Summary Report

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EXECUTIVE SUMMARY

The purpose of this project was to develop a comprehensive picture of women's experiences while leaving abusive relationships, from their decision to end the relationship to their dealings with the court system. The information gained in this study is intended to inform researchers, legal and social service professionals about the unique challenges associated with leaving abusive relationships as well as identify gaps in policy and service delivery.

Information was gathered from 62 women and their children over a two year period. Findings are based on telephone interviews, in-person interviews, self-report questionnaires and focus groups.

Women in this study said they left their former partners due to multiple forms of abuse, including physical, sexual, emotional, psychological and verbal abuse. The various forms of abuse evoked responses ranging from minor annoyance to fear for the woman's life. In almost all the cases (96 per cent), the children witnessed the abuse while two-thirds of the mothers reported that the child or children was the target of abuse. The most often-cited form of abuse toward the child was physical (51.3 per cent), followed by emotional (21.6 per cent) and verbal abuse (20.5 per cent).

The abuse did not usually cease when the woman left her abusive partner. Ninety-seven per cent of the women said some form of abuse continued after separation, including threats, stalking and promises to cause problems at work or with her finances. Four out of five women noted their former partner used the children as a way to continue the abuse, either by putting the women down, encouraging the children to make false accusations or encouraging them to live with him. Other forms of abuse included verbal threats or harassing comments made during the exchanges or controlling the frequency of visitations and access.

As they turned to the community and social service agencies for help, women reported feeling let down and confused by the process. Due to a number of barriers, including language and lack of child care, women sometimes became frustrated and removed their application before it a decision was made. This was particularly evident for women involved in the legal system.

For most women, the court process was long, expensive and not particularly effective. Women with limited financial means who turned to Legal Aid said they felt the service they received was not of the same quality as a non-subsidized lawyer. In 11 cases out of 44, women who applied for Legal Aid were denied assistance. Women who attended mediation on the advice of their lawyer or a judge were, for the most part, unhappy with the results because it did not solve the problem. One woman reports being told by her lawyer to accept mediation because "mediation is cheaper than mitigation."

Women used terms such as “intimidating”, “stressful” and “degrading” to describe their experiences in court. They believed that their credibility was constantly challenged while their abusive former partner was not held accountable for his actions. Several women said they decided not to pursue child support because they knew such action would enrage their former partner and cause more problems for them and their children.

Children who witnessed violence often had adjustment problems in school. While few of the children had severe behaviour problems, mothers reported that one in three children had anger management or behavioural issues. Common responses to witnessing violence in the home included acting up, becoming upset and keeping things bottled up.

The study makes a number of recommendations to improve the lives of women and children who suffer abuse before, during and after a family separation and offers direction for future research.

OVERVIEW

Goals of Study

The objective of the present study is to better understand the experiences of women and children leaving abusive relationships. In keeping with this objective, women were asked to describe the nature of the abuse they experienced, their experience ending the relationship and their utilization of community and social services. As well, women talked about their children's exposure to abuse and their subsequent adjustment. Children were asked to complete surveys relating to temperament, coping and psychological adjustment. More complete descriptions of the demographics of participants and methodology are outlined in Appendix A.

Information gained through a comprehensive study of the separation process can be used to inform research and policy decisions. In order to accomplish this, a brief overview of past research is needed.

The Effects of Domestic Violence

Despite recommendations derived from inquests, working groups and professionals working with abused women, (e.g. Jaffe, Lemon & Poisson, 2003, Bala, 1999, 2000) family courts continue to minimize the significance of domestic violence in family court decisions. All too often, guidelines regarding the best interests of the child are applied to all families regardless of the presence of domestic violence.

Supporting and protecting battered women and their children extends beyond the justice system to community and social service agencies. Little is known about the extent to which women access agencies and programs within the community. Even less is known about the extent to which these services assist women in leaving abusive relationships.

If legislators, legal and mental health professionals are to consider the importance of domestic violence in custody disputes, more is needed to understand the impact of abuse on women and children. The purpose of this project was to develop a comprehensive picture of women's experiences leaving abusive relationships. Often referred to as the "invisible victims", the study also examined children's experience and post-separation adjustment. The information gained in this study is intended to inform researchers, legal and social service professionals about the unique challenges associated with leaving abusive relationships as well as to identify gaps in policy and service delivery.

Separation Does Not Mean Cessation of Abuse

Many people erroneously believe that separation results in the cessation of abuse. However, empirical evidence suggests that in many cases this is not true (e.g., Leighton,

1989; Liss & Stahly, 1993; Neilson, 2001). Statistics show that a woman may be most at risk when she leaves or when her partner suspects she is considering leaving (e.g., Hart, 1990;1998; Hassler, Johnson, Town, & Websdale, 2001). The rate of spousal homicide for separated women was 79 per million compared to three per million for married woman (Johnson & Bunge, 2001). The act of leaving directly challenges an abusive partner's need and/or sense of control. When a couple has children, this sense of lack of control is further intensified by a fear of losing a relationship with his children.

Nor is a woman necessarily free from abuse once the custody and access dispute is resolved. For example, Leighton (1988) found that a quarter of the women interviewed reported that their lives were threatened during access transfers. Recent literature reviews suggest that many abusive fathers physically and/or emotionally abuse the mother when the children are picked up or dropped off (Bancroft & Silverman, 2002; Jaffe et al,2003).

The Impact on Children of Witnessing Domestic Violence

Whether children experience domestic violence directly or indirectly, they likely will be affected. Although still in its infancy, considerable research has been conducted examining the relation between exposure and children's adjustment (e.g., Edleson & Graham-Berman, 2001; Rossman, Hughes & Rosenberg, 2001). Possible adjustment problems include:

- internalizing behaviour problems such as depression, anxiety, or social withdrawal;
- externalizing behaviour problems such as aggression or impulsiveness;
- tendency toward aggressive social problem-solving strategies;
- low self esteem;
- poor peer relationships;
- poor academic performance and truancy;
- post traumatic stress disorder symptoms;
- self-blame and guilt for the domestic violence.

As researchers continue to study the behavioural, emotional and psychological impact of exposure to violence on children, a complex picture is unfolding. Although there is substantial evidence to suggest a relation between exposure and adjustment problems, there is considerable variability in the extent to which children are affected (Jaffe et al., 2001). For example, some children appear relatively resilient to problems (e.g., Peled, Jaffe, & Edleson, 1995). A host of risk and protective factors have been identified to explain this variability such as intelligence, severity of abuse witnessed, maternal adjustment (Rossman et al., 2001). A challenge of the new wave of research is to just move beyond simple cause-and-effect analyses to more complex studies designed to gain a better understanding of the complex array of interacting factors (risk and protective) affecting child adjustment.

Domestic Violence and Divorce

The past three decades has seen numerous research studies conducted examining the impact of divorce on children. Scores of studies have portrayed the process of separation and divorce as a major cause of adjustment problems in childhood and adolescence (e.g., Wallerstein, et al., 2000). Emphasis is placed on the importance of encouraging ongoing relationships with both parents after the separation. These findings have led legal and mental health professionals to recommend reforms which encourage active and meaningful involvement of both parents in children's lives. Increasingly, mediation, joint custody and shared parenting arrangements are being promoted as representing the best interests of the child.

More recent multi-factorial and longitudinal studies demonstrate that the impact of divorce is much more complex than originally thought. This has lead many researchers to qualify earlier findings and reconsider the importance of pre- and post-divorce factors when considering children's adjustment problems (e.g., Emery, 1999). In her review of the literature Kelly (1998) concluded that "the deleterious effects of divorce per se have been overstated, with insufficient attention paid in the clinical and research literature to the damaging effects of highly troubled marriages on children's adjustment" (p. 259).

The presence of domestic violence appears to be one such factor that warrants consideration:

- For families where there is high conflict after divorce, children with shared access to parents were found to have more emotional and behavioural problems than children in sole-custody arrangements (Johnston, 1994).
- For children from families where abuse is a concern, research indicates that children may fare better when sole custody is awarded, even when there is little or no paternal contact (Bancroft & Silverman, 2002).
- Children may continue to be exposed to violence either by witnessing continued abuse directed toward their mother during transfers or the abusive partner may involve children in the conflict (Jaffe, Wolfe, & Wilson, 1990; Jaffe, Lemon, & Poisson, 2003).
- for some children, divorce may improve adjustment (Jaffe & Geffner, 1998).

Legislators, legal, mental health and community professionals have been presented with a confusing, and sometimes contradictory portrait of children's post-separation. This has lead to inaccurate conclusions and broad generalizations about all divorcing families with little attention paid to the individual needs of families. As a result, little is known about the

multiplicity of factors affecting children's post separation adjustment. Of particular relevance to the present study is the nature of the conflict and exposure to domestic violence.

Domestic Violence and Issues Concerning Custody and Access

Efforts to recognize the importance of domestic violence in custody disputes are hampered by concerns over "false allegations". Domestic violence issues have become mired in the sensational headlines, misrepresentations and such concepts as parent alienation syndrome. In particular, considerable backlash has been generated by the father's rights movement. In an effort to gain public support, father's rights groups have portrayed abuse allegations as malicious attempts to block paternal access to children. Such media attacks have contributed to the widely held belief that women make allegations of abuse in an effort to secure custody and prevent their partners from having meaningful relationship with their children. Skepticism remains in spite of evidence that many battered women want their children to have continuing relationships with their fathers (e.g., Neilson, 2001; Sinclair, 2000).

Many legal and mental health professionals contend that battered women regularly face significant obstacles. Some of the problems include the following:

- lengthy and protracted custody disputes. For example, Sinclair (2000) conducted focus groups with 52 women who were victims of domestic violence and involved in custody and access disputes. The average length of time to resolve the disputes was 3.5 years.
- Custody and access disputes often become a means of perpetuating the abuse through prolonged litigation and court-related harassment (e.g., Bala, 1999; Sinclair, 2000;).
- Battered women may feel pressured to not disclose allegations of abuse or pursue denial and/or restrictions on access for fear of being labelled as "difficult" (Neilson, 2001).
- Given the importance placed on resolution, legal and mental health professionals may not always pick up on the subtle clues of harassment and intimidation during mediation (Jaffe et al, 2003).
- Because most abuse occurs in the absence of a witness, many women have little evidence of abuse. As a result the credibility of their allegations often is called into question (e.g., Sinclair, 2000)
- Some woman may resort to violence, particularly at the time of separation (Neilson,

2001). Their abusive partner may use the incident to convince the courts that he is the victim of abuse.

