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**“Why are so few women  
requesting attendance at  
protected persons’ programmes?”**

**A thesis presented in partial fulfilment of  
the requirements for a Degree of  
Master of Social Work (Applied)**

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## **ABSTRACT**

The focus of this study is on the low number of requests made by women in order to attend domestic violence education programmes under section 29 (1) (a) of the Domestic Violence Act 1995. It examines the exchange of information between some Family Court clients and the associated Family Court practitioners when protection orders are obtained. This study acknowledges the low attendance at protected person' programmes and investigates how the information exchange fails to achieve greater numbers of participants on Family Court-funded programmes.

The data is both qualitative and quantitative. The qualitative data comprises in-depth interviews with five protected persons and ten practitioners connected to the Family Court through their work with victims of domestic violence. The quantitative data is based upon a survey of twenty-two Family Court Coordinators. Both the interviews and the survey were designed to trace the processes used in exchanging significant information about the programmes, and to identify the successful methods of engaging more women in programmes.

The study highlight the gap between the Family Court's provision of specialised services for abused women and the utilisation of those resources. The promotion of programmes has developed in an ad hoc manner which is reliant on the drive and commitment of key Family Court personnel. It is timely, three years after the introduction of the legislation, to examine why so few protected persons are requesting attendance at domestic violence programmes.

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Thanks go to the twenty-two Family Court Coordinators who also gave their time to report on their practices for DVA programme promotion. Other colleagues have assisted with promoting the research itself, and by encouraging others to participate in this project.

The permission of the Department for Courts for me to undertake this research on a small section of the Domestic Violence Act 1995 is much appreciated.

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## INTRODUCTION

The question "Why are so few women requesting attendance at programmes for protected persons under the Domestic Violence Act of 1995?" has been repeatedly raised in many circles from programme providers and refuge workers to the Family Court policy analysts. Do women know about the programmes and are choosing not to attend, or are there other factors which prevent them from attending? If women's education programmes were hailed as the key to women regaining control over their own lives and embarking upon violence-free lifestyles (Bradshaw, 1995), why have the numbers of attendees not increased noticeably? This study seeks to address these questions and to identify the strategies for information-sharing which have enabled some women to participate in these programmes.

The low up-take by women of Family Court-funded education and support programmes is the focal point of the research. Department for Courts'<sup>1</sup> figures indicate that less than 10% of protected persons attended the Court-funded programmes in the first year of operation to July 97, and that these numbers have not significantly increased during the following two years (Department for Courts, June 1999). As well as investigating the factors which determine whether the programmes are considered as valid options for women, the study also examines some strategies devised for sharing information about the programmes.

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<sup>1</sup> The Department for Courts was established in 1995. It was formerly known as the Courts Division of the Department of Justice

The Domestic Violence Act 1995 is anchored to a feminist analysis of domestic violence. It endeavours to deliver a strong response to and sanctions against domestic violence in New Zealand. The legislation is innovative inasmuch as it recognises the need to provide better protection for children and young people involved in violent domestic situations, and provides free education programmes for victims of domestic violence as well as for the perpetrators.

The specific focus of this study is the implementation of section 29 (1) (a) of the Domestic Violence Act 1995 (DVA), which states that *"the applicant may request a registrar to authorise the provision of a programme to... the applicant"*. A later clause of that section determines that a Registrar may act on such a programme request for up to three years after the protection order is made. The Family Court has invested extensively in its provision of domestic violence education programmes yet these resources do not appear to be maximised by most protected persons. My study is in response to the low take-up rate.

Under the auspices of the Domestic Violence Act 1995, the establishment of a national registry of approved providers of appropriate programmes has identified and extended the Family Court's resources for responding to section 29 requests for education and support. The registry is open for public inspection at the head office of the Department for Courts at Wellington, and regional registers are supplied to every courthouse within each region through the Courts' regional Domestic Violence Advisors. The Courts-approved providers of protected persons programmes are strongly victims-focused and come from backgrounds in counselling, education, and domestic violence victims support groups. The national total of approved protected persons programme providers is 138 (Department for Courts, 1999).

Consequently, the opportunity for women to attend programmes specifically tailored for victims of domestic violence has been considerably enhanced since July 1996. The provision of these programmes reinforces the statute's object which is to reduce and prevent violence in domestic relationships by firstly recognising that domestic violence, in all its forms is unacceptable behaviour (Phipps, 1996).

### **Perspective:**

My interest in this project has grown from two roles within the Department for Courts. First, as Family Court Coordinator I was contacted by many abused women who were seeking legal protection from a partner's violence. Demand for protection orders has steadily increased over the past fifteen years. In 1984, 2104 applications for Non-Molestation orders and 1324 applications for Non-Violence orders were made. Five years later, these numbers had increased to 3286 and 2378 respectively (Department of Justice statistics, 1989). It should be noted that the total number of applicants was less than the preceding figures suggest, as the two separate orders were often sought simultaneously under the previous legislation by many applicants prior to 1996. During the first year of the new legislation to June 1997, 7985 protection orders were granted (Department for Courts Annual Report, 1999). A total of 22, 285 temporary protection orders were made between July 1, 1996 and June 30, 1999. The rate of 1999 applications indicates that the annual number of approximately 7000 protection orders will continue (Department for Courts statistics, 1999).

As well as seeking legal protection, some women also sought access to counselling, information and support to enable them to make positive change in their lives. However, prior to July 1, 1996, Family Court-funded specialist

counselling for holders of Non-Molestation and/or Non-Violence Orders was limited. The former Department of Justice was slow to recognise abused women as a special sub-group of the Family Court's clients and therefore its research in addressing its effectiveness to the battered woman's need for protection has not been substantial. The New Zealand Family Court's response to domestic violence was examined and found wanting in its services to protected women under the 1982 legislation a decade ago (Moore, 1989: 220). Currently practitioners within the Family Court system continue to recognise the challenge of developing and improving services for holders of Protection Orders.

There is no intention in this study to evaluate the effectiveness of the programme content; the aim is to assess the methods currently used for improving women's access to the programmes. This evaluation is limited to the specific context of the utilisation of the statutory provision under the Domestic Violence Act 1995 for support and education for protected persons.

Second, I chaired the Department for Courts' Central Regional Domestic Violence Programmes Approval Panel for twenty months from October, 1996 to June, 1998. The panel scrutinised applications from agencies and individuals seeking approval as providers of domestic violence programmes for protected persons, and /or respondents. The panel was responsible for ascertaining that each provider could demonstrate the theoretical underpinnings of their programmes, their knowledge of domestic violence dynamics, and facilitation competencies. Every programme has to be designed in ways which comply with the regulated goals, content and structure in an environment which is safe for both participants and providers. Many of the approved programmes for women have been modelled on the work of Pence (1986) who emphasised that "the role of education, or consciousness raising in the women's movement, and particularly in the battered women's movement, is crucial to the movement's

success in ending violence, not just in the lives of those who come to our shelter doors or advocacy programmes, but in the lives of lives of all women”.

In 1995 the Domestic Violence Programmes Regulations Working Party was formed by the Courts Division of the Department of Justice to establish criteria for the approval of programmes and providers. Their report recommended that research was needed on the effectiveness of the programmes themselves. Further research was considered to be necessary on applicant population identification, including the identification of groups who do not make use of legal avenues for addressing violence and the identification of strategies to improve the accessibility of the Family Court to these groups.

As a result of my different roles as a Family Court Coordinator and as Regional Programmes Approval Panel Chairperson, I therefore have knowledge of both the Family Court system and the programmes provided for protected persons. I recognise that, although the Act allows for state-funded provision of domestic violence programmes to empower victims with Protection Orders to make informed decisions about their futures, and while there are highly skilled practitioners available, there is currently little demand for the resource. Given the small number of women attending the Court-funded programmes, it can be argued that the identification of and responses to women’s information needs can be significantly improved. Further development and research is needed in order to raise the uptake of programme attendance by Family Court clients. With more research into the efforts to educate women to deal with the effects of domestic violence, both practitioners and policy makers will, arguably, be more effective in addressing the problem.

Because the statute has been in place for only three years, there has been little research on women's programmes within the context of a section 29 (s.29) request. A scoping report on the Domestic Violence Act 1995 was commissioned by the Department for Courts and the Ministry of Justice in 1998, and researchers Barwick, Gray and Macky are currently evaluating information on how well the overall objectives of the Domestic Violence Act 1995 are being met.

Domestic violence research continues to expand as a specialist field both internationally and within New Zealand in response to social movements aimed at improving the situation for battered women (Finkelhor, et al, 1988: 17). Initial research had focussed on the attitudes, behaviours and treatment of the perpetrator rather than on the support and education needs of the abused woman. Although Rosenbaum cautions that research with survivors of domestic violence demands special ethical and safety considerations of the investigator (1988:99), more recent New Zealand investigations are highlighting women's experiences in breaking the cycle of family violence.

Studies have evaluated the delivery of women's programmes themselves. An evaluation of the processes and outcomes of a women's education programme run by the Hamilton Abuse Intervention Pilot Project (HAIPP) found that the programme fitted within the mutual help group framework (Pratt: 1997). Similarly, the value of mutual help through shared dialogue for abused women was the focus of a study of women who shared their stories with social workers (Sutton :1997).

A study entitled "Women's Safety Survey 1996" (Morris, 1997) described the



consequences and effects of violence against women, considered the information needs of those women, and identified the people and agencies battered women talk to or approach for help. How to get the right information through to the people who need it most at an appropriate time appears to be an on-going challenge for workers in the domestic violence field.

These studies of the education provisions for women who experience domestic violence provide some insight into the factors influencing the effectiveness of programmes for abused women. Because of the need for further information about successfully engaging greater numbers of women onto programmes for protected persons, I conducted the present study to identify best practice and information-sharing systems within the parameters of the current domestic violence legislation.

This study of the factors inhibiting women's access to protected programmes is based in a large provincial centre in the lower North Island in 1998. My objective is to identify a model of effective information-sharing between the clients and the various practitioners of the Family Court. The focus is specifically on the various channels of information exchanged between protected persons and practitioners in relation only to the knowledge of Family Court-funded programme provision under the Domestic Violence Act 1995.

There are two major groups of key informants: the Family Court clients and the professionals with whom they interact as those women obtain Protection Orders. The promotion of the programmes by various professionals and helpers is examined as well as their thoughts on strategies for improving the rate of programme uptake by women.

The research is presented in the following sequence. The research design is outlined and discussed in Chapter Two. That chapter includes a review of existing studies to underscore the need for protection from domestic violence. It also incorporates a synopsis of the Family Court's historical provision of programmes for protected persons. In Chapter Three, I present an overview of domestic violence in New Zealand, and discuss the dynamics and nature of the phenomenon, in order to contextualise the effects of violence against women. Chapter Four considers the scope of protected persons' programmes; their structure and content as prescribed in the Domestic Violence (Programmes) Regulations 1996.

In Chapter Five, patterns of information-seeking behaviours are scrutinised and difficulties are identified as a small sample of protected persons tell their stories about the information they gathered when they sought protection orders from the Family Court. The data collated from a variety of professionals who are connected to the Family Court through their work with domestic violence victims is reviewed in the next two chapters. In Chapter Six, the Family Court Coordinators share their approaches to and practices for encouraging women to attend programmes. Commentary from some programme providers, refuge workers, victims' advocates and lawyers is discussed in Chapter Seven.

## **CHAPTER TWO**

### **The Research Design**

#### **Research methodology:**

This research is underpinned by a methodology which is consistent with a feminist commitment to "honouring the lived experience and the knowledge of the women involved" (Reason 1994: 325). I believe that a critical examination from a feminist viewpoint needs to be made of the methods currently employed in the promotion of the Family Court's provision of domestic violence education programmes for protected persons.

Research from a feminist perspective means much more than merely putting women in the picture, but instead requires re-working androcentric concepts and frameworks. It is appreciated that ideas must be constantly receptive to the diverse experiences of women (Hudson, 1985). Feminist researchers are not separate neutral academics theorising about others, but working with people towards social equality.

As a member of the Family Court staff in a large provincial North Island centre I am concerned that resources available for Court-funded support and education programmes have been under-utilised so markedly. Domestic violence is a reality for large numbers of New Zealand women, and to date, little research has been conducted to identify and eliminate the barriers which preclude woman from participating in these support and education programmes.

The common features of feminist research applied in this study are that the research is based on feminist theory, that it is for women, that is premised on the oppression of women, and is committed to change (Stanley and Wise, 1983). Because the political aspects of knowledge production cannot be underestimated, a key consideration is to produce knowledge and action that is directly useful to the researched.

### **Research design:**

The research has three key areas of study:

- 1) a literature review of domestic violence, and particularly of the history and development of domestic protection legislation and programmes in New Zealand.
- 2) data collected from two main groups connected with the Family Court:-
  - a) the first group consisted of Family Court clients, individual women who made applications for protection orders. These clients are referred to as protected persons. This data is qualitative in nature.
  - b) the second group was made up of Family Court-related practitioners, and within this group there were two clusters. A mix of qualitative and quantitative data was gathered from the first of these, the Family Court Coordinators. The second cluster is eclectic: programme providers, refuge workers, lawyers, a victims' advocate, a victims court advisor and a men's group family support worker. All work with the clients of the Family Court.

Qualitative methods were preferred as these are consistent with the feminist principles which encourage greater utilisation of intuition, and subjectivity in affirming women's personal experiences (Stanley and Wise, 1984).

Five interviews were conducted with protected persons and nine interviews were carried out with key informants from the latter cluster. There were no interviews with Family Court staff; instead a postal questionnaire was sent to each of the 27 Family Courts with a resident Family Court Coordinator. In the next section of this chapter I outline the size of the sample, the process for recruitment, and details of the data collection method.

The interviews with the protected persons:

a) Size of Sample

Initially, I planned to study a sample size of approximately ten protected persons, but difficulties in locating women who were prepared to participate meant that the sample was limited to only five women. Due to the nature of my professional work, I could readily identify many women with protection orders, but could not approach them directly myself, for ethical reasons. It is also recognised that it is not normally the practice of the Department for Courts to facilitate access to clients for the purposes of academic study.

b) Selection of Sample

In line with the thinking reflected in the Domestic Violence Act 1995 Scoping Report (Barwick, Gray & Macky, 1998: 24) I understood that the preferred approach to a protected person is made by someone that person already knows

and who knows her situation. I also appreciated that the prospect of successful engagement of participants is enhanced when the person making the approach is fully informed about the purpose of the research and can explain the nature of the interview in advance. It was decided that approaches to prospective respondents who were protected persons should be made by Family Court-related practitioners, such as a lawyers, refuge workers or programme providers who came into contact with the protected person either in a support or advisory role. Special attention was to be paid to how to contact the protected persons to ensure their confidentiality was not breached nor their safety threatened by participation in this research.

Family Court-related practitioners would be asked to informally advise their DVA clients about this research, and to extend an invitation to potential participants to contact me if they were willing to be interviewed. At the same time, brief publicity material about the research - which included a call for volunteers to contact me through the Family Court if they wished to participate in this project - was to be widely distributed amongst support groups for women in the community. These groups need not be solely domestic violence victim-orientated as any women-only group could constitute an opportunity to offer the sharing of knowledge with others.

I was also mindful of the possibility of a nil response from protected persons as the likelihood of people giving information is reduced if they see the topic to be threatening or sensitive. The risk of potential harm to the abused woman, or to the researcher, had to be managed carefully to avoid compromising the protected person's safety at any time (Towsey, 1996).

In accordance with a direction from the Department for Courts the sample was not recruited via any Courts documentation. In addition to, and because of, the closed nature of the Family Court, and my employment within that organisation, neither the Massey University Human Ethics Committee nor the Department for Courts was prepared to endorse my involvement in this study unless I relocated the project in a neighbouring provincial centre (See Appendix 1). This stipulation created additional difficulties (in terms of time and distance) in the recruitment of protected persons. However, both refuge workers and programme providers in the selected centre were happy to approach applicants to discuss the possibility of being involved, and four of the participants became involved through these contacts. One programme provider invited me to participate in the final group evaluation session at the conclusion of their programme, but the scheduling of that meeting was delayed several times before being abandoned. A fifth protected person volunteered after expressing to the Family Court Coordinator her enthusiasm to do more to help other women realise the benefits which she had gained from the programmes.

The distribution of pamphlets through women's networks failed to generate one response. Given that any interested person would have had to either leave a phone message with an extremely busy local Family Court Coordinator, or make a personal toll call to me in a different locality, it is perhaps not surprising that method of seeking participants was unsuccessful.

### c) Method

Pre-interviews were conducted with each of the participants in person so that they could be informed in detail of the nature of the study and the processes involved before giving their informed written consent for their voluntary participation. An information sheet for Family Court clients (the protected



persons) was prepared and discussed with them (see Appendix 2). The interviews were tape-recorded and later transcribed in full. Brief notes were also taken throughout the interviews, in order to avoid sidetracking. A checklist of the major topics for discussion was prepared, but it was not necessary to refer to that list often (see Appendix 3). Not unexpectedly, the participants had some difficulty in isolating the programme information from the overall recollections of a crisis time in their lives. I encouraged the interviews to evolve through the establishment of trust and rapport. The process of naturalistic enquiry featured a conceptual interaction between the ideas and experiences of both the researcher and the participants (Whalen, 1996).

The interviews were designed to focus on the interface of the programme information received by protected persons and the information given by Family Court practitioners around the time that protection orders were obtained. The data collected as a result of these interviews with protected persons is discussed in Chapter Five. In order to retain the essence of the women's experiences, their words are directly quoted and indicated by italics, but their names have been altered to protect their identities.

#### Interviews with the Family Court-related professionals

##### a) The size of the sample

In line with the size of the first sample, I planned to interview ten key informants. This number of respondents enabled me to obtain a representative sample of practitioners who come into contact with protected persons in the course of their professional work. It was intended that this sample would contain as many representatives as possible from the various professional disciplines which are associated with the Family Court. Ten key informants were interviewed.



b) The selection of the sample

The selection of this group was not random. Given my own professional involvement as a Family Court practitioner, I had previously known all of the people I interviewed within this group. The common background impacted on this study in a positive way, as all respondents welcomed the research initiative and contributed freely with their comments and reflections. I did not consciously decide to restrict the interviewees to the female gender, but as males are less frequently involved in assisting victims of domestic violence, an all-female sample of participants emerged.

The group consisted of four programme providers, two lawyers, one refuge worker, one victims' advocate, one men's support worker and one victims' court advisor. The sample was obtained by a process of networking through contacts in the domestic violence arena. I made a point of letting as many people as possible know about the study and encouraged them to invite others to be involved. Some participants volunteered to be involved in the project after I addressed a meeting of a Family Courts Association in September, 1998. Others contacted me once the project was underway in the following months, and the final interview was conducted in July, 1999.

Of the four programme providers who participated, three were recently approved while the fourth had several years experience as a women's education coordinator with a well-established programme provider.

The two solicitors had practised family law for many years before the enactment of the Domestic Violence Act 1995, and both were highly regarded for their expertise in representing children in cases which involved domestic abuse. They

stressed that their views were personal opinions expressed in the context of their professional work.

### c) Method

The method used to recruit respondents for this group was slightly different from the one used for the previous group. The major difference was that approaches to this group were more direct and numerous. An initial presentation to the relevant Family Courts Association in September, 1998 helped raise awareness of the study and of the availability of the programmes themselves. One of the participants in this sample had encouraged the recruitment of members of the first sample.

Initial contact was made with the participants by telephone. Shortly after, I met with each one to discuss their involvement in the study and to clarify their expectations of the researcher. A slightly different information sheet, which omitted the paramountcy of safety concerns was prepared for the Family Court-related sample (see Appendix 4). After receiving their informed written consent to participate in the study, arrangements were made for interviews to be conducted in the professional rooms of the various participants if they preferred. The interviews were approximately one hour in length, and followed the same informal interview discussion lines taken with the protected persons.

Respondents willingly shared their perspectives on the promotion of programmes because of their concerns for the high numbers of women who are not taking advantage of the education and support provisions of the legislation. They regarded the study as a means of identifying methods for engaging more protected persons onto programmes. The material collated from this multi-

disciplinary group will be reviewed later in Chapter Seven.

### Survey of Family Court Coordinators

#### a) The size of the sample

Twenty-two coordinators responded to the questionnaire. I chose to gather data from this group nationally through a questionnaire so that an overall pattern could emerge of their current practice in informing Family Court clients about the programmes available. Twenty-seven forms were sent out and twenty-two were completed. The size of this sample allowed me to gain a more comprehensive picture of the practices developing throughout the country, and to identify a variety of approaches put in place by the coordinators.

#### b) The selection of the sample

My research proposal was considered by Angela Lee, manager of the Department for Courts' Research and Evaluation unit, and I obtained permission (See Appendix 1) to contact each of the Family Court Coordinators (FCCs) and to invite their participation in the research. Because of the Family Court Coordinators' specialist knowledge of the relevant legislation and their unique position as social workers in a legal setting, the responses of this group are analysed separately from the responses of the other professionals who work with protected persons.

All of the Family Court Coordinators who replied were female. This is a reflection of the under-representation of males in this role. Almost all of these women are pakeha in their ethnicity.

### c) Method of data collection

A questionnaire (see Appendix 5) was mailed to each coordinator with a covering letter, the information sheet for participants, a copy of the Department for Courts' formal approval advice for the project and a reply- paid return envelope. The questionnaire was designed in a tick-the-box format in order not to take too much of the FCCs' time. The questionnaire provided space for commentary and most FCCs used this opportunity to make further comment. The questionnaires were returned to me at home, and the results were collated on my personal computer data base. The data from the postal survey of Family Court Coordinators is analysed in Chapter Six.

This research is designed to examine the exchange of programme information as viewed on the one hand by the Family Court clients, and on the other by the various members of the multi-disciplinary Family Court "team". The experiences of those seeking help from the Family Court (under section 29 of the Domestic Violence Act 1995) are shared and contrasted with the practices of those with the knowledge and expertise to help the clients access those services.

Having outlined the research question, and the scope of the study, the discussion now turns to the dynamics of domestic violence in the following chapter. Chapter Three endeavours to illustrate the reality of the battered woman's world and the isolation within which she exists as a result of her partner's abuse. This analysis of domestic violence establishes the context for the need for specialist services for battered women and their families.

## **CHAPTER THREE**

### **The dynamics of domestic violence**

The purpose of this chapter is to outline the terminology, context, dynamics and effects of domestic violence, as a particular understanding of these underpins this study and influences the methodology and processes involved. An overview of domestic violence, with particular reference to New Zealand, is presented in order to establish the breadth and depth of the phenomenon, and to contextualise the framework in which this research is undertaken. A recognition of the social context and its allied constraints is critical to an examination of the information-seeking behaviours of women who are victims of domestic abuse.

#### **The terminology**

Various terms have been employed in dialogue on domestic violence. The problem of adequately naming the violence perpetrated by a partner who also claims to love one has not yet been resolved to everyone's satisfaction. For over twenty years, feminists have repeatedly claimed that family violence is in fact gender violence (Walker, 1979, 1984; Dobash, 1979; Church and Church, 1984; Inglis, 1986; Moore, 1989; Dutton, 1992; Busch, 1992,1993,1994) and international studies have shown that the greatest percentage of reported acts of violence which occur within the home is men's violence against women and children. Balzer (1995:1) protests that terms such as family and domestic violence "mask what is happening in abusive relationships, and ....affects the responses we develop in curbing violence". She emphasises that by not using explicit terms such as "violence against women", the impact of gender is lessened. From a radical feminist perspective, the term "domestic violence" obscures both the social and the gendered dimensions of the problem

(Whalen, 1996:18).

It is clear that to continue to ignore gender differences as contributors to violence within relationships is to continue to silence women's stories and to limit their opportunities to effect change. Critics argue that the common usage of the term "domestic violence" makes the violence sound domesticated, and thereby reduced to a different, and less serious, category of violence (Jones, 1994, Bradshaw, 1995). However, I choose to employ the term "domestic violence" throughout this study as its common usage is reflected in the title of the relevant statute, the Domestic Violence Act 1995. I consider the term to be an oxymoron which most succinctly reflects the uniqueness of the phenomena.

Domestic violence is not new to New Zealand. It is a serious social problem and reported incidents of its prevalence continue to rise each year. In 1992, police attended 21,000 domestic violence call-outs, and six years later in 1998, the figure was more than 34,000 (Taylor, 1999). In 1997, partners or ex-partners killed 15 New Zealanders and eight children were killed by family members. Police records for 1998 show that 50% of call outs are to the same address for a second time, and that 6% of the same calls are made more 10 or more times. The Police also found that when they were called out to places where children were present, 30% of the men had protection orders taken out against them (ibid). Investigations of domestic homicide show a common pattern of frequent police attendance in the past (Busch, Robertson and Lapsley, 1992:36).

Anecdotally, it has been suggested by various victims support agencies, that one woman a week may die (either immediately or subsequently) from the injuries suffered after a beating by her male partner. In one Dunedin study, 16% of

women surveyed had sought medical treatment for injuries resulting from physical abuse from partners (Mullen et al., 1988). Pilott (1996:16) suggests the fact that the police suspect that only twenty per cent of domestic violence, at most, comes to their notice should not be overlooked. Women's refuges helped over 10,000 women and children during 1997. It is estimated that violence occurs in one in seven New Zealand families (National Collective of Independent Women's Refuges, 1993 and 1997).

A feminist approach to defining domestic violence seeks a broad account of the term. Domestic violence covers a wide spectrum of acts which range from the occasional slap, an abusive threat, unwelcome sex, psychological abuse, to a life-threatening attack. Women's perceptions of violence, and what they experience as terrifying, had been excluded from legal and professional definitions of violence before the Domestic Violence Act 1995 was enacted. That legislation gives greater recognition to the features of domestic violence as they are now more widely understood, as it recognises in law that domestic violence can cover psychological and sexual abuse as well as physical abuse. Psychological abuse includes intimidation, harassment, damage to property, and threats of physical violence, sexual abuse or psychological abuse (Section 3 (1) (c), Domestic Violence Act 1995). At the 1995 Family Violence Conference, the then Minister for Justice, the Honourable Doug Graham acknowledged that "bruises" on the inside can be as damaging as those on the outside (Graham, 1995: 3).

Victims report that they are most deeply affected by the emotionally abusive and controlling aspects of the violence (Aguilar and Nightingale, 1994:36). According to Adams (1988:191) domestic violence "causes the victim to do something she does not want to do, prevents her from doing something she does want to do, or causes her to be afraid". Serious psychological problems can result from the



devastating effects of physical violence. Domestic violence is persistent and intentional abuse of any kind, whether physical, sexual or mental (Byrne, 1994) and may happen to women of all ages and races, from all walks of life and from every social class. Jones (1994) argues that domestic violence could affect even more women than breast cancer.

Defining the nature of domestic abuse involves far more than simply describing the acts of violence or even the sequence of events that precede the violence. Domestic violence creates a pattern of interaction that inevitably changes the dynamics of the intimate relationship within which it occurs. Non-violent behaviours may take on the same property as violent behaviours when their purpose is to control a victim by intimidation and conditioning. Threats of intimidation, harassment, humiliation and the threat or use of weapons and forced sexual acts are powerful adjuncts. Dutton explains that when “learned with precision, the cues given by the batterer that signal danger to the battered woman, comprise a language whose subtlety defies meaning for those not familiar with it” (Dutton, 1992: 6). The possibility of physical violence is important in reinforcing the effectiveness of other techniques, and this is part of the reason why domestic violence is not gender neutral (Busch, Robertson and Lapsley, 1992: 32).

Many of these actions are so skilfully practised that outsiders may not recognise the danger posed by abusers to intended victims. Busch and Robertson (1993: 113) highlight the chasm between different perceptions when they explain that “even though one of the arresting constables stated that he believed that the offender was attempting to “terrorise” his former spouse, that same officer said that the man was not “dangerous”....and....characterised him as “blubbing”, “pathetic” and “harmless”.



The Women's Safety Survey 1996 found that violence in the home is widespread (Morris 1997). That study reported that at least one act of physical or sexual abuse had been perpetrated by the ex-partners of 73% of the women, and by current partners of 24% of the women surveyed. The most commonly reported behaviour was being "pushed or grabbed in a way that hurt". Not only do women pay a high price physically, emotionally and psychologically, but the monetary costs of domestic violence in New Zealand in 1993/94 was estimated at between \$1.187 billion and \$5.302 billion (New Zealand Government Statement of Policy on Family Violence, 1996: 4).

Descriptive terms such as "the battered woman" (Walker, 1979, 1984) have gained more popular acceptance in the United States than in New Zealand. First coined by Walker in 1979, the battered woman's syndrome refers to "a pattern of responses and perceptions presumed to be characteristic of women who have been subjected to continuous physical abuse by their mate" (Schuller and Vidmar, 1992: 274). A sense of powerlessness and helplessness does play an important role in keeping chronically battered women in violent relationships (Ward et al., 1995).

But not all battered women are permanently black and blue and helpless. Many are battered emotionally, not physically, and may be "strong intelligent women, kind caretaking women, women who feel confident and decisive in other areas of their lives, and yet they hesitate for many years before taking action to save themselves from an emotionally abusive relationship" (Douglas 1998: 15).

Violence can also occur in gay and lesbian relationships, and incidents of

husband-battering are not unknown. Women are capable of and do commit acts of violence upon their partners. Advocates of the mutuality of violence tend to rely on Strauss and Gelles' "Conflict Tactics Scale" (1986) which attempted to measure incidents of family violence. The results were reported as though a slap on the slap in the face from a woman is the same as a kick in the head by a man. However, seldom is a male victim of such abuse fearful for his life (Busch, Robertson and Lapsley, 1992). Domestic violence continues to be largely perpetrated by men against women.