- When children refuse to attend court-ordered access out of fear, their mother's are blamed and held accountable for not facilitating access.

Despite strong appeals for legislative and institutional reform, Canadian custody and access statutes (with the exception of Newfoundland) make no specific reference to violence as a factor to be considered in determining custody and access arrangement (Bala, 2000). Instead, legislators have turned their attention away from the adversarial concept of custody to shared parenting plans which emphasize communication and cooperation (Jaffe et al, 2003). For the majority of families such approaches seem sensible and are in keeping with the literature concerning the best interests of the child. But for children where there is a history of domestic violence, such simplistic solutions may place children at undue risk. Shared parenting guarantees continued contact between the abuser and his victim. It perpetuates the possibility of ongoing abuse and jeopardizing the safety of the non-offending parent and child. Joint custody works best when both parents respect each other and can cooperatively make decisions concerning the child. When one parent abuses or tries to control the other parent or child, joint custody (whether physical or legal) is unlikely to work. It may well endanger the abused parent and any children in the family.

Abuse and Poverty: The Double Disadvantage

While efforts are being made by legislators, advocates and community professionals to assist and protect women leaving abusive relationships, the Ontario government has cut funding to these very same programs. Key among these problems concerns Legal Aid funding. The Arlene May- Randy Iles inquest recommended that Legal Aid should be increased to ensure that all women experiencing domestic violence can seek assistance from the family courts. While the inquest's recommendations were being announced, the Ontario government significantly restricted funding to Legal Aid. Although there have been funding improvements during the last couple of years, allowances to lawyers are still significantly limited (for a review of all the issues raised please see Joint Committee on Domestic Violence, 1999).

For many women, their financial situation (particularly as it relates to legal costs) creates a double disadvantage: the abuse leaves her fearful and ashamed while a lack of money leaves her with few resources for ending the abuse. Poverty affects a woman's ability to leave abusive relationships at a number of levels:

- A 1996 study conducted by the Ontario Association for Interval and Transition

Houses reported that more than half of the women interviewed cited the inability to get Legal Aid or to find a lawyer that would take a Legal Aid case as a reason for returning or remaining in an abusive relationship

- Cutbacks and restrictions mean more women have to find “affordable” legal advice or represent themselves.
- Women may feel pressured to accept a settlement because they do not have the resources to contest the proposed agreement. Particularly problematic are situations where the father has financial resources that far exceed those of the mother. The abusive partners simply “wins by attrition” by pursuing the matter through the courts until the woman’s resources are exhausted.
- Neilson (2001) observed that when families do not have access to adequate financial resources, lawyers often opt for “settlement practices designed to produce ... ‘good enough’ settlements within a range considered adequate for ‘average’ mothers and ‘average’ fathers”.
- Availability of financial resources has implications far beyond legal representation including: housing, child care, ability to work, nutritional concerns, ability to access mental health services for women and their children.

SECTION A: Abuse History

Women's Abuse Experience

Women reported multiple forms of abuse. Table 1 illustrates the range of abuse experienced by women participants. All but two of the women had experienced some form of verbal abuse such as name calling by their former partner. The majority of women also had experienced some form of physical abuse.

Table 1. Types of Abuse Experienced by Women Participants (N=62)

| Nature of Abuse | % of Women Reporting |
|---|----------------------|
| Jealous | 85.0 |
| Limiting contact with family and friends | 80.0 |
| Monitoring whereabouts and personal contact | 78.3 |
| Name calling | 96.7 |
| Preventing access to family income | 55.0 |
| Threatening to hit with fist or something cause physical harm | 84.5 |
| Throwing anything causing physical harm | 71.2 |
| Pushing, grabbing, shoving | 86.4 |
| Slapping | 64.4 |
| Kicking, biting or hitting with fist | 54.2 |
| Hitting with object cause physical harm | 47.5 |
| Physical injuries | 44.1 |
| Choking | 32.2 |
| Threatening or using gun or knife | 28.8 |

In an effort to learn more about women's abuse experiences, women were asked to describe the nature and severity of abuse:

- the first time their former partner abused them;

- the most recent abuse;
- the worst abuse; and
- the most typical types of abuse.

“The bruises heal after a month, but the psychological abuse seems to stay with me forever”

First Incident of Abuse

For the majority of women (71%) the first abusive incident occurred within the first six months of their relationship. Most women reported that the abuse was primarily verbal in nature (60%) and involved some type of verbal, emotional or psychological abuse. For 35% of the women, their first experience of abuse with their partner involved physical abuse. Two women noted that the abuse was severe enough to cause them to be concerned for their physical safety.

Most Recent Abuse

For most of the women, the most recent incident had occurred either at or around the time they were separating from their partner (23%) or post-separation (54%). About half of the women described an event that involved physical abuse. The physical abuse ranged from a push to strangulation. Many women described the last abusive incident as involving psychological (22%) or verbal (20%) abuse. Most of these events occurred after the separation where the former partner may have made harassing, berating and/or making threatening statements regarding custody or child support issues. Three per cent of the women cited financial abuse as an ongoing form of abuse.

Worst Incident of Abuse

The majority of women reported a physically abusive incident as the worst type of abuse they had experienced with their former partner (78%). The severity of abuse ranged from a little physical contact (7%) to incidents involving weapons and/or a high risk situation. Examples of high risk abuse included pointing a gun to the woman's head, attempting strangulation with a shower curtain and using a car battery to shock a woman's heart. Interestingly, several women mentioned a verbally abusive incident as the worst incident of abuse despite previously reporting a more severe physically abusive episode. When asked to describe why she had selected what appeared to be a less severe incident one woman noted: “The bruises go away after a month but the psychological abuse will stay with me forever.”

Most Typical Abuse

In an effort to understand more about the abusive environment in which the women lived, participants were asked to describe the abuse they typically experienced while with their former partner. Women found it very difficult to categorize it with respect to one form of abuse. Most women noted that emotional (35%), verbal (28%) and psychological (27%) abuse were typical in their relationships. For the majority of women, abuse typically involved long periods of the “silent treatment” where her partner would pretend she did not exist, name-calling and/or berating a woman for her skills as a wife and mother.

Seventeen percent of the women described themselves as primarily physically abused. Physically abusive incidents included hitting, pushing as well as more threatening forms of abuse. One woman noted that her husband always kept a loaded gun next to her bed.

Several women described verbal and emotional abuse as the primary type of abuse they experienced. However, they qualified their responses with respect to a high level of sexual abuse. These women noted that marital rape was a common occurrence in their relationship but they did not label it as typical because other forms of abuse occurred more frequently. For example, one participant noted that her partner often “passed her around to his friends” but that name-calling and put-downs were a daily occurrence.

Table 2. Timing, Nature and Severity of Abuse

| Timing of Abuse | % of Women Reporting | |
|----------------------------------|--|--|
| | Nature | Severity |
| <i>First Time Abused</i> | Physical = 35 Verbal = 37 Emotional = 13 Psychological = 15 | Verbal, no fear = 60 A little physical = 20 Physical/pressure sex = 15 Fear/worry safety/rape = 3 Weapons/high risk = 2 |
| <i>Most Recent Time Abused</i> | Physical = 50 Verbal = 20 Emotional = 5 Psychological = 22 Financial = 3 | Verbal, no fear = 50 A little physical = 17 Physical/pressure sex = 15 Fear/worry safety/rape = 12 Weapons/high risk = 7 |
| <i>Worst Time Abused</i> | Physical = 78 Verbal = 5 Sexual = 2 Emotional = 3 Psychological = 12 | Verbal, no fear = 14 A little physical = 7 Physical/pressure sex = 27 Fear/worry safety/rape = 34 Weapons/high risk = 19 |
| <i>Typical Abuse Experienced</i> | Physical = 17 Verbal = 28 Sexual = 3 Emotional = 35 Psychological = 27 | Verbal, no fear = 58 A little physical = 28 Physical/pressure sex = 10 Fear/worry safety/rape = 3 Weapons/high risk = 0 |

Pet Abuse

Forty-four percent of the women in the study reported that their former partner had been abusive towards the family pet. Of the women who reported the pet abuse, 39% mentioned that the animal had been kicked and/or thrown against a wall, 22% mentioned that their partner often would starve the animal. Three women had witnessed their partner kill the family's pet. Several women noted that their family had not owned a pet because they were concerned about what their former partner would do to the animal.

Post-Separation Abuse

There is a growing body of literature illustrating that leaving an abusive relationship does not necessarily ensure that the abuse will stop. Women in this study were asked about abuse they have experienced since separation.

Almost all of the women had experienced some type of abuse following separation (97%). Similar to findings of abuse in marriage, women experienced multiple forms of abuse. Table 3 describes the range and frequency of abuse experienced by women. The majority of women reported that their partner had threatened them. Threats most commonly included threats to physically harm them or taking away custody of the children. A large percentage of women also described various types of financial abuse including financially ruining women (61%), hiding money or quitting a job to reduce support payments (56%), threatening a women's employment or opportunities to work (43%) and spending money in the joint bank account (41%). Taking all of the money out of the joint account was particularly problematic for a number of women because it was their sole source of savings.

Table 3. Abuse Experienced by Women following Separation (N=62)

| What he did | % Women Responding |
|--|---------------------------|
| Threaten | 82 |
| Beg you to take him back | 67 |
| Stalk | 62 |
| Financially ruin you | 61 |
| Promise to change | 59 |
| Purposefully impoverish to avoid support | 56 |
| Threaten employment opportunity | 43 |
| Spend money in joint account | 41 |
| Physically assault | 23 |
| Sexually violate | 18 |

Ongoing Abuse

“I knew he was fighting for control, not access.”