### Community awareness of domestic violence

Community awareness of domestic violence has markedly increased in New Zealand throughout the 1990s. In 1994, the vivid portrayal of Jake Heke's violence against his partner Beth in the movie version of Alan Duff's ground-breaking novel "Once were Warriors" shocked audiences. Indeed, the rawness of some scenes generated a whole gamut of reactions from horror to disbelief that such violence could occur within New Zealand homes. At the time, Te Whakuruha Women's Refuge coordinator, Ruahine Albert, stated that although the women who lived through such physical, mental and emotional abuse had understood its powerful anti-violence message, some young men had identified Jake Heke as a role model and been inspired to perpetrate further violence (Wanganui Chronicle, July 29, 1994).

Physical violence is but one tool used by men to maintain control over women (Busch, Robertson and Lapsley, 1994). As Douglas explains, "physical violence is the ultimate expression of men's dominance over women, but emotional violence is also part of the same power and control continuum. Men are socialised to be competitive and aggressive in pursuing what they want. Individual men's attitudes are a reflection of a society that believes men are more

important than women" (Douglas, 1998: 81).

### The historical context

The 1993 United Nations Declaration on the Elimination of Violence Against Women contextualised the occurrence of domestic violence when it described violence against women as a "manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men". Thus, it is necessary to put male and female relationships into an historical context in order to understand where the above attitudes originated.

Men have, for hundreds of years, legitimately dominated women as women in most western cultures lost their separate identities on marriage and assumed a position under the authority of her husband. English common law had recognised that wife-beating was allowed as long as the man did not exceed the reasonable bounds of due governance and correction. It was not uncommon, during most of the past century, for judges to base their decisions on the belief that family matters were outside their jurisdiction. Social mores have supported a male's position of authority over his wife, and tolerated his use of physical violence to maintain control in the home (Pence, 1986).

A study conducted for the Department of Justice of 2000 men revealed an underlying acceptance of domestic abuse among New Zealand men (Leibrich, 1994). The study concluded that "when social expectations about what it is to be a man cannot be met, there is distress, a sense of powerlessness and a wish to regain power". Leibrich found that 31% of men thought it was totally the woman's fault if she were hit for lying to her male partner and 48% felt a bashing

was warranted if she were unfaithful to him. More than two-thirds of the respondents acknowledged that they knew personally of males who currently or formerly abused their partners. These figures, however, are disputed by Newbold (1995) who contends that the very wide definition of physical and psychological abuse used in the study obscures the nature and extent of serious domestic abuse.

When the New Zealand police first adopted an active arrest policy<sup>2</sup> for cases of domestic violence during the 1990s, one police inspector explained that “police officers found it difficult to arrest a guy who is playing, maybe, first-class rugby or cricket and has only hit his wife once” (Wichtel, 1994: 33). However, the practice of arresting the perpetrator became general throughout the country, and workers at the Hamilton Abuse Intervention Pilot Project estimated in 1993 that the arrest rate by the Hamilton police had more than doubled (Busch and Roberston, 1993:132).

### The social context

In the absence of strong community condemnation of domestic violence, the ignoring and condoning of abuse of women continues primarily because domestic violence occurs between people in close relationships and usually in the privacy of their homes. Significantly, the 1987 Ministerial Committee of Inquiry into Violence highlighted what a dangerous place the home could be when it concluded that 80% of all violence occurred within the home and that “family violence is the cradle for the perpetuation of violence and crime in the community” (Roper, 1987: 113). It recommended that applications for protection orders be treated with urgency, and that domestic violence be treated seriously

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<sup>2</sup> The Police arrest policy replaced the previous custom of brief on-the-spot mediation by Police. Current practice involves the arrest and removal of the perpetrator from the immediate location.

by the law. A double standard lingered in which severe violence outside the home was punished by the criminal courts, but domestic violence was not generally regarded by society as being as reprehensible as other forms of violence (Busch, Robertson and Lapsley, 1992). While violence by men towards their partners is considered a private and secret matter rather than a major societal problem with far-reaching ramifications, effective services for victims remain under-developed (Ward et al., 1995).

It is this social context which gives domestic violence its remarkable and unique nature (Pilott, 1996). A woman may desire to continue a relationship for its positive and affective dimensions despite its darker side. When a woman is abused by her intimate partner, she is victimised by someone with whom she has chosen to be involved (Dutton, 1992). For most people the choice of an intimate partner is based on the positive aspects of the partner and the relationship. Thus, when one's own partner who is presumed to be caring and protective becomes the source of the trauma, a different psychological meaning is created than when the trauma originates from a stranger who could be readily identified as potentially dangerous. People tend to assume that danger and violence come from outside the home, not from within (Jones, 1991). The quality of the relationship is destroyed by the violence which tends to escalate with increasing severity as the relationship deteriorates (Busch, Robertson and Lapsley, 1992).

Feminist theorists argue that women's economic dependence has long been an important cornerstone for women's emotional dependence on the men with whom they have a sexual relationship. For countless women, their daily life experiences contradict neo-romantic notions of family life. Impaired functioning in numerous roles, including occupational, social and parental roles commonly results from the distress of living in an abusive intimate relationship. It is "within the supposedly safe and protective environment of the family unit that women

can experience cruel distortions and the brutalisation of their needs" (Hudson, 1985: 644).

Paradoxically, the most significant site of social control of women is in the domestic sphere, and yet when the woman attempts to leave, she "creates a period of unprecedented danger... a danger not often recognised by others" (Walker 1989: 65). The most at-risk period for partner homicide is after marital separation (Roman, 1998:155). Her fears that she and her children might be killed if she tries to leave must be recognised by counsellors and domestic violence educators (Whalen 1996: 115).

Several social and cultural conditions can tie women into relationships with violent partners, and may serve to condone and sustain the continuation of the partner's violence (Douglas, 1998). Familial ideology can underpin practices which perpetuate the abuse. Specific instances of these may range from family members who question what the woman did to deserve the abuse, to church helpers who remind the woman of the sanctity of her marriage and the need to stay in the relationship for the sake of the children. Similarly, health professionals may ignore clear evidence of non-accidental injuries, and counsellors may ignore the damaging effects of the partner's abuse.

Domestic violence, then, is neither solely a family problem, nor is it caused by the behaviour of an individual woman or by male psychosis. One of the challenges has been to redefine the problems of domestic violence in ways which turn them from private woes to public issues. McMinn (1994: 8) considers that "it is not abused women and children who are at fault, but we as a society who have been slow in showing the courage to address domestic violence as a crime. It is a social problem".



Many domestic violence workers believe that violence and abuse is the most common and least reported crime in New Zealand today (Wellington Violence Intervention Programmes, Inc. 1994). A focus on legal remedies to redress domestic violence is therefore inadequate when a large percentage of cases remain unreported (Carbonatto, 1994). The criminalisation of domestic violence, however, does not completely resolve the issue for many abused woman. Her supposed failings, and her inability to leave the person who is abusing her, are often seen as being somehow responsible for the crime (Pilott, 1996). Similarly, it is one of the few crimes where the victim has had close ties with the perpetrator, and where the victim is expected to negotiate her safety and that of her children, despite the fact that his power over her led to a crime being committed in the first place. New Zealand patterns of remaining with abusive partners are likely to mirror overseas research which indicates that on average, a woman stays seven years in a violent relationship (Jaffe, et al, 1990).

Male brutality towards women can be located on a continuum of male power over women (Hanmer and Maynard, 1987). Swain states that one man's act of violence to one woman "teaches lessons to all women, and has a consequence for all men" (Swain, 1986: 27). Significantly, men's ideas are reflected in their construction of violence, as they tend to limit the range of unacceptable male behaviours to its most extreme, gross and public forms.

Domestic violence educators in Duluth, Minnesota devised the Power and Control Wheel to illustrate a system of behaviours used most frequently by abusive men to establish and maintain power and control over another person (Pence and Paymar, 1986). The paradigm situates violence as part of a system of systemic process which encompasses physical, psychological, emotional,

economic and social means of control. Other strategies for power and control include isolating the woman from support, minimising, blaming, denying the violence and using male privilege.

### Women's perceptions of domestic violence

Bradshaw (1995) argues that it is women's reality of the violence which must be validated. Women subjected to different types of violence commonly report that the amount of fear they experience is related to their perceived lack of control; the greater the amount of uncertainty about the outcome, the more terrifying the encounter (Hanmer and Saunders, 1984). The enactment of the Domestic Violence Act 1995 with its broader definitions of what constitutes domestic violence has validated many women's own perceptions of abuse, and eased some of the previous constraints on their ability to take successful legal action against that violence.

Women's behaviour in the face of potential violence has often been misinterpreted by detractors as deliberately provocative or emotionally dependent. Instead, it is arguably a natural response to terrorising tactics. Women who present as indecisive, anxious, lethargic and lacking confidence frequently engage in such behaviours in order to protect themselves from additional abuse.

Conversely, the myth that women are arch deceivers who are prone to make false allegations has blighted many trials (Kennedy, 1992). Researchers have found a marked difference between women's conceptions of violence and that of the police and the courts (Hanmer and Saunders, 1984; Moore, 1989; Busch, Robertson and Lapsley, 1992). It is evident that the range and complexity of what



women experience as abusive is reflected in their telling of their own stories. Research shows that, far from exaggerating, women have tended to minimise the extent of the violence to which they are subjected or deny it altogether.

#### The importance of education for survivors of domestic violence

The extreme and lasting distress caused by domestic violence against women illustrates how serious is their need for support and education (Roman, 1998: 157). The need for information, resources, and for social changes that result in attitudes of respect for women as equal partners, however, may not be recognised by the victims themselves. Survivors of domestic violence manifest a variety of coping behaviours that are consistent with getting along in circumstances in which they have little power. Because countless women's stories accentuate how the male partner gatekeeps what information an abused woman obtains, and from whom, access to education and support is important to enable women to maximise their ability to protect themselves and their children from further abuse (Rubin 1991: 341). Learning how to deal with the complex dynamics of domestic violence is essential for empowering women to make changes in their lives.

Pence (1986) and other educators argue that the greatest hope for long-term change lies with the survivors themselves. A woman in a violent relationship has not usually been permitted an opportunity to stand back from her daily existence, nor to see that her abuser has imposed upon her "an interpretation of her reality that protects his self interest" (ibid, 15). In a safe environment, programme participants are encouraged to overcome their denials and minimisation of danger, and to look at their unrealistic hopes about the potential for the abuser to change his behaviour. Consciousness-raising, in which commonalities of abused women's experiences are identified, is a key

component of many women's education programmes. It is crucial for the elimination of violence against women that programmes and counselling are provided so that women may begin to "concomitantly heal, feel empowered, and become more independent" (Whalen 1996: 117).

It is noted that New Zealand is rated as a leading country in the area of policy development to address domestic violence (Liddicoat, 1997) and the introduction of free domestic violence education programmes is one important aspect of that development. The objectives of programmes offered under the Domestic Violence Act 1995 were developed in order to assist women to make informed decisions about their future well-being and safety. This study aims to locate those factors which could enable more women to request DVA programmes. In the next chapter I will review the growth of Family Court-funded domestic violence education programmes for women in New Zealand. The programme objectives, structure and content are discussed in more detail in Chapter Four.

## **CHAPTER FOUR**

### **Programmes for Protected Persons**

The development of the Family Court's provision of education programmes under section 29 of the Domestic Violence Act 1995 for victims of domestic violence is discussed in this chapter. It is important that the availability and specialised requirements of DVA programmes for holders of protection orders be examined in the absence of other comparable research. Former legislation, initial counselling practices and their historical background are reviewed. The chapter highlights the growth of the Family Court's use of specialised services for women in violent domestic relationships and the changes which have occurred to better meet the needs of this group of Family Court clients. Relevant research and the regulations for the structure and goals of programmes for protected persons are also discussed.

#### **Background**

During the 1980s and 90s, countless New Zealand women lobbied for changes in public policy to achieve improvements in legislation for the protection of women from domestic violence. It is noteworthy that during that period there was no significant difference in the approach taken by female National and Labour parliamentarians. Pilott (1984) argues that the now superseded Domestic Protection Act 1982 was a turning point for New Zealand families in that it no longer conceptualised family violence as a private matter. The state's role in mitigating the effects of family violence included the establishment of domestic protection orders for all couples, whether married or not, and the provision of Family Court counselling to either or both parties (Lee, 1986:1).

## Support for victims under the Domestic Protection Act 1982

There had been inconsistencies in the Family Court's provision of education programmes for applicants and respondents under the 1982 legislation. Inequitably, there was allowance for the cost of abusers attending stopping violence or anger management programmes to be met by the state, but a Family Court Judge could only make a recommendation that an abused woman participate in counselling for victims (Busch, 1995). The costs of her programme were not covered in the legislation. The needs of battered women were ineffectively met by Family Court counselling recommendations as many battered women "felt disbelieved, disadvantaged and disempowered" (Moore, 1989: 219) by Family Court counselling referral procedures which may have unwittingly colluded with a woman's partner and his violence.

The initial Family Court practice of offering joint counselling and mediation between abusers and victims was opposed as both dangerous and abusive for applicants because of the imbalance of power (Busch, Robertson and Lapsley 1992). Couples counselling had emerged as a result of overlaps with concurrent applications filed under different pieces of family law (Lee, 1986: 129), but often failed to acknowledge the dynamics of domestic violence for abused women.

Counsellors who failed to deal with "criminal assault in the home" were criticised as inept (Hatty, 1985). It was not unusual for some counsellors then to represent the violence as a manifestation of pathology, or promote the view that men and women have equal power in relationships, and must share responsibility for the violence.

Some counsellors take the perspective that aggression arises from dysfunctional

patterns of interaction stemming from communication deficits (Curren, 1993) and thereby neglected to address the responsibility for the violence. Counselling approaches which focused on the relationship quality, or on the psychological needs of the batterer were also inadequate, and the Family Court was slow to recognise that mediation was to be avoided as a means of dispute resolution when domestic violence exists (Boshier et al, 1993: 119).

The public policy emphasis on couples counselling is opposed by many who worked with the victims of domestic violence. Women's support groups operate on the belief that women are the best experts on their own lives and are often safer in relying on others like themselves rather than authority figures (Moore, 1989: 155). The support groups have alleviated women's feelings of responsibility for the violence, and shame, and empowered women to leave a violent relationship. Participation in women's groups allows women to contextualise socially their spouses behaviour (Busch and Robertson, 1993:126).

Women's support groups have been described as invaluable in "enabling a woman to identify herself as an assaulted woman and thus beginning the process of overcoming her victimisation" (Harris, 1988: 65), and as a safe place where women's stories can be freely told and believed. Attendance at a women's group has been recognised as a sound alternative to personal counselling for many women, but the providers of the support groups were not an integral part of the network of services utilised by the Family Court prior to the enactment of the Domestic Violence Act 1995.

## The focus on respondents' programmes

In sharp contrast, the state provision, under both the 1982 and the 1995 statutes, of programmes for violent men is well established, although different causal assumptions about family violence led to a range of different treatment modalities and techniques throughout the past two decades. The power and control model is now well-established as an important tool for agencies dealing with abusers. This programme emphasises that acts of violence are not to be seen as isolated incidents, as is the case with stranger assaults, but as part of a systematic effort by abusers to maintain power and control over their partners. The power and control model also challenges beliefs about domestic violence as an anger problem, as most abusers do control their anger. The model of power and control was discussed in more detail in Chapter Three.

The mandatory attendance at respondents' programmes and the serious consequences of failing to comply with a Judge's direction to attend clearly signal that the programmes are an important government strategy in the elimination of violence against women. One of the key problems of male attendances at offender programmes is that they can create a false, and therefore dangerous, sense of security for the man's partner. Because many women want only the violence to end, not the relationship, they may invest much faith and hope in these programmes (Pilott, 1994; Carbonatto, 1994; Towsey, 1996).

## Women's response to respondents' programmes

The implications for women of the intervention strategies utilised in New Zealand programmes for violent men have been studied. The respondent's attendance at a men's programme may put pressure on the abused woman to give her partner yet another chance, and further endanger herself after she has struggled to

break off the relationship. Higher rates of reconciliation have been estimated after the men have participated in respondents' programmes (Gondolf, 1988; Curreen, 1990).

Changes in the behaviour and attitudes of abusive men who attended respondents' programmes have been studied (Martin, 1994). Another study of New Zealand women's experiences of their partner's attendance on programmes for respondents concluded that change appears unlikely while men and women continue to interact "in ways which maintain, reinforce and perpetuate the ideology of male dominance" (Towsey, 1996: 160). Significantly, it was noted that a woman may endanger her own safety by placing excessive reliance on the ability of the men's programme providers to facilitate behavioural change in their partners, without considering her own learning needs.

One investigation revealed that access by an abuser left women and children very vulnerable to further violence, despite protection orders (Curreen, 1990). Carbonatto's study, which focussed on the criminal justice response to the problem found that the criminalisation of domestic violence alone will not address the deeply-entrenched structural problems inherent in society (Carbonatto, 1994). The structures that have created and perpetuated the situation where men can be violent toward women in the home also must be also addressed (ibid :29). A third study which considered the Police response to domestic violence identified several key differences in male and female officers' interpretation of what constitutes domestic violence and observed that those meanings were likely to influence policing practices (Pinkus, 1996).



## Programme provision under the Domestic Violence Act 1995

The then Minister of Justice, the Honourable Douglas Graham, signalled the changes brought by the new domestic violence legislation when he stated that “I want to make it very clear to those families where violence is occurring that this Parliament will protect the victims of that violence and it will exert a sanction on those who perpetrate it” (The Dominion, December 5, 1995: 2). The broadening of the justice system’s traditional programme focus on offenders to a dual provision of programmes under the Domestic Violence Act 1995 for both victims and perpetrators has been recognised as a crucial move for the empowerment of victims of family violence.

The arrest and removal of the assailant provides most victims of domestic violence with temporary relief and safety from the violence (Busch and Robertson, 1993:132) but other interventions are needed to produce changes for victims in the long term. Information, education and support are instrumental in reducing violence, although access to these resources appears to be problematic for many women.

Several women’s groups identified affordability as a key factor in accessibility of services for women. In recognition of the difficulties associated with issues of programme timing, transport, and child care facilities, some submissions to the review of the Domestic Protection Act 1982 identified the need for government funding to assist women to access the programmes without additional personal costs for that attendance. The New Zealand Law Society’s Family Law Committee’s submission had supported the provision of free counselling for women and children subjected to violence from an abusive partner, but cautioned that such programmes would be enormously costly (Potter, 1994). In association with the introduction of the Domestic Violence Act 1995, substantial funding was



set aside for counselling services for both adult and child protected persons, but travel and childcare costs were not included.

The procedure by which protected persons were to attend the DVA programmes is not complicated, and is similar to the process used by persons requesting couples counselling under the Family Proceedings Act 1980. The DVA legislation enables her to make a request, in writing, to the Family Court for attendance at a programme. Her attendance at programmes is not mandatory. The statutory provisions for requesting DVA programmes is outlined in the introduction to this report. The Department for Courts has printed a standard request form (DVP4) for this purpose (see Appendix 6).

The term "counselling" was not utilised in the 1995 legislation as it was considered to be suggestive of therapy and therefore inappropriate for survivors who need information, education and support to rebuild their lives. The emphasis on support has been strengthened, as it was recognised by the programme regulations writers that the group dynamic can become a viable source of protection for its members in providing realistic feedback, sharing of resources and the broadening of personal support networks. The preferred programme model for protected persons is essentially educative rather than therapeutic. This is in keeping with the move away from the previous pathological model of domestic violence towards opportunities for learning and empowerment.

However, where assessment by programme providers shows a client might benefit from a more therapeutic approach, programme providers are obliged to assist the client to seek more specialised assistance. Through education, support, and awareness raising, the programmes aim to enable protected women

to make informed decisions about their safety and future. Safety planning is vital component of the programmes, as an abused woman is at her most vulnerable at the time of separation.

The National Collective of Independent Women's Refuges has played an important role in offering women a safe haven from the violence and the time to consider their options in a supportive environment. The educative work of the 48 local refuges throughout New Zealand continues to contribute to changing community attitudes to domestic violence (Bradshaw,1995: K4). Refuges' existing services have been developed in direct response to the needs identified by the women and children. For many years, refuges have provided education programmes to give abused women vital information, support and decision-making skills. Numerous refuges have been approved as programme providers in terms of the Domestic Violence Act 1995.

It is noted that although the applicants for protection orders under the current legislation may now include a broader range of people living in close domestic relationships, the guidelines for programmes are based on the premise that most applicants will be women who are partners or ex-partners of abusive males. The provision of programmes for protected persons is key to the realisation of the primary objective of the legislation: "to provide greater protection for the victims of domestic violence" (Domestic Violence Act, 1995).

#### Approved Programme Providers

The current providers of Family Court-funded programmes for protected persons must first be approved by one of the Department for Courts' four regional programme approval panels. The panels comprise experts in the design and

delivery of programmes of respondents and protected persons (including children) and in Tikanga Maori, and are chaired by senior representatives of the Department for Courts.

The approval process was introduced in early 1997, and the first national registry prepared as at July 1, 1998 listed 145 providers of protected persons' programmes. As one provider operates a national network, the total number of available venues and courses is considerably higher. The programmes are now readily available throughout most Family Courts in New Zealand, and some programmes are offered at remote locations through a national provider. Approved providers may be agencies or individuals, and their approval status is reviewed every two or three years, according to the terms of their approval. Each provider's approval is dependent on evidence of professional body membership, their knowledge and skills in the family violence education field, acceptable supervision arrangements, and their group and/or individual facilitation skills. As well as approving each provider, the panel also scrutinises each proposed programme to check that it has been designed for delivery in terms of the programme regulations.

The establishment of the four regional approval panels and the procedures they must observe was specified under the Domestic Violence (Programmes) Regulations 1996. These regulations were made under section 127 of the Domestic Violence Act 1995, and came into force by an Order in Council on July 1, 1996. The regulations relate to the provision of programmes and set out clearly all aspects of programme delivery for the Family Court.

The goals of each protected persons' programme is prescribed under Regulation 28 of the Domestic Violence (Programmes) Regulations 1996. Failure to comply

with the regulations could lead to the cancellation of a provider's approval. There is a major emphasis on safety assessments and planning for personal safety for the woman and her children. Wherever in New Zealand a protected person requests a programme, she will find that the sessions will meet the same specifications. The content must be aligned with the programme goals, and must also take into account Maori values and concepts if those attending are primarily Maori.

The regulations which specify other education and information components of the programmes are as follows:-

28 (2) (b) - *to increase the understanding about the nature and effects of violence, including the intergenerational cycle of violence*

28 (2) (c) - *to raise the protected person's awareness of the social, cultural, and historical context in which domestic violence occurs, in order to help that person to put past experiences in perspective*

28 (2) (e) - *To provide the protected person with information about:-*

- (i) The effect of protection orders and the way in which the Act operates*
- (ii) The building of support networks*
- (iii) The availability, content and benefits of programmes for protected persons who are children, and how to request such programmes*
- (iv) The content of programmes for respondents.*

The programme regulations also signal clearly that group programmes must first be offered to the applicants, rather than an individual programme (Regulation 4(1)). Peer participation, which includes openness and support is considered to be an essential component in effective programme delivery, as most battered women have been isolated "from other people, places, ideas and resources that would help her" (Pence, 1986:15). Programme providers stress that the group dynamic encourages a woman to step back, see other options and then make decisions about her own future.

A flexible programme structure and fewer sessions may be utilized in order to deal with the wide-ranging needs of applicants in various situations, and to eliminate the prospect of programme attendance becoming an additional burden for them. The writers of the programme regulations acknowledged that some women may wish to attend for only a short time to feel confident about dealing with the various issues flowing from a protection order, while others may seek long-term support for behavioural change and learning and continue for the maximum forty hours.

Considerable expertise has been utilised by the Family Court to raise its standards of programme service delivery to its most vulnerable clients, the abused women. Historically, the focus was on referrals for abusers to respondents' programmes, and/or to counselling agencies for relationship difficulties. Research has shown that women will continue to be at risk of further abuse if they rely on their partner to make behavioural changes without addressing their own learning needs.

Since the introduction of the Domestic Violence Act 1995, protected persons may freely access an approved programme for up to three years after obtaining their

protection orders, yet the opportunity for education and support has been taken up by less than 10% of applicants. The possible reasons for the limited number of requests for programmes are discussed in the following chapters. In Chapter Five, five key informants with protection orders share their perceptions of the information shared by some Family Court practitioners as well as their understanding of programmes for protected persons. Other possible explanations of the low rate of programme participation are also considered by the Family Court Coordinators in Chapter Six and in Chapter Seven by a broader spectrum of volunteers and professionals who assist the protected persons to move towards a violence-free lifestyle.

## **CHAPTER FIVE**

### **The information seekers:**

#### **Five protected persons share their experiences**

In order to ascertain possible explanations for the low numbers of requests for protected persons programmes under section 29 of the Domestic Violence Act 1995, this chapter will review help-seeking behaviours with a particular focus on the needs of women in violent relationships. In the absence of widespread public knowledge that a protected person may simply ask for a DVA programme by contacting the Family Court, the range of information problems faced by assaulted women could be considerable. Without considering the protected person's circumstances, it is difficult to respond to her information needs and information search behaviour (Harris and Dewdney, 1994:47).

If the Family Court is to improve its strategies for letting its clients know more about education and support programmes, then it is important that the information needs are examined from the perspective of those clients. The circumstances in which abused women find themselves are diverse, and consequently, the optimal methods for sharing the appropriate information in a meaningful and timely fashion remain a dilemma. It would appear that if information-seeking is a fundamental method of coping with our environment, then the Family Court must pay more attention to the processes the clients employ to gather information.



## The Protected Persons

In this chapter, data gathered from interviews with five protected persons on the information they received at the time they applied for protection orders and shortly afterwards is presented. The objective was to identify what knowledge was being shared, and which sources of information the women found most useful. This small sample allows the study to include the perspectives of some women with protection orders, and does not set out to represent a comprehensive cross-section of protected persons.

The women who participated in this study were aged between 30 and 55 years of age. Three of the younger women had been in de facto relationships of less than ten years duration; one woman had separated after a marriage of almost thirty years, and the fifth had left her husband twelve months after the wedding. All but the latter respondent had children to their abusive partners. Three women were New Zealand pakeha. The other two participants were Maori women, two friends who wanted to share their experiences. Their willingness to participate posed a dilemma for me, as I am aware of Maori concerns about research involving Maori being conducted by pakeha. My understanding that research is best undertaken by people of the same cultural background as those being studied was discussed with them, and it was agreed that a joint interview with the two Maori women would take place at one of their homes.

Four women participated in interviews of approximately 45 minutes each and a fifth gave written responses to the interview questions. The women were interviewed in their own homes. The interviews were designed to focus on the women's interface with Family Court practitioners and the information that was passed on in the process of obtaining protection orders.



Each woman had obtained a protection order under the Domestic Violence Act 1995 in 1998, although they were not obtained from the same Family Court. Three informants filed for orders in a large provincial centre, and the remaining two women filed the papers in two smaller satellite courts. It should be noted that the provision of domestic violence programmes is limited in some parts of rural New Zealand. Two women did not seek a programme, and three had completed a group programme for protected persons.

#### Information -seeking trends

A 1996 survey showed that New Zealand women who attempt to leave a violent relationship most frequently seek help and information firstly from personal, then informal and finally formal help sources. The women considered that their best sources of information are those which are free, readily accessible, private and unthreatening (Morris, 1996:29). Women are using their own networks, friends and whānau, church leaders and other women in the community who might have had the same experiences as them, or who can explain the facts in their own language before they approach the more formal helping agencies. Patterns in seeking information are habitual and many people are uninformed about formal information services (Harris and Dewdney, 1994: 50).

The need to seek information is dependent on the particular circumstances of a given situation. Before women approach the Family Court, abused women are likely to have made several attempts to seek help for their relationship, their children, partner and themselves. They may have met disbelief from some of those that they approached for assistance, and may have felt ashamed and humiliated. It is important that the Family Court does not further exacerbate the women's difficulties by failing to acknowledge the reality of their situations. Because it is in a unique position of offering the dual functions of legal protection

and domestic violence education programmes, the Family Court is significant amongst a range of services available for battered women (Moore, 1989: 221).

Earlier research recognised that court services are not the major source of help and support for Family Court clients (Maxwell and Robertson, 1993: 73). In that study, 80% of respondents reported getting help from their friends and 71% from other family members. People with similar experiences were important to 55% of clients. 68% consulted a lawyer, 35% consulted the Children and Young Persons Service, and only 21% contacted the Family Court Coordinator. Such ranking of interpersonal information providers more highly than formal helping services leads to the conclusion that institutionalised information services have not been effective in making themselves readily approachable. One of the reasons that the search for information is sometimes prolonged or difficult is that information providers have been known to erect unnecessary barriers, such as not ensuring private interview facilities are available, with the result that some public institutions are not as helpful as perhaps they could be. The court system is often perceived as an alien environment by minority groups as its structures, processes and language are not consistent with their own.

The abused woman's initial contact with a formal help agency may not be made until after several violent incidents have occurred. Not only do the available resources for help change as battered women expand their attempts to obtain help and information in coping with their partner's violence, but the nature of the help they are seeking shifts as the violence escalates. As the violence persists, battered women tend to move towards more formal helping sources, and at the same time, begin to focus their efforts more on controlling the man's violence and less on their own emotional needs (Dobash and Dobash, 1982). This shift of emphasis on the type of help needed may be based on a woman's analysis of the level of risk to which she is exposed (Ward et al, 1995: 31).

After the first assault women tend to look for sympathy from personal supporters, whereas the later violence is more likely to lead to requests for direct intervention and specific means of escape. Many women experience great difficulty in their efforts to negotiate their way towards helpful guidance, at a time when they may be exhausted from the relentless abuse, and suffering from physical injuries.