Women’s current abuse experience can best be described as following into one of four categories.

- Twenty-four percent of the women reported that they no longer had contact with their partner. In most cases, fathers had voluntarily stopped exercising their visitation rights (57%).
- About one in five women (22%) reported that their children no longer had contact with their fathers. However, they were concerned that their former partners would become involved in the future. Most of the women expressed fears that their partners would bring them back to court and seek custody. Two women noted that their former partner had custody of one of their children and refused visitation. Two other women noted that their children’s father was gone but had left lasting scars with respect to the children’s feelings of rejection by their father.
- The majority of women (37%) reported that their children had either regular or irregular contact with their fathers and that access was used as an opportunity to continue to abuse the women. In most cases, the children were a conduit for the abuse (78%). The abuse included put downs, encouraging children to live with their father, coaching children to make false allegations of abuse by their mother. Another 22% of the women within this group reported that their former partners were often verbally abusive and/or harassing during exchanges. Several women noted that their partner often exercised irregular visitation as a means of controlling them. (For example: “No one is going to tell me when I can see my kid.”)
- Seventeen percent of the women reported that their partner had regular/irregular access to their children and there were no problems regarding abusive incidents.

It should be noted that some families may fall into more than one category as one of the children may be living with his/her father and therefore contact with father is not an issue. For other families, the amount of children’s contact with their father varies based on whether the child wishes to see her/his father or as a function of the relationship to the former partner. (None of the step-children had contact with their step-fathers).

Children's Exposure to Abuse

Although children may not be directly involved in an abusive incident between parents or caregivers there are a number of ways in which they may be exposed to the violence. For example, exposure can involve physical presence in a room, seeing a push from another room, hearing a parent yelling or crying or seeing a resulting injury. A growing body of research demonstrates that children are not oblivious to the abuse nor do they remain unaffected simply because they are not direct victims of the abuse (see Rossman et al., 2000). The following discussion is based on maternal reports regarding children's level of exposure to violence.

Duration of Exposure to Abuse

For the majority of children (91%) exposure began during infancy. As can be seen in Table 4, approximately 30% of the children continue to be exposed to parental violence. On average, child participants have spent 70% of their lives exposed to parental abuse.

Table 4. Duration of Children's Exposure to Violence in the Home

| | % of Children (N=116) | |
|-------------------------------|-----------------------|---------------|
| | Abuse Started | Abuse Stopped |
| Infancy | 90.5 | 9.5 |
| Toddler/Preschool (2-4 years) | 6.0 | 19.8 |
| Early Childhood (5-8 years) | 2.6 | 25.9 |
| Later Childhood (9-12 years) | 0.9 | 10.3 |
| Adolescence | | 4.3 |
| Ongoing | | 30.2 |

Nature of Exposure to Abuse

Overall, 96% of the children involved in our study were exposed to parental abuse. Similar to women's abuse experiences, children were exposed to multiple forms of abuse. Table 5 shows the percentage of children exposed to physical, verbal, psychological, emotional and financial abuse as reported by women.

Table 5. Nature of Children's Exposure to Abuse

| | % of Children Exposed |
|---------------|-----------------------|
| Physical | 77.4 |
| Verbal | 52.2 |
| Psychological | 37.4 |
| Emotional | 35.7 |
| Financial | 3.5 |

During the questionnaire part of the study, women were asked to answer questions relating to their children's exposure to abuse and the extent to which their children intervened during abusive incidents. The frequencies refer to children in a family generally and not to a specific child. A summary of the findings are presented in Tables 6 and 7.

Approximately 80% of the mothers reported that their children saw the results of the abuse to their mothers at least occasionally. Seventy-eight percent of the mothers reported that their children at least occasionally had overheard an incident of abuse from another room, with 32.7% noted that their children had frequently heard an abusive incident. With respect to directly witnessing abuse, 36.5% of the mothers reported that their children had at least occasionally come into the room to watch an incident, 44.2% reported that their children had at least occasionally begun to watch an incident but left and 46.1% reported that at least occasionally their children had witnessed the event from beginning to end.

Table 6. Nature of Children's Exposure to Violence (N=52).

| | % of mothers responding | | | | |
|--|-------------------------|--------|-------------|------------|-----------------|
| | Never | Rarely | On Occasion | Frequently | Very Frequently |
| See the result of incident, but not hear | 7.7 | 11.5 | 40.4 | 21.2 | 19.2 |
| Hear an incident from another room | 5.8 | 15.4 | 26.9 | 32.7 | 19.2 |
| Come in room and watch | 28.8 | 34.6 | 19.2 | 13.5 | 3.8 |
| Watch beginning then leave | 30.8 | 21.2 | 26.9 | 15.4 | 1.9 |
| Watch from beginning to end | 21.2 | 28.8 | 28.8 | 15.4 | 5.8 |

Note: Row totals may not add to 100 as some participants were not sure about the nature of their children's exposure.

In addition to being exposed to abusive incidents some children became involved in the events. Almost 30% of the women reported that their children had, at least on occasion, yelled from another room. Similarly, 28.9% of the women reported that their children had at least occasionally yelled while in the same room. Most women (83.5%) reported that their children had rarely or never called someone for help. With respect to physical involvement, most children rarely or never became physically involved in an abusive incident (92.6%). However, 18% of the women reported that their children had at least occasionally been threatened with physical harm. When children were harmed it was approximately equally likely to be the result of indirect or direct harm (see Table 7). Most children who were harmed rarely required medical attention (16%).

Table 7. Children's Involvement During Abusive Incidents (N=52)

| | Never | Rarely | On Occasion | Frequently | Very Freq. |
|--|-------|--------|-------------|------------|------------|
| Children holler or yell from another room | 36.5 | 30.8 | 15.4 | 5.8 | 7.7 |
| Children holler or yell while in same room | 44.2 | 23.1 | 17.3 | 5.8 | 5.8 |
| Call someone else for help | 80.8 | 13.5 | 1.9 | 0 | 0 |
| Became physically involved | 70.6 | 21.6 | 5.9 | 2.0 | 0 |
| Threatened with physical harm | 58.0 | 24.0 | 12.0 | 0 | 6.0 |
| Indirectly or accidentally physically harmed | 54.9 | 29.4 | 11.8 | 2.0 | 2.0 |
| Directly or deliberately physically harmed | 72.5 | 9.8 | 9.8 | 2.0 | 3.9 |
| If injured, required medical attention | 80.0 | 16.0 | 0 | 2.0 | 0 |

Note: Row totals may not add to 100 as some participants were not sure about the nature of their children's exposure.

Abuse Directed Toward Children

Participants were asked whether their child had been abused as well as the nature of the abuse. In most cases, mothers reported the most severe type of abuse their children had experienced. Women were asked to provide information for each of their children. Approximately 68% of the women reported that their children had been abused. More than half the mothers reported that a child had been physically abused.

Step-children appeared to be particularly vulnerable to physical abuse. Of the five step-children involved in the study, all but one had been physically abused. Three of the women mentioned that the abuse was significant enough that they became concerned for their

children's safety. Two of the step-children moved to live with their biological father due to the severity of abuse.

Table 8. Nature of Abuse Perpetrated Against Children (N=79)

| | % of Children |
|---------------|---------------|
| Physical | 51.3 |
| Verbal | 20.5 |
| Emotional | 21.8 |
| Sexual | 2.6 |
| Psychological | 3.8 |

SECTION B: Leaving the Relationship

Factors Influencing Women's Decision to End the Relationship

For the majority of women, ending the relationship was something they had thought about prior to the final separation. On average, most women had been thinking about ending the relationship for approximately 35 months (range= 1 to 144 months). When asked to talk about some of the reasons why they had not ended the relationship earlier, women's responses focussed on two central themes: concern regarding lack of money and/or shelter and a desire to keep the family together.

In an effort to further understand the factors influencing a woman's decisions to end an abusive relationship, women were provided with a list of possible reasons for staying in the relationship and asked to rate how much the factor had affected their decision-making. Table 9 provides average ratings for each factor. Women rated issues regarding concern for personal and/or their children's safety, fear of losing custody of the children, importance of maintaining a traditional family for their children, lack of financial resources and the hope that their partner would change as the primary factors affecting their decision-making. Safety concerns figured most prominently in women's decision-making. However, the influence of these fears with respect to ending the relationship is less clear. A number of women cited safety concerns as both a reason for staying in the relationship ("I was afraid that if I left he would be angry enough to cause serious harm to me") and a reason for ending the relationship ("It was getting to the point I could not cover the bruises. I was afraid to leave the children alone with him").

Tipping the Balance

A great deal of focus, both in the literature and on the part of sceptics, concerns "why do women stay in an abusive relationship?" However, the more proactive question is: "What makes a woman decide to leave an abusive relationship?" The women we spoke to demonstrated that the reasons are as varied as the explanations for staying in the relations. Women's explanations included:

- fear for their children's safety;
- fear for their personal safety;
- partner had been unfaithful;
- recognition that they could not stop the abuse;
- worried about the intergenerational transmission of abuse;
- partner developed serious drug addiction;
- recognition that there was no marriage/family to salvage.

Table 9. Factors Consider When Leaving (N = 62)

Note: The scale ranged from 1= not at all to 5=a great deal

| Reason stay/leave | Mean |
|--|-------------|
| My personal safety | 3.63 |
| Threatened to take custody of children | 3.52 |
| Children need father figure | 3.49 |
| Children's safety | 3.39 |
| Too disruptive for kids | 3.24 |
| Worried about where to live | 3.18 |
| Little to no money | 3.15 |
| Thought he would get help/change | 3.08 |
| Partner controlled finances | 2.89 |
| Afraid of being alone/single mom | 2.71 |
| Lower standard of living | 2.61 |
| Still loved him | 2.50 |
| Liked house/neighbourhood | 2.42 |
| Did not have job | 2.47 |
| Embarrassed of being battered woman | 2.37 |
| Concerned about going on welfare | 2.35 |
| Family pressure | 2.16 |
| Religion | 2.08 |
| Partner try to kill himself | 1.81 |
| Medical reasons | 1.56 |
| Had to leave family pet behind | 1.26 |

The Separation

Process of Leaving the Relationship

“Everyday he would remind me that he could kill me”

For the majority of women (66%) we spoke to, the final separation was not the first time that either they or their partner had attempted to end the relationship. On average there had been 1.8 separations prior to the final separation. In cases where there had been previous separations, women reported that they had decided to mend the relationship because they felt that their partner would get help/change and a strong desire to keep the family together.

In most cases (58%) women left the family home. Their partner left the family home, either voluntarily or by request, approximately 26% of the time. For the remainder of cases, deciding who would leave the family home was not an issue as the couple was not sharing a home at the time of separation. The manner in which women left the relationship can be described as one of the following:

- Twenty-two women left the family home with the assistance of a domestic violence service.
- Eleven women were able to leave the family home with the assistance of family and friends.
- Three women left the family home independent of outside support.
- Ten women reported that their partner left voluntarily or was asked to vacate with little problem. For most of these cases that partner was involved in an extra-marital affair at the time of separation.
- Four women noted that they asked their partner to leave but it was difficult to remove him from the family home. One woman reported that she arranged an apartment as a means of reducing his anger and securing her safety.
- Eight women noted that they were not living with their partners at the time of separation.

Prior to final separation some women had already arranged for a lawyer to draw up papers. These women said they realized that if they were going to be taken seriously would need papers. They were worried that they would be conned back into staying because he would make them feel inferior.

Post-Separation Experience

Although some women noted that once they ended the relationship they experienced relief (37%), for most women leaving was a very negative experience. Many women reported

feeling scared (37%) and overwhelmed (10%). At the time of separation, 23% of the women were hopeful that their partner would agree to get counselling in an effort to mend the relationship.

Women often described the time immediately following separation as extremely stressful. As discussed in the previous section, abuse often occurred post-separation. Women noted that at least when they were in the relationship, they could read their partner's mood and look for signs. Separated from their partner they were left to speculate about their partner's reactions to the separation; particularly women where their partner had threatened harm, abduction and/or protracted custody battles.

Use of Support Services

A number of women commented that one of the reasons it was so stressful to leave the relationship was the difficulty accessing services and support.

Health Care Providers

Rural women found it particularly difficult to leave because of the isolation and difficulty accessing services. All of the rural women who were able to access appropriate services had already established connection with someone who could help -- an art therapist, a home nurse and a doctor. In two of the cases, the women reported that their doctor had minimized the abuse and encouraged them to stay in relationship.

Domestic Violence Services

Domestic violence services such as shelters and advocacy centres played an instrumental role in helping women to leave. More than half the women we spoke to called or visited a helping agency. In some cases, it was to help them leave and help develop a plan.

However, a number of women accessed these services prior to leaving the relationship. By using the services while still in the relationship, women said they learned about options should they leave, including how to hire a lawyer, obtain legal aid or go to a shelter. Several women credited their ability to stay in the family home to seeking the advice of domestic violence services.

Table 10. Nature of Domestic Violence Services Obtained

| Type of Service | % of Women Endorsing |
|-------------------------------------|----------------------|
| Shelter for woman | 33% |
| Shelter for children | 33% |
| Help develop safety/protection plan | 50% |
| Legal advocacy/information | 42% |
| Help you get restraining order | 22% |
| Support group | 33% |
| Individual counselling | 50% |
| Group counselling for children | 35% |
| Individual counselling for children | 23% |

Accessing Community Resources

Women noted that they made every attempt to access services. Table 11 illustrates some of the services that women had accessed themselves.

Table 11. Services Women Accessed and Their Perceived Helpfulness

| | | % of Women Responding | | | |
|-----------------------------------|--------------------|-----------------------|---------------------|-------------|-----------------|
| | | Involved | How Become Involved | How helpful | |
| <i>Police</i> | | | | | |
| (N= 48) | Never = | 32 | Women contacted = | 66 | Very = 24 |
| | Rarely = | 32 | Someone contacted, | | Somewhat = 32 |
| | Occasionally = | 27 | with consent = | 9 | Not very = 30 |
| | Frequently = | 9 | Someone contacted, | | Not at all = 12 |
| | | | no consent = | 17 | |
| | | | Mandated by Judge = | 3 | |
| <i>Medical</i> | | | | | |
| (N= 40) | Never = | 48 | Women contacted = | 95 | Very = 42 |
| | Rarely = | 28 | Someone contacted, | | Somewhat = 37 |
| | Occasionally = | 10 | with consent = | 5 | Not very = 11 |
| | Frequently = | 5 | | | Not at all = 11 |
| <i>Domestic Violence Services</i> | | | | | |
| (N= 47) | Never = | 23 | Women contacted = | 56 | Very = 79 |
| | Rarely = | 21 | Someone contacted, | | Somewhat = 16 |
| | Occasionally = | 36 | with consent = | 2 | Not very = 0 |
| | Frequently = | 10 | Someone contacted, | | Not at all = 5 |
| | Very Frequently = | 3 | no consent = | 2 | |
| <i>Counselling</i> | | | | | |
| (N= 47) | Never = | 21 | Women contacted = | 82 | Very = 55 |
| | Rarely = | 15 | Someone contacted, | | Somewhat = 29 |
| | Occasionally = | 28 | with consent = | 13 | Not very = 8 |
| | Frequently = | 23 | Another agency = | 3 | Not at all = 8 |
| | Very Frequently = | 13 | | | |
| <i>Children's Aid Society</i> | | | | | |
| (N= 43) | CAS ever become | | Women contacted = | 40 | Very = 25 |
| | involved | 44 | Someone contacted, | | Somewhat = 25 |
| | (** 63% interview) | | with consent = | 12 | Not very = 17 |
| | | | Someone contacted, | | Not at all = 29 |
| | | | no consent = | 36 | |
| <i>Clergy/Minister</i> | | | | | |
| (N = 36) | Never = | 58 | Women contacted = | 95 | Very = 41 |
| | Rarely = | 14 | Another agency = | 5 | Somewhat = 18 |
| | Occasionally = | 14 | | | Not very = 18 |

| | |
|-------------------|---|
| Frequently = | 8 |
| Very frequently = | 6 |

| | |
|--------------|----|
| Not at all = | 12 |
|--------------|----|

Challenges Accessing Services

Women often went to domestic violence agencies such as Women's Community House and London Abused Women's Centre thinking that they would help them in dealing with all the issues. Although women noted that these agencies were instrumental in introducing them to programs that were available, they said they wished there was one place where all the applications could be completed and that a worker, trained in the areas of domestic violence and family court matters, would have been able to process and re-direct the paper work for them.

Instead, they found themselves having to call over to one place, only to be passed on to another person or told that they would have to come into an office to fill out paperwork.

This process created number of problems:

- Due to a variety of barriers (e.g., language, cultural, mental health) women did not always understand the applications they were asked to complete
- Completing applications required arranging child care. Economic resources and availability of child care services did not always make this possible.
- Lack of knowledge and/or frustration with the system resulted in women becoming annoyed and removing their application before a decision was made.

Social Assistance

All the women who went on welfare acknowledged it was welfare that enabled them to leave the relationship. However, they did not like the fact that they were lumped into the same category as the general welfare population. It bothered them that people (workers and general population) might see them as "stereotypical people looking for a hand out", or "single mother who is too lazy too work" when in fact, their decision saved themselves and their children. In the long run they would be saving the public money because they were leaving a partner who was abusive and protecting themselves and their child or children.

The social assistance also provided a time to heal, the result of mental health problems stemming from abuse and trauma. Some women were so scarred from the relationship that they needed to stay at home to help themselves and their children heal.

Those who had been stay-at-home mothers or were forced to stay at home did not always have the necessary education or job training opportunities to get a job that could generate enough income to meet their needs.

For the four women who were on welfare before they left the relationship, the lack of money

was a deterrent to leaving. They had no savings or money for the first and last month's rent. They could not go out and look for a job prior to leaving because their partner would become suspicious. They also lacked the job skills and/or experience to find work. Women expressed feelings of apathy, helplessness and depression due to the abuse and stigma of welfare. Getting help for their mental health issues was difficult, as subsidized counselling often meant a waiting list. If a woman could afford private counselling, she fared better because the counsellors did not have waiting lists.

Economic Impact

In an effort to determine whether a women's present economic status differed from their economic status while in the relationship, women were asked to estimate the difference in their income before and after separation. On average, a woman's income decreased by \$23 961.00 following separation.

SECTION C: The Court Process

For many women, the court process was long and expensive. Women reported spending any where from three months to 10 years in court, with the average length 31.22 months. The average cost was \$16,003, but ranged from nothing to \$150,000.

For one in three women, the court process is not over yet. There are still outstanding custody and access issues, divorce proceedings and the refusal of the partner to sign papers and/or show up for hearings.

Nature of Dispute

Most of the women we spoke to were involved in disputes with respect to custody and access as well as child support issues (53%). In most cases, the disputes concerned who should have primary custody and the amount of access granted to the non-custodial parent. Issues regarding child support primarily focussed on the veracity of income disclosure and the unwillingness of the non-custodial parent to pay support.

A couple of women noted that they took their partner to court because they wanted him to see his children. In both cases, the children wanted to see their fathers but the former partners did not wish access.

Thirty-three women reported court dealings on criminal matters, with assault being the most common charge. In 23 cases, the defendant was found guilty while two cases were dismissed. Six cases are pending and the women were not sure of the status of two other cases. In two instances, the former partner had charged the woman.

Legal Services

Almost all of the women (94%) we spoke to had retained the services of a lawyer. Of the three women who did not retain a lawyer, two felt they could represent themselves effectively. The third woman was advised by duty counsel that a formal custody and access agreement was not necessary as her former partner no longer had contact with her or their child. However, two months following our interview, the woman called our office to inquire about the process of accessing Legal Aid as her former partner was seeking custody after a 2½ year absence.