### The police as an information resource

As previously discussed, research on the police response to violent domestic incidents has identified that victims clearly need on-going support to help them escape from the violence. Some abused women may turn to police for legal information because they can't afford it through other channels. Maria, a protected person interviewed in this present study, was disappointed with the lack of useful information she received from the police at the time of the violence:-

*"The police are the first people to arrive after the incident. When they come out they could advise you about protection orders and say "Well, here's some information that you need". They didn't even tell me about the lawyers that can help you get a protection order."*

Complainants in domestic disputes often saw the police as the link between themselves and supporting agencies. Not all police are willing or sufficiently prepared to deal with such requests, as was mentioned earlier in Chapter Three, in connection with the introduction of the police active arrest policy. Many victims of crime and violence report a need for someone to talk with, and for support as they begin to cope. Kylie also recognised her need for more personalised support from the police when she explained as follows:-

*"When I first went to the Police station, what I wanted was somebody to take me in hand and say "Look, we're referring you to this person who will outline your options." You feel completely adrift. You don't know who can help you."*

Ford's identification of that support and information need was instrumental in the development in the late 1980s, of a national Victim Support network. This voluntary community agency works in conjunction with the police to offer support to victims of crimes. However, Helene, a second interviewee in this study was disappointed with the assistance they offered her after the violence.

*"When I finally got on to Victim Support a woman came, but she said to me that she really couldn't come back into my home again because she might be putting herself in an unsafe condition. I found that appalling. She did tell me that there was no women's refuge in the town in which I now lived, and she didn't offer other information about where I could go for useful information about any counselling or help."*

### Access to Information

For many women the process of seeking information, particularly through the formal sources, is an anxiety-laden exercise. Given a choice, people prefer to find a solution easily, without a great expenditure of time or effort and without loss of self-esteem or other emotional costs. This may explain why women sometimes accept information from more convenient, although possibly less reliable sources, and why they may abandon the search once it becomes too demanding of their time and efforts (Harris and Dewdney, 1994:22). In New London, Connecticut, advocates against domestic violence have recognised that the hairdressing salon is one place where women feel comfortable confiding in

one another (Bay of Plenty Times, August, 25, 1999: p.14). Hairdressers there are trained to recognise the signs of possible domestic violence, and to "talk to their clients so they can gently hint that help is available". The beauticians are often close to their clients and can pass on information about domestic abuse hot lines, safe houses and law enforcement agencies without violating the privacy of their customers. I am not aware of a similar practice evolving in New Zealand.

Maria admitted that she was more aware of how little relevant information she received or was able to absorb at the time of her crisis, much later in the sequence of events. As she explained:-

*"I think that there should be somebody at the Family Court that can follow up people. Even if they could give you a list of names and contact phone numbers, then you can contact them for support, because you do need someone to come in and support you just at that very initial stage. Even if the Court could help you to contact those people who are running the programmes..... it would help to talk to people who know what you are going through. When you move away from your home, this help is really needed. The Court sent me nothing."*

The needs of women who require the services of refuges are likely to differ from those of other abused women with better financial resources who can access other accommodation and legal assistance. The paths used in help-seeking are clearly affected by the types of assistance one is able to afford. Each woman makes her own sense of events and needs. Although some sources of help may not be considered reliable from a professional point of view, the user may find that same information sufficient for her needs at the time. A person's ability to decide for herself when to seek help leaves that person in control (Harris and Dewdney, 1994: 21). People are constrained by their senses, their experiences,

and their current situations which all affect what makes sense to a person at any given time.

#### A time for receiving information

The informants indicated that the time at which information is received often affects how well it is understood. The participants in this study were also asked for commentary on the timeliness of the information they received about programmes for protected persons.

Four of the five informants stated that they knew about the programmes either before they obtained protection orders or shortly afterwards. The sources of that information were largely second-hand, and gleaned from other women's experience of obtaining protection orders. Their priority at the time was the safety of themselves and their children, and none of the women identified the programme option as a resource they could use to enhance their safety planning. It appears that they were not all advised by their lawyers at the time of filing their applications about how to access the option.

Kylie reported that she had heard about the programmes when the temporary protection order was made, and that that was a good time for her because she was actively seeking support at that time. Gwen admitted that:-

*"I knew about the programme as soon as I got the order, but it seemed like too much hassle then. Two months later, when the rubbish from him was non-stop and I felt that I was totally without friends or family, I decided to attend a course. I didn't realise there were other out there like me, and it helped to know that I was not alone. The programme*

*people were my main support through a real bad patch."*

Similarly, Helene knew about the programmes for women before obtaining her order.

*"..but I didn't bother with one then. I think it would be good to go on a programme now - it's six months since I got the order.. Everything's settled down now that I'm not living where I was. That's another thing... how do you get information about programmes if you've shifted to another area?"*

Paula was somewhat confused about the details she received about the programme attendance, as she told me that:-

*"The Family Court Coordinator said that I returned to her the request form she sent me. But that's rubbish as I knew about the course already as a friend was on it and I decided to go along with her anyway. The coordinator didn't let me know about individual programmes though."*

Each participant stressed her need to receive useful information in ways that did not put them at risk of further harassment, and at times which were appropriate for them. Significantly, most of them knew about the programmes but did not consider them an immediate priority. The survey of Family Court Coordinators reported in Chapter Six these concerns about identifying and establishing timely practices for information-sharing, from the FCCs' viewpoint.

It is noted that many abused women never admit their victimisation to others. The



extreme sex-role stereotypes of some women reflect the powerlessness they have experienced in their lives. Belenky et al, in an American study on women's ways of knowing, reported one woman's explanation for her dependence on a brutal, violent husband as "the only reason I did not kick him out a long time ago was because I was afraid I just wouldn't live. I didn't know how to do anything. I couldn't – I was just scared to death" (1997: 29).

Researchers have repeatedly found violent families, regardless of social status, colour or religion, to be characterised by high levels of social isolation, rigid sex-role stereotyping, poor communication, and extreme inequalities in the distribution of power among family members. Many assaulted women choose not to speak of their experience of violence due to the threat of even greater abuse from their partners or because of discomfort at disclosing such personal details.

In recent studies, the need to obtain information anonymously has been identified as another factor that many women's ability to access information (Morris, 1999: 164). Gondolf (1988:2) found that rather than displaying the passive characteristics of helpless victims, some women were assertive and logical in response to the abuse they had experienced: they were often persistent in actively seeking but not obtaining appropriate help. Walker (1995:135) argues that many women do not "respond with total helplessness or passivity: rather, they narrow their choices of responses, opting for those that have the highest predictability of creating successful outcomes". Others may have met with inconsistencies in helpers' analyses of the problem of violence against women and confusion over the appropriate roles of those within the helping network. Previous experience of disclosure about the violence may not have resulted in satisfactory assistance from the helping professionals either.



The active information-seeking behaviours of abused women has been identified by several researchers. Borkowski et al (1983) concluded that women made an average of five attempts to obtain assistance from individuals and agencies before repeated failure to get the type of help they needed wore them down. Battered women actively struggled to get help but their efforts were often thwarted by poor agency responses (Dobash and Dobash, 1979). It would appear that these women remain at risk of abandoning their search for appropriate early help until there is an emergency. Anecdotal evidence from Family Court Coordinators suggests that this pattern is repeated in New Zealand too, and confirm the complexity of the help-seeking process for women who have been abused by their violent partners.

The issues most frequently faced by women who choose to leave their violent partners relate to their own safety, management of immediate circumstances, risk assessment, their legal rights, confusion about the motivation for their male partner's behaviour, and future plans (Harris, 1988: 63). One respondent in this study, Helene, indicated that she had presumed that her former partner would have been subject to a Judge's direction to participate in a men's stopping violence programme. She was dismayed that no one had explained to her that the protection order does not always include a direction that the partner attend a programme.

Months later, she was angry that not only had the protection order not delivered what she had expected in terms of her own support and education, but also that the short-comings had not been thoroughly spelled out to her at the time:-

*"It would have been helpful if they could have talked to me about the fact that my husband would not be directed to a programme as there wasn't one near his home at that time. I had just presumed that he would*

*have to go on a course to look at his violence... as that's what they are doing these days, aren't they? I didn't even read that part of the order until 3 or 4 months later, and then I found out that the order had no direction on it for him to attend a programme. I thought that he had to go."*

Many women have complained to the Law Commission that they knew the information is out there somewhere, but they do not know how to make the necessary contact to access it (Morris, 1999: 165). Because word-of-mouth referrals from family and friends are a significant source of information about lawyers, and legal information, the need for accurate and current information is an on-going issue. Although the citizens advice bureaux were established to ensure, amongst other things, that individuals do not suffer through ignorance of the services available, it would appear that these agencies are not always readily identifiable as sources of referral for all peoples. Because of the breadth of matters that such agencies deal with, they cannot be expected to be able to maintain the specialist knowledge necessary to address the comprehensive information needs of abused women in anything but a general manner.

#### Seeking information from lawyers

Women are often afraid to ask questions, and lack the confidence to persist with the further questions required to make sense of the information given. Other personal barriers include the unease at the prospect of talking about personal matters, the embarrassment at not knowing how to frame the right questions so as to get meaningful information, and the frustration of not being given the chance to state that they do not understand the answers they receive. As one woman respondent to the Law Commission's 1996 consultation project on women's access to justice said "Much legal jargon does not make sense to many women. This creates a communication gap between women and the law. It

causes women attempting to access the law to feel “dumb” (Law Commission, 1996: 30). It would appear that simple language is not generally used by solicitors, and that they also presume high levels of literacy whenever they distribute written material to their clients.

Even when family or friends recommend an appropriate lawyer, confidentiality can be an issue for women in violent relationships, and particularly for those living in smaller communities, as was the case of two informants in my study. It is noted that all of the respondents in this study were satisfied with the ability of their lawyers to promptly obtain their protection orders.

The applicants, however, were not aware that as part of the filing of their applications, their lawyers were obliged, under section 29 (6) (a) to ensure that their clients knew they had a right to request that they attend a programme for protected persons. Paula explained:-

*“I don’t recall the lawyer putting it that way. My ex-partner’s access to my daughter was the main issue for me once I got the order, as I knew he would try to cause more trouble over that. I didn’t see a connection then between the access problems and the programme. If the lawyer tried to point out that the course could help me to deal with the fights over access, I didn’t hear it. Do you think that he would know that much about the counselling anyway?”*

In fact, only one of the five lawyers consulted by the informants asked the women if they wished to participate in such a programme. Helene’s recollection of her meeting with the lawyer later when he did not inform her verbally of her specific entitlement to request a programme is indicative of the general approach taken

by four of the lawyers representing the women in this study:-

*"I think there was some information about programmes attached to the protection orders, but it never got read out to me while I was at the lawyer's. I think it's important when you go to the lawyer that you get as much information verbally as you can, as well as pamphlets to read later. I was more worried about my children being safe than about myself being safe at the time. I would have liked to know what was happening for my youngest child. It was a worry for me that I didn't know how it was affecting her. I didn't know that my lawyer could have let me know about the possibility of children being able to go to programmes in the future as well."*

Similarly, Kylie commented that her lawyer did not discuss the programme option, and she suggests that programme information could have been available in his office to share with her. On the other hand, Gwen's counsel did mention that she could attend a programme in connection with her rights under the protection order. It would appear, however, that her lawyer was not thoroughly conversant with the current terminology of the legislation, and she recalls:-

*"My lawyer asked me if I wanted to go to victims' counselling. I said that I thought that sounded awful, and he didn't say any more. He didn't seem to know much about it really. He didn't really check that I understood much about what I was entitled to."*

Maria stressed that she had sought out a woman lawyer particularly as she thought that she would get the best help that way. She was disappointed that her theory was not proved correct. After she had received her copy of the order with the accompanying sheet with information for protected persons, she noticed

that it lacked specifics about where the programmes providers were located. She remembers:-

*“ When I read it through, I thought “Oh yeah, at least there’s something for us as the victims”, but I supposed that I’d have to research more to find out where they are and how to go about it. It really wasn’t an issue for me at the time, but I think that my lawyer could have told me more about my options. I thought that I’d get some information about programmes for the children too, as I had heard that children would be able to get some help under the new Act, but I forgot to ask about the programmes for them in the stress of that time. She (the lawyer) could have told me a lot more.”*

The emotional needs of the information-seeker

Meeting the emotional needs of the information-seeker is another important aspect to consider, as the ways in which people seek help may be guided by affective needs as much as by cognitive needs. Frequently, sympathy and support are valued as highly as the information received, and this probably accounts for satisfaction with personal sources of help. Whenever specific information is sought women feel that they have been helped by the contact if it is delivered with sensitivity in a warm, non-judgmental way (Harris, 1988: 69). An understanding of the dynamics of domestic violence is essential for those making initial contact. Especially for an abused woman, it is important that she feel that she is dealt with by a caring and supportive listener. The emotional support is most important when women are under stress or in a crisis situation such as occurs within a violent relationship, and less able to absorb information.

Family Court Coordinators are often identified as a point of first contact for many distressed woman seeking further information. While the role of the Family Court

Coordinator in the provision of public education, support for applicants and the promotion of Court-funded programmes for protected persons is discussed at length in Chapter Six, it is also important to understand the protected person's view of the Family Court Coordinator. It was through her contact with the FCC that Gwen first learnt about protected persons programmes:-

*"They had put me on to the Family Court Coordinator before I even knew that I could get such a thing as a protection order. So, I sort of knew who she was when she rang later once I had the order to tell me that she would send me some information about programmes. I told her that I didn't think that I needed a course then as my daughter was coming over from Australia, and I didn't want something else like that then. But once my daughter went back home and Rod started again on the abusive phone calls, trying to get authorities to side against me for all sorts of things, and pestering me to come back, I decided that perhaps I should give it a try. I knew I needed help from somebody."*

Paula, too, had had contact with the Family Court Coordinator, but her comments were more critical:-

*"I didn't think that anyone at the Court was much help to me. I found out about the programme through a friend. I didn't know that any payment was involved, as the church ran the course for free anyway, whether you had a protection order or not. When I did ring the Court to ask if I could go for individual counselling as I was still traumatised from his constant harassment, the Family Court Coordinator told me that they couldn't as they had already arranged one programme for me. I can't see how they can do that. I think that the Court should be doing more to help me protect my five year old daughter from the harassment and anger we get from him, especially at access times."*



Gwen contacted the Family Court Coordinator on several occasions when her partner gave notice of his intention to appear before the temporary order could be made final. She said :-

*"I kept ringing the Coordinator at the Family Court as she was the only one who seemed to know how much I was freaking out once he decided to go to Court to have the orders stopped. My lawyer had told me that I had to be in the courtroom to give evidence, but I was terrified of having to be in the same room as him. I really wanted to stay on the course by then, and was scared that if I didn't have the orders then I couldn't keep going and getting that support from the other women."*

Kylie found the programme providers the best source of emotional support:

*"I received more information and support when on the course itself. I had heard about the applicants' programmes through a friend who works at the Family Court, but I had already contacted a local counselling agency for help. Then the counsellor told me that they had just been approved to run the courses for women through the court. I had also received a letter from the Family Support Worker for the men's group with some material on the course that the men go to. I didn't really see any of the court's publicity material, and didn't know that the Family Court would pay for it. I just wanted some help for the girls and me. I knew that they needed counselling as much as I did. I have recently taken my girls back for an hour's session just to check that they were coping with the access to their father. It's good to have a place to go for that sort of thing."*