Until separation, most of the women (61%) we spoke to had not previously been involved with the legal system. As a result, the majority of women did not know how to go about accessing legal services (54%). Most of the women in the study learned about the process of accessing legal services through the assistance of community programs (such as

domestic violence programs, counsellors and library resources), family and friends, or by calling the Legal Aid office. In the last couple of years, the London-Middlesex courthouse opened a Family Law and Information Centre. Several women who had an opportunity to access these services noted that the office was instrumental in guiding them through the initial steps of the legal process.

Several women had retained a lawyer prior to the final separation. The women either had previously been involved in the legal system (e.g., previous divorce/separation, involved in criminal matter involving their former partner) or sought the advice of family, friends or professionals who advised them to have an informal order in place prior to separation.

Eleven women reported that they had represented themselves at some point during the legal process. Three of the women did so because they were denied Legal Aid and did not have sufficient funds to retain a lawyer. Three of the women we spoke to noted that they became frustrated by the slow pace of the system and the mounting legal bills and felt that they could expedite the process by representing themselves.

Two women who represented themselves knew that their partner would behave inappropriately in court and trusted in the system. In these two cases the system worked for them, as one partner showed up to court intoxicated and high while in the other, the partner also represented himself.

However, for several women who represented themselves, the outcomes were not so fortunate. One reported she filed wrong papers and had to pay her partner's legal bills. In another case, the woman did not get formal agreement. Her partner moved out of country where he filed for and was granted custody. She lives in fear that he will come and take the children because she only had an interim order. Two women noted that they had no formal agreement and in one case, after a 2 1/2 year absence her partner has begun to harass her.

Satisfaction

Women's satisfaction levels with their lawyers were mixed. On average women changed lawyers at least once, and as often as seven times. Most of the women (82%) told their lawyer about the abuse. For the 18 per cent who did not disclose abuse, reasons included embarrassment, not being asked and relevance. Satisfaction on lawyers' understanding of domestic violence issues was split (half the women felt their lawyer did not understand domestic violence, the other half did).

The average satisfaction ratings for legal aid and privately funded lawyers were about the same (2.67 versus 2.73 respectively). However, women tended to rate their satisfaction as either very satisfied or very dissatisfied.

Women were asked what influenced their ratings. Lawyers who were perceived as

effective were described in the following ways:

- made me feel safe and secure;
- asked about the safety of children;
- listened to my story/ did not dismiss abuse;
- understood issues concerning domestic violence;
- encouraged me throughout lengthy process;
- emphasized that escaping abuse does not mean have to settle for less;
- advocated for more legal aid arguing due to abuse issues would need more time;
- came prepared;
- clearly explained what was going to happen; and
- trustworthy.

Lawyers who were perceived as ineffective were described in the following ways:

- minimized abuse e.g., “ at least not beaten”;
- did not belief my story; made to feel crazy;
- would not listen when I mentioned abuse;
- questioned why stayed in relationship;
- left access terms ill-defined opening door for abuse of visits;
- despite abuse allegations suggested go back home until formal papers ready;
- pressured to take offer I did not want;
- did not pursue case vigorously enough;
- did not come prepared;
- dragged heals;
- failed to clearly explain process;
- inpatient; and
- intimidating.

Legal Aid

Forty-four of the women we spoke to applied for Legal Aid. Of these women, 33 received some type of support from Ontario Legal Aid. The other 11 women were denied assistance either because the office no longer covered family law cases (6) or the office felt the woman had sufficient savings to cover her costs (2). Two women had applied for Legal Aid however, confused by the process, they never followed-up to see whether Legal Aid was granted. Another woman noted that she was denied Legal Aid because her income was subsidized by welfare and there was no immediate financial gain associated with pursuing support. The participant subsequently went off welfare and was granted Legal Aid assistance. Several women we spoke to likely would have qualified for Legal Aid but were unaware of the program.

Four women reported that they had qualified for Legal Aid support but did not accept the assistance. Each of the women owned a house; Legal Aid offered to provide assistance after placing a lien on their home. The women felt strongly that the debt threatened their sense of security. The other five women who had to take a lien on their house noted that they found it quite stressful to have the debt hanging over their head

“It was important for me to not have a lien on the house because I wanted the deed to the home. I did not have money and I had a large mortgage but at least we had a roof over our head.”

A number of women noted that they had received legal services through Legal Aid but they were unhappy with the representation. A common perception among the women we spoke to was that Legal Aid was directly related to quality of representation. Although women were grateful for the assistance, the limited hours available to the lawyer meant that only the minimal service could be provided. Several women decided it was worth going into debt if it meant they could be better served by their lawyer. For example, one woman described how she needed to acquire information about her former partner’s criminal history but such services were not covered by Legal Aid. The woman was able to finance the additional service herself and, based on the information, the judge ordered supervised access.

Mediation

Twenty-five of the women we spoke to were encouraged to attend mediation, usually by their lawyer (56%) or a judge (28%). Of the 25 women, 20 did attend mediation. However, they reported that felt forced to go for a number of reasons:

- Four said they felt they were between a rock and a hard place because Legal Aid said the dispute was costing too much.
- Ten said they were advised by their lawyers that mediation cheaper than litigation.
- Five said they wanted to maintain a good impression so that the courts would not

think they were uncooperative.

- One said she wanted to make things easier for her child during access, therefore she did not want to anger husband.

Only four thought mediation was effective because the mediator made them feel safe and was cognizant of controlling their partner's behaviour. Those who found it ineffective often described the situation as a waste of time and intimidating because their partner was controlling or manipulative. Several women noted that the mediator was forced to stop the proceedings because of their partner's inability to compromise and/or control temper. A couple of women also noted that during the sessions they were told that they were not allowed to raise any accusations of abuse. Two women noted that they ended up agreeing to terms they did not want regarding amount of child support and access.

Custody and Access Assessment

Twenty-two women had a custody and access assessment done. In the 20 cases where domestic violence had occurred, two women were told not to raise it as an issue. In two other cases, the women did not raise it during the assessment because no one asked. Even when domestic violence was raised during the assessment, it was mentioned only half the time in the report.

Dispute Resolution

- In three cases there was no dispute.
- In one case, the mediator saw abuse and the matter did not proceed.
- In two other cases, the partner did not want any contact with the children.
- In two cases, the women avoided a formal process as they did not want to anger their partner.
- Three women felt they could represent their children's interest better than a lawyer.
- In one case, the partner agreed to no child support payment in exchange for limited access.
- Nine corresponded through their lawyers. The lawyers were able to agree to terms without the need for court intervention.
- Two cases involved partners who could not have contact with their wives or children because they were facing criminal charges.
- Ten women were able to settle their differences prior to court.
- Thirty-five had their day in court. Interestingly, in three cases settled in court, men fought for custody despite fact women reported that partner wanted nothing to do with child care in relationship. One woman reported her partner had wanted her to abort and had even abused her in an effort to cause a spontaneous abortion.

Custody and Access Order

One of the criteria of inclusion in the study was that the woman had custody of at least one

child. In four cases, children and custody were divided where one partner had one child and the other partner had custody of other children.

Supervision

In 10 cases, supervised access was changed to unsupervised. Three of those cases involved fathers who did not like supervision and said they would not see children. In an effort to maintain relations with children, the mothers agreed to change access. In two other cases, supervised access did not work because it was difficult to find someone to supervise. One woman was advised by her lawyer to allow unsupervised access because she would look co-operative to the courts.

In seven cases, unsupervised access was changed to supervised. Two of those cases involved a partner subsequently convicted of charges against children. Interestingly, in one case, the man had a previous conviction of assault against the woman but supervision was not ordered until charges relating to child were laid.

There are two cases where the original order of supervision still stands.

Partner's Current Contact with Children

In cases where a partner has fought for sole or joint custody or has lost access, 13 women reported the man visits regularly while 20 report irregular visits. Irregular visits include those where the man may not show up on the days he has access or will call at the last minute to change or cancel. Several women mentioned that the father sees the children because they call him to tell him to come by and visit.

Twenty-five women reported their partner does not have access. In 10 cases, it is the man's choice, but in two instances, it is the children's or wife's choice. The remaining four cases are court decisions not to grant access. In one of the cases, the child had been kidnapped several times by his father who still has access. However, the mother is able to control the amount of access because she lives in London and the father lives in Kingston without access to a car.

Why does partner not have access?

"I am going to get what matters to you most."

There are a number of reasons why the ex-partner does not have access:

- does not like supervised access;
- avoids paying child support;
- court ordered no contact;
- custody dispute about revenge, not desire for access;
- control -- never know when around corner;
- lost interest in children;
- moved out of province/country.

A number of women discussed how their former partner told them that if they pursued child support, the partner would demand joint custody so he would not have to pay child support. When the former partner did not gain joint or sole custody then he was angry or lost interest in children. Some partners sought custody as a way of controlling women. As one woman noted: "I am going to get what matters to you most."

Control issues also were mentioned by several women. One woman said she was told by her partner "no one can tell me (when I can see my kids)." A number of women mentioned that it is very stressful because they never know when he is around the corner and going to begin exercising access. They said they live in fear because there is no way to stop him from seeing children.

The children's well-being was also a concern because in some cases, the children were upset that their father rejected them. On other hand, some fathers has been out of their children's lives so long, the mother's feared the impact if he came back into their lives.

Child Support

Women were given many reasons as to why their former partner did not pay support. (The numbers in brackets are the number of times women mentioned the reasons.)

- Doesn't work so doesn't have to pay support. (10)
- Left province. (4)
- He hid assets so he doesn't have to pay as much child support. (6)
- Can't find him. (2)
- Will withhold child support if woman has made him mad. (2)

When asked why they do not pursue child support and/or bring him back to court to force payment, the women listed a number of reasons:

- Why rock the boat -- right now he is not angry. (5)
- If I push for support he will go back to court for joint custody and/or increased access. (12)
- If I pursue the matter, he will stop seeing children. (1)
- Too much hassle to go back to court/ No money to pursue. (8)

Women's Experience in the Courts

“Court was terrifying and intimidating. Someone who did not know me and my experience had the power to take my children away.”

Women used terms such as “intimidating”, “frightening”, “stressful”, “degrading” and “embarrassing” to describe their experiences in the courts.

Credibility

Participants noted that they often felt that their credibility was being challenged. A number of women noted that they felt the courts looked at them as “one of those mothers”. That is, a mother who will make up any allegations she has to in order to keep her former partner from having access to his children.

Powerlessness

One participant said she felt that if her partner did not like one judge's decision, he would find another who would give him what he wanted.

Multi-Cultural Issues

The court process can be very confusing time for women in general but especially difficult for immigrants. They may not be knowledgeable about the legal process and/or may not speak English. Of the few women immigrants that we spoke to, isolation and fear of deportation is part of the abuse.

Translation difficulties were cited as an obstacle to obtaining proper services. One woman explained that a translator was not provided for a mediation session because the Legal Aid office assumed that she could speak English because she had been in the country for seven years. In fact, the woman's partner, as part of his control, had prevented her from learning English. A couple of women noted that even with a translator, some of the legal terms were difficult to translate.

Need for outside help

Three-quarters of the women reported that their ability to access domestic violence services is the reason they were able to get through the system. These services helped them to find a lawyer, helped to provide court support and assisted in establishing community connections.

SECTION D: How the Children Were Affected

How well or poorly children adjusted after a separation varied depending on the criteria used and who was asked. When the Child Behaviour Check List (CBCL) was used, 16 of the 95 children had over-all scores in the clinical range. Twenty-two children had internalizing problems scores and 13 had externalizing problems scores in the clinical range. Using the Child Depression Inventory scale, five of 55 children have scores in the clinical range while none of the 57 children tested under the Trauma Symptom Method were in the clinical range.

However, when the mothers were asked about their children's difficulties, the scores were much different. One in three children was having difficulties in school, ranging from school phobia to behavioural problems. Table 12 lists the kinds of problems mothers identified.

Table 12. Identified Difficulties (N= 48)

| Nature of Problem | % of children |
|---|---------------|
| Behaviour problems/Anger management difficulties | 35 |
| ADD/ADD-H | 33 |
| Learning Disability | 15 |
| Attention problems- not diagnosed | 4 |
| Autism | 4 |
| Central processing/Auditory processing difficulties | 4 |
| School phobia | 2 |
| Speech impediment | 2 |

The reason for the different scores, in many cases, was the age of the children. Most of the children who participated in the study were younger and school-related problems were just starting to become apparent. More than one-third of the children were either too young or lacked the attention to complete the Trauma Symptom or Child Depression Inventory.

Another factor which affected the children's reaction was their relationship with their fathers. In general, youngsters who were less afraid of their father and/or had not seen him lately were better adjusted.

Children's Responses to Abuse Witnessed

“I looked in my kid’s eyes and I saw a look like ‘Mom, when am I going to be next?’”

Mothers were asked to describe how their children responded. This response was in general and not specific to any one child. Generally speaking, except in cases where age may have limited how a child responded, women noted that siblings generally responded the same way.

Table 13: How Did the Children Respond?

| What did the children do? | Never | Rarely | On Occasion | Frequently | Very Frequently |
|--|-------|--------|-------------|------------|-----------------|
| Talk or try talk to you about what happened | 56.9 | 13.7 | 17.6 | 5.9 | 2.0 |
| Talk or try to talk to your partner | 74.0 | 16.0 | 4.0 | 0 | 0 |
| Talk or try to talk to someone else in family | 58.8 | 19.6 | 9.8 | 0 | 2.0 |
| Talk or try to talk to another adult | 58.8 | 13.7 | 15.7 | 0 | 2.0 |
| Child seems disinterested or ignores | 38.0 | 10.0 | 20.0 | 22.0 | 10.0 |
| Child becomes unusually quiet | 18.0 | 20.0 | 22.0 | 32.0 | 8.0 |
| Child becomes usually emotionally upset | 11.8 | 13.7 | 37.3 | 25.5 | 11.8 |
| Child has nightmares or flashbacks | 22.0 | 20.0 | 18.0 | 18.0 | 10.0 |
| Child becomes physically sick or complains of being sick | 41.2 | 11.8 | 25.5 | 13.7 | 3.9 |
| Child physically or verbally acts up or acts out | 24.0 | 22.0 | 26.0 | 12.0 | 14.0 |
| Child gets into trouble at school or with police | 54.0 | 20.0 | 12.0 | 8.0 | 4.0 |
| Child runs away from home | 86.0 | 8.0 | 2.0 | 2.0 | 2.0 |
| Child sides with you about what was going on | 34.7 | 14.3 | 12.2 | 10.2 | 16.3 |
| Child sides with your partner about what was going on | 64.0 | 14.0 | 8.0 | 2.0 | 4.0 |

Note. Row totals may not add to 100 as some participants were not sure about the nature of their children's exposure. Participants were asked to rate their responses in terms of the following scale: never, rarely, occasionally, frequently, or very frequently.

How the children responded did influence outcome. Table 14 shows that children who talked about the violence they had witnessed were less likely to have adjustment problems than those who kept the feelings hidden or acted up or out.

Table 14: What Did the Children Do After Witnessing Violence?

| CHILDREN'S BEHAVIOR AFTER EXPOSURE TO VIOLENCE | CORRELATION WITH OVERALL ADJUSTMENT |
|---|-------------------------------------|
| Talk or try talk to you about what happened | .20 |
| Talk or try to talk to your partner | .18 |
| Talk or try to talk to someone else in family | .13 |
| Talk or try to talk to another adult | .14 |
| Child seem disinterested or ignore | .20 |
| Child become unusually quiet | .25* |
| Child become usually emotionally upset | .38** |
| Child have nightmares or flashbacks | .38** |
| Child become physically sick or complains of being sick | .32** |
| Child physically or verbally act up or act out | .30** |
| Child get into trouble at school or with police | .09 |
| Child run away from home | .08 |
| Child side with you about what was going on | .00 |
| Child side with your partner about what was going on | -.06 |

Note. * denotes significance at the .05 level. ** denotes significance at the .01 level

Services for Children

More than half the children had accessed support at school. Of that group, half were involved with the school social worker for behaviour problems or helping with school work. Mothers reported that 29% of their children were receiving other kinds of help with their school work.

Participants were asked whether their children had attended counselling or accessed other services. Twenty-seven percent said their children received counselling primarily from psychologists while fourteen per cent said individual treatment from a social

worker/counsellor. Another fourteen percent received group counselling for children dealing with divorce and the same percentage were in community programs such as Madame Vanier to deal with anger management or behavioural programs.

In most cases, these services were accessed to deal with anger management/behaviour problems (33%); anxiety/depression (21%); or Attention Deficit Disorder (ADD) (19%). It should be noted that some anger/management problems related to ADD and some (12%) to divorce. In almost all cases, issues relating to the impact of domestic violence were not discussed with children.

Children Who Witness Domestic Violence

About one-third of the children in the study attended a group for children who witnessed domestic violence and another 15 children were on the waiting list. Forty-two women knew about groups for children but their children had not attended groups. Most participants felt that their children were so young at the time of exposure to abuse that their children likely did not remember what they had witnessed (48%). Nineteen percent of the women noted that they had tried to get their children into a group but were told that their child was too young. Five of the children had received counselling where the issue of domestic violence was discussed and therefore, there was no need for further counselling.

Interestingly, of the 59 children where their mother had reported some kind of problems (e.g., behavioural, learning difficulties etc.) 63% have not attended group for children who witness violence.

Conclusions and Recommendations

Most women acknowledged making decisions based more on fear than knowledge. The relationship had left them feeling scared and confused. Even in a “typical” marriage, the decision to end the relationship and then actually leave is a difficult and emotionally draining one. Leaving an abusive relationship adds the additional dimension of fear and doubt.

Overall Themes

Regardless of agency, service or justice system, women found that training is required to help professionals understand the dynamics of abuse. There is a need to educate in order to change attitudes. For instance, women reported that the abusive behaviour of their former partner is given less weight by legal professionals than their own behaviour.

From the moment they leave the home, women say they are constantly forced to prove:

- they need assistance;
- they can't afford a lawyer;
- they were abused;
- their children are at risk;
- why they should have custody;
- her former partner has more money than he says he has.

Women described the experience as an extension of their abusive relationship where they were constantly challenged to prove why they were worthy of being loved and to prove why they did not deserve the abuse.

“He was fined \$100 (for assaulting me). I’m not worth much more than a parking ticket. That fine is \$90.”

Women feel that their role as primary caregiver and their efforts to protect their children are often minimized in favour of shared access. Many women described the process as not in the best interests of the child, but in the best interests of their abusive partner. Lack of accountability, the courts scepticism regarding abuse allegations and their partner’s ability to use the system to further abuse women left women feeling confused and powerless.

Women believe the current system supports the former abusive partner and provides an arena to perpetuate the abuse. The former partner is able to control them through lawyers, judges, protracted disputes and inaccurate claims made in affidavits. Women say they become frustrated and disillusioned by the process. The system makes the assumption that the two parties have the same potential for parenting and leave it up to the women to prove that this is not the case. It is this onus to justify their position that is the crux of the

women's situation. Some women reported being discouraged and feeling insulted that their experience was minimized and the implication made that they were lying in order to gain custody of their children. Other women reported being fearful of reporting the abuse for fear of not being believed or inviting more serious problems -- and possible risk to themselves and their children -- if they pursued the issue.

The women in our study had experienced various forms of abuse. However, almost all of the women noted that central to the abuse was engendering a feeling of worthlessness and lack of self-sufficiency. Many of the women noted that this abuse carried forward into the court system. Just as their former partner predicted, nobody cared and nobody wanted to listen.

Women found that lawyers and judges had various levels of understanding about domestic violence. For the most part, however, domestic violence was seen as an issue between the two partners and not something to be addressed in custody and access disputes. In many cases, domestic violence was minimized.

Although women were able to describe their feelings and opinions about their court experience, they had difficulty clearly outlining the steps that they had been through. This was due, in large part, to the fact that they did not clearly understand the legal process. Many women described being told what to do or what will happen rather than being educated about the system and then allowed to make choices.