Access was not an on-going issue for Helene, as her adult children were able to assist in this area. However, she acknowledged that other emotional tension arose from other expectations put on her as a Maori woman, and that:-

*"It's still important to know what's going down for the other person. It doesn't matter what happens, you have still got those children and so there are always going to be times when the families cross at some point. Like, what happens when you meet at a tangi? Because there will come that time, and the children will always bring you into some sort of contact, whether you like it or not, in the Maori world."*

The use of the term "programme"

Under the previous Domestic Protection Act 1982 (section 37), recommendations could be made by a Family Court Judge for either party to participate in counselling. It has been noted earlier that the new legislation replaced the counselling option with provisions for programmes instead. In the case of protected persons, these programmes centre on education, information and support. In the course of the interviews with the informants, they were each asked whether the changing of the terminology was a significant factor in their decision-making to attend a programme. Paula was adamant that counselling was her preferred option. She told me:-

*"I wanted to go to counselling, and I still do. I did go to a group programme, but I found it difficult to sit around with other women who went on and on about the violence in their lives. I completed the 14 week course, but I would never have gone to a group if I had known that I could have gone to counselling in the first place. I still need individual therapy as the court cases are still dragging out. I missed out on going to a counsellor that I knew could help me only because the Court said that it*



*wouldn't pay for me to go to two courses. I don't think it's fair."*

Both Maria and Helene preferred the idea of learning more specific skills through attending a programme, even though they were not advised by their lawyers of their option to pursue one at the time. Helene commented that it was possible for a counsellor not even to

*"talk about any of the effects of violence. A domestic violence programme would deal with the things surrounding the whole dynamics of domestic violence, wouldn't it? But it's no use going on a programme unless your partner is going to his course as well. If he's not going, then you're shifting, but he's not. The woman's programme could help you to understand what's happening (for the man) when he starts facing some of his stuff."*

Maria admitted that she :-

*"would have gone for a programme that would give me skills on how to strengthen myself and how to look for the signs of any kind of violence. Educating myself... that's what I would like. And you don't feel so much like you're on your own if you can go to a session with other women. When you have it in a group a lot of you suffer from the same thing. You all go through the same thing, but under different circumstances."*

Kylie explained that it was her original quest for counselling which led her to a group programme, although at the time she had not realised that there was such an option available. She explained that:-

*"Because there were only six women wanting a programme, we were a very small group, and that got even smaller when two women couldn't come any more. We got along that good together; we are now good friends after the sessions finished. We learnt so much from the whole thing of getting our orders and talking to each other that we decided to do something about it. We even wrote to the police to let them know that they could have handled our cases better when we first went to them. I would never have done that without the support from the others. We also have contacted some women's groups to see if they would like us to come to talk to them about domestic violence and the programmes."*

Kylie and her friends' strategy of going out to meet with the women on their own ground is in line with the comments expressed repeatedly to the Law Commission as it collated data on women's access to legal services. Participants in that four year study by the Law Commission said that they needed information "in everyday language, in everyday places, and from people who understand their everyday lives" (Morris, 1999: 34). In particular, women in that study condemned the use of complex language by bureaucrats and legal personnel when straightforward advice about stressful situations was sought. The lack of clear communication tended to reinforce women's fears that their needs for information in plain language might be ignored.

#### Institutional information-sharing

In its 1996 Strategic Plan, the Department for Courts acknowledged that the public is generally not well informed on how the courts operate, and that this may create a distance between the courts and the communities they serve (Department for Courts, 1996). Public education to improve the community's

understanding of the operations of the courts and to meet the information needs of the people who use them has not yet been actively developed in all centres. Public response to open days at some courts suggest that the public welcome an opportunity to familiarise themselves with the court environment.

One recent significant initiative of the Department for Courts in terms of support and information-sharing has been the appointment of Victims Court Advisors in most of the larger courts. These appointments by the department are in recognition of its obligations, under section 4 of the Victims of Offences Act 1987 which states that victims and their families "should have access to welfare, health, counselling, medical and legal assistance responsive to their needs." The Victims Court Advisors provide information about the services and remedies available to victims of offences and explain the progress of the proceedings in the criminal courts. Victims Court Advisors come into contact with a very wide range of domestic violence victims every day through their court work, and many of these may not seek to initiate any Family Court proceedings.

Court advocacy on behalf of victims of domestic abuse was introduced in New Zealand as one component of the Hamilton Abuse Intervention Pilot Project which commenced in July 1991. Other smaller communities with active domestic violence inter-agency networks have since recognised the effectiveness of the advocate's role in contributing to an increased victim focus in courts and in keeping the woman informed about the court processes. It is not uncommon for dual sets of proceedings to take place in the criminal and Family Courts (i.e. the applicant files for a protection order, and the police lay assault charges against the male partner) at the same time. Clearly, the woman's information needs are high when access to justice is sought.

## Identification of information needs

The need for information is evident in studies of abused women's experiences in trying to get assistance from the formal helping network, yet there has been very little explicit attention given to responding to information needs in the literature on violence against women. Insufficient attention has been paid to the strategies that people use in gathering information – or for their reasons for not gathering it. This is an anomaly which must be addressed before the Family Court can improve its service delivery to abused women. However, it is recognised that it is not a simple process for the Family Court to be aware of all the situations and perspectives of its domestic violence clients. An understanding of the dynamics of domestic violence is essential for those making contact with the applicants for protected persons. As New Zealand is increasingly populated by peoples of other cultures, it is also important that a wider range of information patterns are developed to meet those needs.

In conclusion it is noted that women who participated in this study were able to collect information from several sources as they sought protection orders, and that there was no one major information source identified by them collectively as more significant than any other. All participants indicated that they would have preferred to receive information both orally and in writing for later reading, and that they would have welcomed the opportunity to have the information provider check back on their understanding of the material received. The gathering of specific information about programmes was an initial priority for only one of the participants. Most knew about the programmes but did not identify them as an immediate source of support. It would appear that the programme information does not stand in isolation but is inextricably interwoven into the women's experience of seeking legal protection from the Family Court.

In order to compare some of the findings here, the practices developed by Family Court Coordinators for sharing programme information with protected persons will be reviewed in the following chapter. The difficulties in sharing their information about domestic violence education programmes will be also be identified and discussed.

## **CHAPTER SIX**

### **Current Practices of Family Court Coordinators for the promotion of protected persons programmes.**

In this chapter the current practices of Family Court Coordinators (FCCs) for DVA programme promotion are examined. In preference to interviewing only one or two coordinators at length, I elected to obtain a comprehensive national overview by the means of a postal survey (see appendix 5) of the Family Court Coordinators employed by the Department for Courts. I consider that a national picture of current information-sharing strategies used by FCCs would identify those practices which have succeeded in improving the uptake of protected persons programmes.

#### **The Role of the Family Court Coordinator**

Family Court Coordinators, originally known as Counselling Coordinators when the Family Court was first established as a separate division of the District Court in 1981, function uniquely as social workers within a legal setting. FCCs are positioned at the interface between the Family Court's clients and the providers of its professional services. To a large extent, the effectiveness of the FCCs' work is allied to their being known in the community and maintaining a high profile as an information contact person on Family Court-related matters.

The Family Court Coordinators have counselling backgrounds and skills in assessing the counselling needs of couples at times of separation and during

custody disputes. Their work centres on the Family Court's provision of specialist services, as they are responsible for the recruitment and accreditation of Family Court counsellors and specialist report writers. Previously, the accreditation of domestic violence providers was also within their brief, but that responsibility now lies with the regional approval panels, as discussed in Chapter Four.

In 1998, there were thirty-six FCCs based in the twenty-seven largest Family Courts in the country. Many of these also liaise with clients in smaller neighbouring satellite courts, thereby extending their roles to another thirty-three sites. It is noted that the nine largest courts employ two or more Family Court Coordinators, and a further eighteen courts have one coordinator on the staff. On the assumption that where there were two coordinators they would practice common strategies in promoting programmes, I anticipated that there would be the one response from each court. Hence, twenty-seven questionnaires were mailed out, and forms were returned from twenty-two courts. This represents a response rate of 84.02%.

The survey was designed on a "tick the box" format in order to comply with the Department for Courts' stipulation that no more than 20 minutes of the FCCs time be given to the questionnaire. The questions in the survey were intended to yield responses based on approximate quantities. The approximation of frequencies were designated as "Always" - every time, "Often" - more than half of the time, "Sometimes" - less than half, and "Never" - not once. Responses were made by ticking the boxes which best reflected their estimation of their own processes. A more detailed format based on comprehensive record keeping would have been more informative, but the FCCs could not be asked to undertake any work on collating extra statistics and they were not required to give opinions about government policy. General comments and samples of relevant promotional



material were welcomed and the returns showed that these were generously given.

The questionnaire, which was in two main parts, centred on the methods used for information-sharing either with the protected person or with other key personnel. The first section addressed the interaction of the FCCs with the protected persons; that is, whether contact was made personally or indirectly with the protected persons and the preferred forms of communication. Part 1 of the survey invited the FCCs to identify the strategies they employed to share information about DVA programmes provision directly with the protected person. The timing of those approaches was another important facet of this section. The second section focussed on the FCCs' links with the Family Court-related professionals who assist the clients to obtain and use protection orders. Part 2 looked at the methods used by FCCs for sharing programme information with third parties, such as the Judiciary, Family Court practitioners, victims court advisors or advocates, programme providers, and other court staff who may come into contact with protected persons.

## **Survey Results**

The following material reports on how frequently the Family Court Coordinators meet directly with a protected person. FCCs were asked to identify when the personal contact, if any, was made.

Table 1. Personal Contact by FCCs

Procedure	Always	Often	Sometimes	Never	On Request
The FCC meets with the protected person					
• when an application is filed	0	0	17	4	1
• when a temporary protection order is made	0	0	14	7	1

n=22

The responses indicate that the FCCs currently have few opportunities to meet the protected person, either at the time of filing the application, or when a protection order is made by the Family Court Judge. It is noted that the 1995 legislation does not require the applicants for protection orders to personally appear in the Family Courts when their applications for temporary protection orders are considered.

In their 1992 report commissioned by the Victims Task Force, Busch, Robertson and Lapsley had recommended that the Family Court must consider the safety of the applicant an urgent priority and ensure the provision of a violence-free environment before, during and after any court hearings. They also recommended that Judges be urged to see the applicants who file ex-parte applications rather than consider the case on the papers only. It appeared "that for some judges the ability to see and question an applicant may be a determinative factor in whether an ex-parte<sup>3</sup> order is issued or not" (Busch, Robertson and Lapsley: 1992). The new statute has limited the possibility of

<sup>3</sup> An ex parte application is filed without notice to the other party. The plain English term "without notice" has replaced the term under the new legislation

harm at the time of a court hearing by removing the obligation for applicants to attend the court in person in the first instance. The need for protection is the statutory criterion for the issuing of orders under both pieces of legislation, and the current Family Court practice of seldom requiring an appearance before a Judge means that the applicant is not exposed to further risk from the perpetrator when that order is first sought.

The applicant's safety is clearly a priority, and the process of obtaining legal protection should not endanger her. Before July 1996, when a woman applicant was expected to appear personally at the Family Court, she may or may not have taken the opportunity whilst there to meet with the Family Court Coordinator if she wished to know more about the provision of local education and support networks. It is suggested that the numbers of these contacts have diminished with the cessation of initial appearances by the applicants, but in the absence of detailed statistical data regarding personal contact with protected persons under either statute, the evidence of a change of pattern is largely anecdotal.

Consequently, it was not surprising that no Family Court Coordinator indicated that he or she always or often met with the protected person at the time of filing of the application or when a temporary order was made. It was noted that some FCCs may be phoned by the applicant for information about protection orders before she decides to take that action. The returns from this survey showed that over three-quarters of the FCCs sometimes meet with some of the protected persons on a one-to-one basis at some stage. This statistic is probably rather generous, as the rough measurement of "sometimes" was taken to be less than half of the time, and therefore covers wide-ranging amounts of contact. Because there is no current requirement to collate figures on individual contacts with protected persons, the information provided cannot be validated. One respondent regretted that it is now more difficult to have the chance to identify

oneself to protected persons as a source of help and information at the Court, or to be seen as someone that the woman applicant may readily approach at a later date.

The FCCs were asked about telephone contact with the protected persons. The following table contains the results.

Table 2. Telephone Contact by FCCs with Protected Persons

Procedure	Always	Often	Sometimes	Never
The protected person is telephoned				
• when an application is made	4	1	6	11
• when a final protection order is made	0	0	6	16

n=22

Half of the Family Court Coordinators indicated that they do not contact any applicants by telephone. Less than one/fifth of FCCs elect to approach the protected person by telephone at the time that the temporary order is finalised. One FCC commented that she would telephone the applicant when requested, but the process for initiating such requests was not specified. One FCC categorically stated that she “would rather not telephone the protected person as it’s so intrusive”. Similarly, another stressed that the only strategy she could ethically adopt was to write to invite the woman to contact her, and that is was entirely the applicant’s choice if she accepted that invitation.

It was acknowledged by several FCCs that many protected women, and others

who need protection are unfamiliar and uncomfortable with the environment of the court buildings, and prefer to rely on their own informal support networks. This aspect of information-seeking by the protected person has been explored in greater depth in Chapter Five.

The survey questions may have been enhanced by the addition of an indication of the frequency with which counsel requested the Family Court Coordinator to contact the protected person. This omission is regrettable in the light of the statutory requirement for the applicant's lawyer to inform the client about the avenue for requesting domestic violence education programmes under s.29 (6) (a) and (b). These particular clauses are also considered in the chapter on lawyers' roles in informing clients about the programmes.

One FCC stated that very few protected persons seek the programmes without some initial prompting from her. Another FCC contended that it was an invasion of the protected person's privacy to be contacted directly by the Family Court Coordinator about the protection orders. Others indicated that they had difficulty in identifying an optimal time to initiate contact with a protected person as they recognised that the application is made at a time of personal crisis and that the offer of an educational programmes can be lost in the midst of other information vital for their immediate protection.

Some FCCs indicated that the choice of the word "programme" could be seen as corrective rather than supportive, and that using the word "counselling" was preferable and less threatening. Others objected to the regulatory requirement (Domestic Violence (Programmes) Regulations, 1996: 4.(1)) that an adult protected person be referred in the first instance to a group programme when an individual programme was preferred.

As previously discussed, women respondents to the Law Commission's Report on Women's Access to Justice identified their need to know where there is a person or phone number or place to help them at times of domestic crisis. In many centres, Family Court Coordinators are well known in that role, passing on their information about all aspects of the Family Court and its services. When there is personal contact, the information-giver is able to modify the presentation of the material and for the woman to check that she has fully understood. "Women have emphasised that giving an example of a word being explained is often more helpful than a definitions." (Morris, 1996: 54)

The Family Court Coordinators were asked to identify the written material they sent out to protected persons and the time frames for any such procedures. The results are contained in the following table.