Women felt fearful to stand up for what they wanted. They feared their partner's retaliation, the court's minimization of the issue and the financial impact of pursuing legal action. Women felt that it was better to capitulate to their partner's demands rather than risk harm to their children. They reported that the legal system had no concern for their own or their children's safety once a decision was made unless they could afford to bring the matter back to court.

Whether they are the target of abuse or witnesses to their mother's victimization, children are victims of the abuse. The findings illustrate various ways children are abused:

- physical and/or sexual abuse pre-separation
- physical and/or sexual abuse post-separation
- witnesses to domestic violence
- exposure to abuse during exchanges
- exposure to abuse via father's new partner

Recommendations for Improvement

The following sections will deal with recommendations to improve services and support to abused women and their children.

Centralizing the Systems and Agencies

The overwhelming recommendation coming from women concerned a need for a centralized system to assist women in accessing appropriate services and to assist in understanding the complexity of the system. Women did not always know about what services were available, whether the service being offered was appropriate nor did they know where to go if they felt they needed additional assistance. Women want a place where they can go and they will be told “this is what you need to do, here is what available to you and we will assist you in accessing these services”. Women are overwhelmed by the current bureaucracy associated with accessing social, legal and mental health services.

If a woman does not have the resources or support to learn about the programs, she may end up avoiding the process altogether which could jeopardize her and her children’s safety and health.

Recommendation: A centralized agency should be established to assess a woman’s situation and assist her to access services within the community. Roles of the agency would include the following:

- assist women in learning about the services available to them;
- assist women in learning about the court system and processes;
- determine what services are required for women and children and assist in accessing these services;
- conduct an assessment of abuse to establish the validity of a woman’s claim and to determine whether safety concerns need to be addressed;
- standardized protocol to assist legal professionals in collecting basic information about the facts of the dispute including: possible domestic violence and the appropriateness of “standard” contact arrangements.

Legal Aid

Recommendation: Legal Aid should amend its guidelines to funding allowances for cases involving domestic including the following considerations:

- a handbook describing what is meant by domestic violence, impact of domestic violence on women and children, ways in which a history of domestic violence affects dynamics of a family court matter;
- recognition that women may not feel safe agreeing to “standard” contact arrangement;
- recognition that mediation should not be encouraged even in cases where it may appear cost effective to do so;

- recognition that custody and access disputes in families where there is a history of domestic violence likely will require more funding than the typical amount allowed;
- responses to proceedings initiated by a former abusive partner regarding original custody and access terms should be considered separately and not part of the original funding amount;
- seeking a formal divorce should be part of the coverage.

Family Court: Professionals and the System

Women noted a number of difficulties with the current family court system. Among them:

- The system is far too bureaucratic.
- There is a minimization of abuse allegations.
- Length of time case involved in court system is too long.
- Justice system fails to recognize its role in perpetuating abuse.
- Court officials fail to understand the detrimental effects of verbal, emotional and psychological abuse.
- There is no accountability regarding statements made in affidavits.
- Nothing is in place to ensure that a person's criminal record be reviewed when considering matters in family court.
- There is no support services available to provide emotional support and security in family court matters.
- Family court lacks the ability to enforce court orders agreed upon in criminal court such as restraining orders.
- There is no formal review process available regarding the effectiveness and extent to which parties abide to custody and access agreements.
- Former partners are not penalized for violations of court orders.

An overriding theme concerned the variability in Family Court judges who had different levels of knowledge about domestic violence issues and gave different weight to claims of abuse. Numerous examples were described where former partners acknowledged that they would play on these inconsistencies by returning to court and trying their argument with a different judge.

Recommendation: Special guidelines need to be developed that can be applied to domestic violence situations. Guidelines should address:

- necessity of documentation to substantiate abuse claims;
- recognition regarding the impact of various forms of abuse including physical, verbal, emotional and psychological abuse;
- recognize that the woman may not have left a paper trail and have a protocol in place to address claims;
- recognition that because a child was not directly abused does not mean that they are not at risk;
- protocol regarding review of agreements with respect to effectiveness and the

- o extent they are being followed;
- o recognition of the possibility of abuse or exposure to abuse during visitation.

Women noted one aspect of court that was particularly difficult was having to ask the courts for support or limits on access that should have been standard because of their partners' abusive behaviour. Abused women reported that disputes about proper support payments became another source of arguments and renewed threats by their violent ex-partner.

Recommendation: Court system checks should be in place to reduce opportunities for court-related harassment. Currently there are numerous opportunities to use the system to harass:

- o If a party does not like the decision of one judge, they are free to bring the matter to court and try their argument with another.
- o As long as a person is persistent and/or has the funds available, there is no limit on the number of times and order can be disputed.
- o Once a former partner brings the matter to court, the woman must go to court to fight it. In most cases, she is forced to pay lawyer and related court costs.
- o A former partner who does not abide by a court order, such as supervised access, goes back to court and is able to get unsupervised access. When a request is made to change a visitation order, allowances should be made to account for the extent to which previous orders were followed.

Recommendation: Lawyers need to receive training regarding the dynamics of abuse and the special needs of representing a client who has been abused. Generally speaking, lawyers need to do the following:

- o Explain court procedure clearly.
- o Ask about issues concerning abuse.
- o Listen to the woman's story.
- o Assist women in feeling safe.
- o Act quickly.
- o Be sure to thoroughly outline all the terms of the order, ensuring that there will be few areas where the former partner may take advantage of the system.
- o Help women to understand that the lawyer is working towards helping them regain control.

Social Service System

Recommendation: The following improvements to the social service system should be made:

- o Stop decreasing funding to agencies, as the availability of social services enables

women to leave abusive situations. In the end, it costs the government less money to provide support on a timely basis.

- Provide domestic violence awareness training for workers so that they understand its effect on women and children.
- More services for children are needed. Long waiting lists make seeking help for children prohibitive.
- Money should be available to cover the costs of child care during court proceedings.
- Centralize the application process.
- Develop a standardized protocol that can be used to determine eligibility and service requirement across programs.

Recommendation: The Ontario Works and other social assistance programs should be re-examined to ensure that women are not penalized for seeking child support.

Women reported that there needs to be amendments and clarifications to the Ontario Works program concerning domestic violence and seeking child support. In some cases, women were able to break free of the relationship with little conflict. However, social assistance required that they seek child support. The demand for child support was the catalyst for custody and access disputes. The requirement that women must seek child support could jeopardize the safety of women and their children.

As well, there needs to be a mechanism in place to help women on assistance when their partner does not pay child support on time. Several women suggested that rather than assuming that the money was sent and reducing the subsidy cheque accordingly, support cheques should go directly to Ontario Works. Such a system would not only ensure that women have enough to live on each month but may also encourage more regular payment of spousal benefits.

Workers need training to assist them in understanding the impact of domestic violence on women and children. Women felt that workers often minimized the effect of abuse on their mental health and ability to adjust to life outside of the confines of the controlling relationship.

Recommendation: The Children's Aid Society should not remove itself from a child protection role because there are family law proceedings. Guidelines should be in place regarding reporting, investigating and writing reports in situations regarding custody and access.

Some women felt they were in a "Catch-22" situation if they reported cases of alleged child abuse to the Children's Aid Society when a custody and access dispute is ongoing or pending. Women said they are worried about sounding like a "vindictive mother" if they point out the abuse. If they don't call, they also are at risk of being charged for failing to protect their children.

Education System

Recommendation: Educators need training regarding the dynamics of abuse and need to develop coping programs for children.

School boards and principals need to support their staff in ensuring the safety of children. Several women noted that it was a comfort to know that the teachers supported them in protecting their children by warning them about their former partner attending school or informing them about changes in child's behaviour, particularly with respect to abusive behaviour. Unfortunately, even if teachers receive training regarding the signs of abuse, there are no programs available through the schools to help children deal with and understand the abuse they have witnessed (and possibly continued to witness) and ways of coping.

Impact of Violence on Children

Recommendation: Further research is required to investigate the impact on children of witnessing violence. We need more participants (especially children) to be able to run another model to see how the pieces (all the risk and protective factors) fit together.

Our study looked at a broad age range with few children in any given age group. Because of the large age range, not all children completed the same sets of questions, making information available from the questionnaires limited. Most of the information we received about children's post-separation adjustment came from mothers, particularly for children under the age of 8 who could not complete the questionnaires.

To accommodate age differences and ability to complete questionnaires, a qualitative interview could be developed. As well, a multi-informant study (e.g., teachers, mental health professionals, mothers) would help to get a better picture of children's adjustment.

We need to understand the barriers to receiving services as well as variability in quality and appropriateness of programs across the province. Our study only looks at the London area (South-Western Ontario) which could hardly be considered typical. What we did learn is that children's experiences are varied and that there are a host of risk and protective factors that may influence children's post-separation adjustment. While about 50% of children in our study have received some form of assistance, it is unclear to what extent these services address issues of domestic violence.

Appendix A: Methodology

Purpose of the Research

The primary goal of the project was to gather information about women's experiences leaving abusive relationship, the ways in which the legal and social systems assist women in leaving these relationships, and to understand how children are affected by exposure to violence and separation.

In keeping with this research objective, information gathered from women and children concerned the following areas:

Women Experiences

- nature of the abuse women experienced
- factors affecting their decision to end relationship
- challenges once they ended relationship: personal, familial and economic
- access to court system
- court outcome
- utilization of community and social services
- maternal adjustment

Children, Separation and Divorce

- nature of children's exposure to domestic violence
- custody and access disputes and continued exposure to violence
- long term impact of exposure: behavioural, social, academic
- moderating factors: personality, contextual and social/family nature of access visits

Information was obtained from three sources: telephone survey; in-person interview and questionnaires; focus group questionnaire and discussions.

Participants

Recruitment of Participants

In an effort to attract women from a number of economic and social strata, participants were recruited through a number of sources within London and surrounding areas. Our recruitment strategies included the following:

- File review of former clients of the London Custody and Access Project (LCAP). Women who reported the presence of domestic violence in their relationships were

sent a letter describing our study and an invitation to participate.