Table 3. Written Contact by FCCs

Procedure	Always	Often	Sometimes	Never
The programme request form (DVP4) is mailed out				
• when temporary order is made	14	1	3	4
• when final protection order is made	5	1	3	8
The Courts pamphlet is sent				
• when a temporary order is made	16	0	1	3
Support and education material from local support agencies is sent out	9	3	3	7
A DVA provider contact flier is sent				
• when a temporary order is made	4	0	0	15
• when a final order is made	3	0	0	12

n=22

Paper based strategies for initiating contact with the applicant are most commonly employed by the Family Court Coordinators. Two thirds of the respondents in this survey post to protected persons the form to request a programme (DVP4 - see Appendix 6) and nearly three quarters send the Courts pamphlet entitled "For the Protected Person - Domestic Violence Programmes" when a temporary order is made. Just over one-fifth of FCCs repeat a mail-out of the request from when the orders are finalised three months later. In one court, the request form is issued with the service of the orders. Further printed information on local support agencies and programme providers is supplied by two thirds of FCCs. One FCC was cautious about mailing any Courts material to the protected person as "we don't know whether she has reunited with her partner or not, and there is always a possibility that the arrival of such material could place her at further risk from him".

The FCCs' reliance on a distribution of written material is not in keeping with the Ministry of Consumer Affairs' 1993 Survey findings (Ministry of Consumer Affairs, 1993: 29). That survey indicated that there is a need for a two-tier release of information, in which the first contains only three or four simple statements in plain language and a picture, with the name of a contact person and a toll free phone number for further information. This would help overcome problems where the women with low literacy skills found written material useful only when it was explained by a person they knew and/or trusted.

Additional comments from Family Court Coordinators acknowledged the frustrations that hamper their ability to provide information to protected persons in more direct and simpler ways. Several FCCs commented that other demands on their own time limited their ability to pursue contact with the protected persons through more innovative means. Some felt that the Court pamphlets could be much more imaginatively prepared, so that they may attract attention from a



wider audience. Translated versions in Maori, Samoan and Tongan are available, but these retain the formal look of the English version.

Determining the most suitable methods for advising Maori women about the programmes is a dilemma for most FCCs, who are predominantly pakeha. These findings are consistent with those of Barwick et al, where one respondent stated that "a handful of pamphlets or an envelope in the mail is likely to elicit even less response from a Maori applicant than others" (Barwick et al, 1998: 14).

Some Family Court Coordinators expressed difficulties in reaching the applicant personally as she may have gone to a confidential address or the Refuge, may not have the phone connected, or she may be living at some distance from either the Court or the programme providers. Those who are most enthusiastically committed to making early contact with the applicants adopted a range of approaches, such as telephoning before mailing information out, and utilising a variety of time-frames for information-sharing about programmes. One FCC finds "the applicant phone calls really worthwhile. I'm sure that they increase the uptake rate. Sometimes I have found that a woman may already be attending a programme run by the Refuge."

Their focus on providing information and options for victims emerged as a recurrent theme for most Family Court Coordinators. Collectively, they feel strongly about empowering women to take control of their own lives and enabling them to break the cycle of violence. A note of caution was also expressed by one FCC who stressed that the complexity and diversity of domestic abuse must first be acknowledged. Legal recourse is only one option amongst a much wider range of choices for the empowerment of battered women (Carbonatto, 1994:

28).

The public education activities of the Family Court Coordinator was the next topic addressed in the questionnaire. The results are contained in the table below.

Table 4. Public Education Undertaken by FCCd

Practice	Daily	Weekly	Monthly	On Request	Never
Public education is conducted					
• on protection orders	0	0	1	16	4
• on DVA programmes	0	0	1	11	6
Domestic protection video screened	1	0	1	17	4

n=22

The practice of scheduling of information sessions on protection orders and programme provision is not extensive. Three quarters of the Family Court coordinators have shown relevant domestic violence videos, such as "Protecting yourself from Domestic Violence: Denise's Story" (Legal Resources Trust: 1997) at various times on request, but did not detail how such requests were made, or collate figures on the number of screenings shown. It is noted that facilities for public screenings are often available in many courts. In Christchurch, daily screenings of several videos on the Family Court are publicised and routinely scheduled so that they are easily assessed by the public.

The variable input of FCCs into facilitating women's access to Family Court-funded programmes may reflect each individual's skills and understanding of the

dynamics of domestic violence. It is also noted that there is no one nationally recognised qualification in this field, and no requirement in their position descriptions for Family Court Coordinators to demonstrate domestic violence education knowledge (Department for Courts HRBeat No 119, November, 1999). Catalysts for the further education and development of Family Court Coordinators' domestic violence expertise have risen from recognition that Family Court counselling practices of a decade ago did not generally assist the battered women regain autonomy and self esteem (Moore, 1989, Lee, 1986 and Maxwell and Robertson, 1993) and greater community awareness about the prevalence of family violence.

Part 2 of the survey focussed on the work of the Family Court Coordinators in sharing domestic violence programme information with other stakeholders. This section considers the transfer of information from the FCC to the judiciary, Family Court lawyers and other court-user groups.

The Family Court Coordinators were asked to determine how frequently they provided updated information and promotional material to the Family Court judges on DVA programmes. The following table shows the responses.

Table 5. DVA Programme Information shared with the Judiciary

Practice	Always	Often	Sometimes	Never
Family Court Judges are advised on approvals of local DVA programme providers	8	2	10	2
DVA programme provider publicity material is shared with judges	4	3	11	4

n=22

The above results indicate that the Family Court Coordinators consider programme information-sharing with the Family Court Judges a high priority. Almost one-third of the FCCs reported that they always advise the judiciary of the approval of local DVA programme providers, over half inform them at least some of the time, and only two stated that they did not at any time. Making the programme providers publicity material available to the judge appears to be less commonly practised, as only four FCCs consistently share such material with the judges. Some FCCs commented that they had not received any publicity material from local DVA programme providers.

It is noted that although a judge does not make a direction for applicants to attend programmes, the Domestic Violence Act 1995 does stipulate in section 29 (4) (a) that "where ... the applicant has not made a request ... and the applicant is not legally represented, the Judge or Registrar must cause the applicant to be informed of the applicant's right to make such a request".

The provision of DVA programme information to Family Court lawyers was the next topic for the Family Court Coordinators' consideration. The results are tabled as follows:-

Table 6. FCC Advice on DVA Programme Provision to Family Court Lawyers

Practice	Always	Often	Sometimes	Never
Training is provided to Family Court lawyers about DVA programmes	2	1	9	9
DVA programme provider publicity material is distributed to lawyers	2	3	5	12

n=22

The frequency for sharing information with the Family Court legal practitioners is much less than with the judiciary. Over half of the FCCs conducted training programmes for lawyers at some point in time, but only two ran such training regularly. The Dunedin FCCs distribute a comprehensive information package to solicitors who are known to act for protected persons, and it highlights the duty of counsel under section 29 (6) (a) and (b) to "ensure that the applicant is aware of the applicant's right to make a request". The package offers suggestions about the ways in which protected persons can request a programme, and reminds counsel that the programmes are free and available for up to three years after the order is made. The package is completed with provider and Department for Courts information pamphlets.

On the other hand, approximately half of the Family Court Coordinators do not engage in active information-sharing on DVA programmes with local counsel. One FCC respondent explained that she felt this was unnecessary as "counsel receive programme information through the copies of their clients' referral letters". Another explained that their above average rate of programme uptake was due to the fact that "the domestic violence team at our court meet regularly with lawyers both formally and informally to advise and update on the processes for the protected person to access programmes".

Ironically, in one area, a Family Court Coordinator reported that counsels' initial enthusiasm for promotion of DVA programme attendance resulted in some women being referred to domestic violence programmes without the woman's own expression of interest. For instance, some counsel with whom the Family Court Coordinator had contact, had extended their standard protection order application forms to include a request to attend a programme, but did not fully discuss the implications of the request with the woman at the time the application was signed. The FCC then found that many of those protected persons were

surprised to be referred to a programme, and were reluctant to attend. She reported that “only one person out of ten was willing to attend; the others all turned it down when personal contact was made”. It is evident that an uninformed request for a programme is neither conducive to women's empowerment nor for active participation in a programme.

The Family Court Coordinators were asked about their programme information exchanges with various key personnel who support victims of crime when their cases are called at the District Court. This group includes both paid workers and volunteers. The roles of the victims advisors and advocates is described in more detail in Chapter Seven. The following table contains the results:-

Table 7. FCC information-sharing with victim-referenced personnel and groups

Practice	Always	Often	Sometimes	Never	Not Applicable
Liaison with Victims Court Advisors/Advocates	3	3	2	4	10
Advice of DVA programme options	3	2	2	3	12
Training on DVA programmes for Victims Support/Court Aid	4	3	2	5	8
Family Court Association membership promoted	6	1	2	1	12

n=22

The figures on the exchange of information with victims' support workers is skewed by the fact that more than half of the respondents stated that they were unable to complete that question as it was not applicable to them. This result was surprising as I had expected that there would have been some parallels with the number of FCCs and victims court support particularly in the medium to larger-sized courts. Some Family Courts are located in separate buildings from the other courts, and this could be a key factor limiting active information exchange. If less than one fifth of respondents regularly liaises with victims' court advisors, advocates or support groups, then perhaps some gaps exist in the domestic violence networks of some Family Court Coordinators.

One example of active community networking was noted in Whangarei where the contact phone number for the FCCs is included in a wallet-sized promotional card for domestic violence support agencies. The colourful card states that "Family Violence Is Not Okay" and identifies support for survivors of domestic abuse along with the numbers for the Refuge, Victim Support and the Children, Young Persons and Their Families Service<sup>4</sup>. Another FCC noted that FCCs could take a lesser role in contacting protected persons directly as "community groups often have a better facility for advocacy for women. I think that we need to be focussing on distributing the mechanisms which assist those groups to empower others to seek programmes independently".

The liaison between victim-referenced groups, the Family Court Coordinator and the Family Courts Association were seen in this survey as not applicable nor relevant by half of the FCC respondents in this survey. This discrepancy is inconsistent with their earlier public education activities, and may well reflect current time constraints. More than one FCC regretted that time and resource shortages hampered their ability to do more public education work in the

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<sup>4</sup> The agency's name has since changed to The Department of the Child, Youth and Family



community. "A fully proactive stance is difficult given the pressure of administrative time" lamented one Family Court Coordinator.

The survey focussed on the Family Court Coordinators links with the DVA programme providers. The following table includes the results.

Table 8. Liaison with Providers of DVA Respondent Programmes

Practice	Always	Often	Sometimes	Never	Not Applicable
Advice of approved DVA protected persons programmes	9	5	2	2	4
Regular DVA provider meetings supported	10	0	7	1	4

n=22

The networking with local DVA programme providers is strong in most centres, and less than one fifth of FCCs were not active in this avenue for information-sharing. The regularity of liaison could also suggest that the publicity material from providers of protected persons and respondents programmes is frequently exchanged and updated. One Family Court Coordinator stated that at her court they "were asked to create distance from providers due to sensitive contracting issues" and would attend provider meetings only if requested. Although DVA programme provider meetings are not to be confused with the wider interagency violence prevention networks, several FCCs emphasised the value of participation in inter-agency networks as a means of establishing their credibility with a variety of other community support agencies and of promoting the availability of programmes at the same time.

The FCCs were asked to identify their methods used for ensuring that casual counter enquiries about programme information could be satisfactorily handled by the customer service at their courts. The following table contains the results.

Table 9. Courts Customer Service Staff

Practice	Always	Often	Sometimes	Never
Customer Service staff training on DVA programmes availability	5	3	6	7
Request forms for protected persons placed at counter	8	0	2	11
Counter staff advised that DVA programme enquiries be referred to FCC	22	0	0	0

n=22

The responses here did not show that the Courts' own customer service staff are consistently trained in the knowledge that the holders of protection orders may request to attend a programme within three years, nor that the request forms are available for public use. Less than one half of the FCCs ensure that request forms for DVA programmes are available at the counter. In contrast, the strategy of informing the counter staff to call upon the FCC to handle any enquiry about protected persons programmes is used by all coordinators. The methods for handling that enquiry in their absences were not explained.

The introduction of the Domestic Violence Act has impacted on the FCCs in terms of workloads and their ability to make personal contact with the applicants. Innovative approaches are being developed by some FCCs and their DVA teams in response to those low attendance rates. Generally speaking, it would appear that the FCCs regularly liaise with the judiciary and programme providers, but are unable or reluctant to connect with large numbers of applicants in order to actively engage more women onto the programmes. Telephone contact with protected persons is regarded by a few FCCs to be most useful, while others have preferred to adopt practices which enable existing support groups to be better informed about how they can assist abused women to access the free DVA programmes.

Three main themes for sharing information with the protected person emerge from the responses to the survey. While some FCCs see legal counsel as key players who must be kept informed of their role in advising clients about programmes, others see community groups as better advocates, and a third strategy is for some FCCs to proactively promote programmes directly to the protected persons themselves. Successful information-sharing with the holders of Protection Orders is occurring in some centres, but is largely dependent on the FCCs own resources, interests and networking, rather than on any one identified model of best practice.

Family Court Coordinators agree that the number of requests from protected persons for referral by the Family Court to DVA programmes has been disappointing. A focus remains on developing strategies for improving the programme attendance rate, whilst recognising that programmes need to be seen as relevant to the lives of these women. The need for greater public education and promotional resources is recognised in most courts. Raising the profile of programmes in the community remains an on-going challenge for

Family Court Coordinators throughout New Zealand.

In the following chapter, the information-sharing practices of other professionals who support victims of domestic violence will be considered. The DVA programme information which is passed to the protected person at other points of contact within the Family Court environs is discussed in Chapter Seven.

## **CHAPTER SEVEN**

### **DVA programme information-sharing from other perspectives.**

The experiences of five women as they obtained protection orders has been discussed in Chapter Five. This chapter illustrates the views and strategies of those on the other side of the information exchange, that is, those who work with the protected person and who have knowledge about the DVA education programmes available through the Family Court. In order to compare and contrast the delivery and receipt of programme information, the discussion considers the promotion of DVA programmes from their different perspectives.

The findings were collated from qualitative interviews with ten practitioners who provide information and services to protected persons around the time that protection orders are obtained from the Family Court. This sample was intended to reflect the multi-disciplinary nature of the diverse individuals who work with domestic violence clients under the umbrella of the Family Court.

The group consisted of:-

- two representatives from the legal fraternity
- four programme providers,
- one men's group family support worker
- one refuge worker who also is an approved programme provider
- one victim's advocate
- one victim's advisor.

It was not intentional that all of the participants were female, but as it happened, they were. All of the group were professionally known to me. They volunteered to be a part of the project because they too are concerned about the low uptake of programmes by protected persons.