- A staff member from the Ontario Legal Aid Plan, London office, conducted file reviews for cases where women were turned down for legal aid as a result of the 1996 funding cuts. Women, meeting our criteria, were sent a letter describing our study and an invitation to participate. Unfortunately, this method of recruitment was not as successful as we had anticipated. The majority of letters (78%) were returned due to changes in address. Only one participant was recruited via this strategy.
- In an effort to increase the scope of our recruitment, advertisements were placed in two local papers and brochures were mailed to women in targeted areas. The brochures were mailed to primarily low- to middle-income areas.
- Posters also were placed in laundromats, grocery stores, university and college campuses, public libraries and churches.
- Domestic violence programs in London and surrounding areas also were of assistance. Staff were informed of the project and asked to tell women of our study. The Community Treatment Program for Children Who Witness Domestic Violence sent a letter to all women currently on their waiting list.

Advertisements instructed individuals, interested in talking about their separation and custody experiences to contact our “Project Line” to learn more about the study and their eligibility. No reference to partner abuse or the exclusion of males was made. We did not want potential participants to exclude themselves from the project because they did not feel they met the criteria. Further, we wanted baseline information from a variety of people to determine the extent to which the women we spoke to were representative of the larger population.

One hundred and sixty individuals called for further information. Most calls were returned within a week. We were unable to return calls to approximately 20% of the people due to a variety of circumstances (e.g., the phone line was out of service, we left a message and did not receive a reply, illness). Another 15% of the individuals who expressed interest in our study were never screened because they confused our project with services offered at the courthouse or the caller was a grandparent wishing to learn more about his/her rights.

Individuals expressing interest in the project were asked to participate in a screening interview. The interview was conducted by a trained female interviewer. Women were considered eligible if they met the following criteria:

- They had primary custody of at least one of their children (and the child was under 18 years of age).
- They reported the presence of domestic violence in their former relationship.
- There was a custody dispute regarding the child(ren) and the dispute was currently resolved. During the course of the study we became less stringent about the third criteria as it became apparent that in an effort to leave an abusive relationship in the safest manner possible, some women felt it necessary to resolve custody concerns outside of the courts. In these cases, women were invited to participate in the second phase of the study in an effort to understand more about their reasons for not pursuing custody and/or access issues.

In addition to meeting some women and children individually, focus groups also were conducted. Focus group participants were recruited from shelters and domestic violence programs within the community and outlying rural areas.

Description of Participants

Individuals could participate in our study in one of three ways: telephone survey, individual interviews and focus groups. Table 14 provides a breakdown of participants with respect to the various phases of the study. Of the 110 participants who completed the telephone survey, 57 were invited to come to our office and further discuss their experience. Eight women agreed to participate however, were unable to schedule a time to meet. Some women were recruited based on file review and therefore, did not complete the original telephone survey. Women who participated in the interview phase of the project were given a \$50 honorarium.

Table 14. Number of Participants in Various Stages of the Research

| Participants | Nature of Information | Number of Participants |
|---------------------|--|---------------------------------------|
| Men and Women | Telephone Interview | 110 (includes 49 participants part B) |
| Women | Maternal Interview and survey completion | 63 |
| Children | Maternal Interview and completion of surveys by children | 105 |
| Women- Group | Focus group discussion and survey | 19 |

The majority of information about women and children's experience was obtained from the interview phase of the study. Table 15 summarizes the demographic characteristics of the

individual interview group. Information with respect to employment status, income, housing, and family size were all reported at the time of the interview. In an effort to determine whether a women's present economic status differed from their economic status while in the relationship, women were asked to estimate the difference in their income before and after separation. On average, a woman's income decreased by \$23 961 following separation. A comparison of the demographic characteristics for families participating in the interview portion to telephone survey participants did not yield any significant differences.

Table 15. Demographic Information for Women in the Interviews

| | | |
|---|--|-----|
| Age of Women | 38 years (range= 25 to 54 years) | |
| Ethnicity | Caucasian | 87% |
| | Black | 2% |
| | Aboriginal | 3% |
| | East Indian/West Asian | 5% |
| Level of Education | Some secondary | 13% |
| | Secondary diploma or equivalent | 12% |
| | Some post-secondary education | 33% |
| | College diploma | 18% |
| | University degree | 15% |
| | Postgraduate degree | 5% |
| Family Income | less than \$10 000 | 34% |
| | \$10 000 to \$19 999 | 43% |
| | \$20 000 to \$39 999 | 17% |
| | \$40 000 or more | 6% |
| Is your income sufficient to meet needs of family? | Strongly agree | 9% |
| | Agree | 26% |
| | Disagree | 28% |
| | Strongly disagree | 38% |
| Current main activity | Caring for family | 47% |
| | Caring for family and working | 21% |
| | Looking for work | 3% |
| | Going to school | 21% |
| | Recovering from illness | 5% |
| Type of Housing | Co-operative/subsidized housing | 18% |
| | Rental apartment or house | 52% |
| | Own home | 26% |
| Family Size | 2 children (range 1 to 5) | |
| Age of Children | Mean=9.26 years Age range= 3 - 17 years | |

| | |
|-------------------|----------------------|
| Children's Gender | females=53, males=64 |
|-------------------|----------------------|

Information Gathering

Information was obtained from three sources: telephone survey; in-person interview and questionnaires; focus group questionnaire and discussions.

Telephone Survey

The telephone survey was primarily used to screen calls for potential participants. Survey questions centred around the three criteria for inclusion: Does the women have primary custody of here children? Was there a custody dispute and is it currently resolved? Was the woman's former partner abusive towards her? Additional questions focused on general information concerning demographics and custody and access issues of our callers. This additional information was used to determine the degree to which participants were representative of the general population.

Development of the survey focussed on three areas:

- *Demographic information:* Information about the demographic characteristics of our sample was assessed using survey items adopted from Statistics Canada's Canada Census and the National Longitudinal Survey of Children and Youth.
- *Custody and Access Issues:* Survey items concerned characteristics of the separation (e.g., prior separations; how many separations), the nature of the custody and access agreement (e.g., current arrangements, how individuals arrived at agreement) and the economic impact of separation. Items were adapted from the National Longitudinal Survey of Children and Youth.
- *Presence of Abuse:* A primary criteria for inclusion into the next phase of the project involved the presence of abuse. Items from the Violence Against Women Survey (VAWS, Statistics Canada, 1993) were used to determine whether women had been verbally or physically abused by their former partner. The abuse items from the VAWS were adapted from the Conflict Tactics Scale (Straus, 1979), a well established instrument used to assess the frequency of verbal aggression and physical violence present in a relationship.

In-person Interviews and Questionnaires

Following the telephone interview, women who met our criteria for inclusion were invited to attend our office to discuss their experiences further. The interview and questionnaire

completion required about four hours. Given the emotional strain of the interview on women and the length of time children were required to attend the office, the majority of women attended the office twice. For the first visit, women attended without their children and the in-person interview was conducted. The second visit involved both women and their children completing questionnaires. Six women participated in the interview but were unable to schedule a second meeting.

The goal of the interview was to provide a more in-depth understanding of women's experiences and the impact of exposure to violence on children. The structure of the interview guided women from the present to the past. Women were first asked questions about their children's current adjustment and psychological functioning. Next, participants were asked to think about their relationship with their former partner. Questions primarily concerned the presence of abuse. Women then were asked to discuss their experience leaving the abusive relationship including concerns about safety, their experience in the court system, and problems with custody and/or visitation. Finally, women were asked to reflect on their experience and what could be done differently to improve women's experience.

The following issues and concerns were discussed in the interview:

- children's adjustment: academic competence, behavioural problems, delinquency, and access to mental health services;
- separation and the legal system: the process of leaving, concerns they had about ending the relationship, quality of legal representation, nature of court involvement;
- the economic impact of leaving the relationship and Legal Aid; and
- lessons they have learned as a result of their experience and recommendations for policy change.

Measures for Woman and Child Participants

Women and children were asked to complete questionnaires pertaining to their relationship with the former abusive partner and their current well-being. The measures are all well established surveys often used in the areas of domestic violence, psychological trauma, and child development. Due to cultural and/or physical challenges, several women requested the assistance of a trained research assistant to aid in reading the survey questions. To control for developmental differences in reading ability, questionnaires were read to all young participants under the age of 13 and any adolescent participants requesting assistance.

Women were asked to complete seven surveys. The surveys took approximately 1½ to 2 hours to complete and included questions about the following:

- domestic violence: nature, frequency and severity
- women's psychological well-being

- stress
- social support
- use of community and social services
- child Information: nature and degree of children's exposure to abuse, adjustment and temperament

The nature of surveys completed by children varied based on age (6 to 10 surveys). All children were asked to answer questions concerning: self worth, psychological well-being, relationship with peers, family worries, ways of coping with social problems. In addition, children over the age of 11 were asked to answer additional questions regarding temperament, relationship with their mother and father and behaviour. The surveys generally took from 1 to 1½ hours to complete. Due to the sensitive nature and the potential for re-traumatization, children were not asked about their exposure to domestic violence.

Focus Groups

The focus groups were designed to complement information gathered from our in-person interview. This format enabled us to hear from a larger number of women about their experience as well as provided women with an opportunity to come together and discuss issues and/or concerns they have about barriers in service delivery. Four focus groups were conducted over a one-month period. The groups ranged in size from two to nine women. The groups were limited to 2 1/2 hours. Prior to group discussion, women were asked to complete a self-report survey concerning: demographic information, presence of abuse, experience ending the relationship and experience with the courts.

In an effort to learn more about how women go about accessing services, group discussion focussed on benefits and barriers in service delivery. The following issues were discussed:

- Experience in the court system
- What women hoped to accomplish for themselves and their children by leaving the abusive relationship and whether they achieved these goals.
- The extent to which Family Court, Ontario Works, counselling services, education system and community service agencies helped them achieve these goals
- recommendations with respect to policy changes around families, divorce and custody and access.

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