The first commentary in this sample is provided by the lawyers. Both of the women lawyers have considerable expertise in family law, and have for many years also represented children in custody disputes where domestic violence occurred. Neither had represented any of the protected persons I interviewed. Seuffert (1996:4) suggests that an understanding of the domestic violence context in which women approach lawyers for assistance is essential if abused women are to respond appropriately to meet the needs of their clients. Women have reported that along with police, judges and society in general, they have experienced lawyers who hold attitudes which tend to minimise and trivialise the domestic violence. Helene, one of the respondents in Chapter Five, remarked on the difficulty involved in explaining to lawyers about the emotional and psychological abuse. It is crucial that lawyers and advocates for battered women understand the dynamics of domestic violence, and recognise that gender bias exists in the legal system (Barwick et al, 1996). Gender bias in the courts involves a range of issues, including the differing degrees to which woman and men are believed as witnesses, clients and advocates.

Elizabeth, one of the lawyers I interviewed, had a sound grasp of the dynamics of domestic violence. She explained that although it may appear that it is appropriate to offer women support and education at the time of the immediate crisis, she also recognised that:-

*"for a woman to actually make a lawyer's appointment is a huge step. That takes a lot for her to do that, and at that point she is the strongest*

*that she is going to be. I think it is important to give her the programme information then, as she is pro-active and responsive at that time.... She may not necessarily take up the programme because the impetus for change runs out fairly fast with a lot of women. In my experience, the point at which they can act on the information varies. Some women can act on it straight away, and yet a lot of women could take several years."*

The delays in the initial availability of protected persons' programmes has been a concern to other lawyers. In the Domestic Violence Special Project Committee's Report to the Family Law Section Executive on the Domestic Violence Act 1995, (1998:26), many lawyers indicated that they would prefer that their clients could have immediate access to a programme after the making of an order. Another respondent in that report supported the concept that more should be done for applicants programmes since overseas research has indicated that funding programmes for women was more effective than funding men's programmes.

The views of the second counsel to participate in this project were also pro-feminist. Rachel stressed that:-

*"safety is a prime concern for women leaving abusive relationships. It is important we acknowledge their fears, and appreciate how difficult it is for them to break away from what may appear on the surface to be small isolated acts of aggro. Women who are targets of domestic abuse cannot simply walk out. The guilt the women are often encouraged to feel by their abusers can stop them from going to programmes. I always tell them about the programmes, but it is not easy for them to link the programmes to their safety concerns."*



It is not surprising that those issues about safety, and especially the children's safety were also raised by the applicants in Chapter Five as well. However, it is also noted that there has been very limited promotion of the programmes for children, so it is not widely known that the programmes are available to children under the Domestic Violence Act 1995.

In response to this information gap, Elizabeth and Rachel had adopted opposing strategies with their paperwork. In the enthusiasm to engage more women on programmes, Elizabeth had modified the papers for a client's application to include the request for a protected person' programme when she applied for a protection order. Rachel, however, believes that it is important that women be adequately informed in order to initiate that request themselves. Rachel also explained that she has often reminded her colleagues of their obligations under the legislation insofar as ensuring that their clients know about requests for programmes. Both lawyers stressed that they always had relevant pamphlets on hand to provide women with referral information on community support services early in the legal process.

As Elizabeth and Rachel both were familiar with, and endorsed the Family Court's provision of couples counselling under different legislation, the use of the term "counselling' was also discussed with both of them. Elizabeth noted that

*"many people think that counselling is something that you go to if you've lost the plot... Although with my clients I always talk them through that. Programmes can sound a bit "schoolie".. like, what does it mean to most people?"*

Rachel emphasised that a lawyer's responsibility to advise their clients about the programmes also placed an onus on counsel to be well-informed about them before beginning to promote the programmes. She explained that one colleague had participated in a domestic violence education programme for that reason, but she felt that that was exceptional and that many lawyers knew little about programmes in her area.

The problems for the children were identified by both solicitors as an important driver of the mother's interest in programmes for the children. Elizabeth considered that the women

*"don't often see themselves as having a problem, and they don't see themselves as worthy or valued enough to do something about their situation. Whereas they can see more clearly the problems that their children are having, and in the process of working on those, they may pick up some facts and realise that they need and deserve some support themselves."*

Similarly, Rachel regretted that women often see their children's needs more clearly than their own, and that they need to work on their own issues first before they can support their children through a programme. She commented that

*"It's like the chicken and the egg, isn't it? What comes first? Perhaps by supporting their children through a programme, they will begin to think about getting their own support. I don't think it works that way, though."*

The perspectives of the programme providers differed from those of the lawyers. They perceived lawyers as being better placed to do more to get the women informed about the benefits of programme attendance, and the Courts could also be more pro-active in supporting women to get away from the violence. They considered that many lawyers are not well informed about the DVA programmes and were not familiar with the resources available in the community.

Three programme providers, Mary, Holly and Kate, considered that there is insufficient encouragement given in several quarters to assist women to attend programmes. Holly stated that

*‘although we meet with many victims of domestic violence, that issue is not always the presenting problem. When you think about it, it is not easy to go to any public place and identify yourself as an abused woman who wants counselling about domestic violence.’*

At a practical level they were dismayed that the costs of getting to a programme venue can be a deterrent to those on a limited income, and that the lack of adequate transport and child care prevent many from attending for the whole programme.

Kate applauded the anti-violence message through television commercials, but pointed out that the advertisements pay more attention to how bad the violence is, rather than giving more messages about what the battered woman can do to extract herself and her children from the violent relationship. Mary had been impressed with promotional material which she had seen overseas. She explained that

*"In Australia, the stopping violence message has gone out to where the abusers are, like, there are beer coasters in pubs that have got all the living without violence stuff on it for the guys. Is there some way in which kindergartens, and places like that where there's a lot of mother helpers, could be reached with non-violence and DVA programme messages? That is, advertisements on everyday objects, I mean. There needs to be some stuff in the supermarkets for women at risk, so that they can see options about dealing with the violence."*

The need for more television advertising was a common theme repeated by the other respondents in this study. Interestingly, the providers themselves recalled the note of caution raised by a Family Court Judge<sup>5</sup>, at a public meeting in 1998. On that occasion, he reminded the audience that one factor behind the success of the anti-drink-driving and anti-smoking campaigns was that large sections of the community identified with the problems. There are different dynamics for the anti-violence advertisements, as there is more resistance to ownership, and therefore the problem may be seen as belonging to someone else, and for others to fix.

Mary recognised the demands that attendance at a programme could make on a mother.

*"It is a lot for a woman to cope with if she's got to put herself through a programme. She's learning about herself, her own feelings, trying to look at and manage anger, and she's expected at the same time to support a child going through a similar process. We would like to separate those processes so that the woman has more support before the children begin a course. We would prefer that the protected person*

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<sup>5</sup> Judge A. Walsh. Address to the Wanganui Living Without Violence AGM, August, 1998

*attend about eight or nine sessions of a thirteen week programme first before she start the children on a course."*

The safety of the children was a issue for the providers, too. Female sex-role socialisation encourages women to respond primarily on the needs of others, especially children (Dutton, 1992). Kate did not agree with Mary's concern for supporting the mother first.

*"I think that it's the children, the weakest people in our society, who suffer while we try to empower the mother to do what's right for them".*

Kate was also cynical about the emphasis in the Domestic Violence (Programmes) Regulations 1996 on children's safety. She complained that

*"It's ironical that the Courts have come out so strongly about children's safety at a time when the resources are just not there to ensure children's safety is kept. I have little faith that reporting to the Children and Young Persons' Service is useful as they aren't well resourced either. It makes a mockery of the emphasis on safety if the Courts have made no provision for the providers to be able to handle the reporting of child abuse properly."*

Kate, Holly and Mary could not identify an ideal time for the protected person to be informed about the opportunity to attend a programme. Holly thought that there is so much going on for the woman at the time when she gets a protection order, that *"she is on information overload and unable to take it all in, straight away"*. Kate suggested that a follow-up contact with the woman should be made

three or more months later; after the initial rush of sorting out her living arrangements, and other basic survival needs have been met, then a programme could be started. Significantly, in the light of the data given in Chapter Six, Kate also proposed that the Family Court Coordinator should be following up the protected person with a phone call at that time to offer options for encouragement and support.

In contrast to the above proposals to engage the women in programmes, Barbara, the men's group family support worker, and Esther the refuge worker, employed several different lines of communication to reach the protected person. Barbara explained that her proactive role involves several steps.

*"First, we are actively involved in an local inter-agency violence intervention network which runs a crisis telephone line. At every family violence incident reported to the police, the woman is advised that support and education is available through that phone number. Second, information on available support, which includes the women's programme pamphlet, is later sent out to the woman. Third, I try to meet personally with the women partners of the men on their respondents' programme in order to help them find support. I distribute pamphlets for all of the programme providers in town, so that they know of the range of choices available to them. Fourth, if I am unable to meet with the woman in person, then I mail out the information pack, but I can't be sure that it ever reaches her. It is difficult to engage the women who are not on the phone, and I feel that a better response is achieved through the personal contact."*

Barbara and Esther have found that women's support networks are now sharing

information about the DVA programmes, and that the snowball effect is gradually increasing the programme numbers. Esther described how

*“some come because they have tried everything else, and they are wanting to learn other ways. Others are motivated when they hear that their partner or ex-partner is going to a programme and they start to think that perhaps there is a programme for them, too. They can also see that their partner is getting help and they want help as well. One woman came because she thought it was a requirement of her protection order. I think that when the women get here, they really like being with the other women who can understand from their own experience, some of the situations they are in.”*

Barbara and Esther find that women drop out of the programme because they are transient, and without other support to allow them to continue to attend. Barbara believes that women may not come to programmes because they are afraid to go off and do something for themselves. Some fear that their partners would view the women's attendance on a programme as a criticism of them. Under those circumstances, she can see that if there was a judge's direction for the woman to attend, than the man would not lose face, or feel that she was criticising him.

Esther explained that:-

*“after hearing about other women's experiences in the group programme, some women decide not to continue with the course because they start thinking that their partners weren't so bad after all. Other women have simply reported that they were unhappy with the facilitators, and thought that our facilitators were too young to know much*



*about domestic violence.”*

Jan, a former women's education coordinator for an established approved DVA programme provider, explained that the reasons given by potential programme participants for not attending in the first place included the facts that other support was available, the time did not suit, there was no means of transport, and no child care. The availability of other support had also been mentioned as initially sufficient for Gwen, one of the women respondents who shared her story in Chapter Five, who acknowledged that she commenced a programme only after a family member was unable to continue giving that support.

Jan observed that

*“Women often give all sorts of reasons for dropping out of programmes, and the big ones are the women's fear, embarrassment, or denial of the abuse. Sometimes, the women do not like the prospect of being part of a group, and they are unwilling to look at their own situations. A woman may become anxious that she might come into contact with someone she knew.”*

Jan explained that safety issues take a higher priority when the woman's partner or ex-partner found out where she was going and started following her there. Some women were threatened, intimidated, or even assaulted to prevent them from continuing with the course. Language difficulties and physical disabilities also limited the women's ability to continue. Personal circumstances could change so that attendance was no longer an option.

Jan has noted that as a woman continues to attend a programme, her male

partner adopts other tactics to prevent her from attending. For instance, he may spread

*“misinformation about the style and content of the men’s programme (e.g. the male reports that his facilitator thinks he needs a medal for living with her). He may accuse the women facilitators of being a bunch of man-haters. Another reason why a woman can’t come to the programme is because her partner would not allow her to go.”*

Dutton maintains that the right of a survivor of domestic violence to make choices “directly contradicts the stereotyped sex-role notion that women require someone stronger than themselves to take care of them” (Dutton, 1992:116). The fear of being seen to criticise her partner may prevent some women from seeking a protection order, and consequently a DVA programme, even in cases where he has been charged with a serious assault against her.

When an assault leads to a defended court case, the victim may come into contact with either a Victims Court Advisor or a Victims Advocate. The Victims Advocate provides advocacy, support and information to survivors of domestic violence in relation to the court processes, and defended hearings. The Victims Advocate is not a Department for Courts employee, but attends court hearings to assist the victims of violent offences. A Victims Court Advisor works for the Department and addresses the information needs of a wide range of victims, including domestic violence victims.

The personnel in both of these roles are important links in the passage of information between abused women and the providers of support and education. They are able to make personal contact with the women in ways which the other

participants in this study cannot. They are instrumental in sharing information with a broader range of consumers, and in sharing their knowledge with other people who can then pass on that information when they recognise a need.

One Victims Court Advisor, Jade, explained that in her experience, many women choose not to seek protection orders from the Family Courts as they feel that the orders are neither affordable nor workable. She has noticed that Maori women may be less likely to seek legal protection through the Family Court. Other deterrents from seeking legal protection vary

*“from a belief that the partner probably wouldn’t take any notice of the orders anyway, to a fear that the orders might upset the balance of their living arrangements.”*

One of the difficulties for the advisors and advocates in sharing programme information is that they do not know when a woman has a protection order against a violent partner unless that woman chooses to tell them. Maree, the Victims Advocate, considers that the current focus on programmes is a concern, as she feels that even when women have the protection orders, they are unlikely to contemplate DVA programmes while they face more pressing problems such as poor housing, and low incomes. Maree suggests that the structured nature of the protected persons’ programmes could be off-putting for some women. She thought that

*“although some women might not take out a protection order, they still need someone objective to talk to. I think that they should not be excluded from the chance to take their issues to a counsellor who can help clarify them. Some women are caught between his family who are out to get her because of the court case, and her own family who are out*

*to get the guy. They all think that there is something wrong with her, and dump even more guilt on her.”*

Maree also felt that there is often so much happening for the abused women as they try to deal with multiple crises in their lives, that the

*“programmes don’t really get a look in.. Now, if the idea of programmes could be presented to them in such a way that it’s actually going to ease the confusion for them, then it could assist them to work more clearly in the space they are in. I think that for a lot of women, the programmes are seen as one thing too much.”*

Lawyers, programme providers, refuge workers and victim support workers recognise that few numbers of women are currently seeking assistance for education and support through DVA programmes. From the various perspectives of the personnel who work with abused women, it is evident that some professionals, such as the programme providers, consider that there are key personnel who are better positioned for active promotion of DVA programmes than others. They argue that lawyers, and court staff are most likely to meet with a protected person, and that the private nature of a protection order excludes others from assisting the woman unless she chooses to seek that assistance.

As well as the psychological and emotional factors which hinder women’s attendance, several physical barriers, such as the possibility of limited means of travelling to the programmes and of arranging child care, have been identified in

this chapter. Other issues are the women's fears, and reluctance to face the consequences of making a decision to attend a women's programme.

Two other themes which emerged in relation to programme provision are the need for greater publicity about both the benefits and availability of DVA programmes, and concerns for the safety of women and children. Television advertising was seen as a valuable tool in reaching a wide audience. While the respondents in this study appreciate that the programmes may be one avenue for increasing women's safety, the small numbers of women attending programmes could illustrate that protected persons are not yet thinking along similar lines.

## CONCLUSIONS

The Domestic Violence Act 1995 ushered in new opportunities for education and support for protected persons when enacted in July 1, 1996. The Family Court, well known for its free provision of couples counselling, now may provide free programmes for its domestic violence clients. The advent of DVA programmes, which are specially tailored to meet the unique needs of women who are victims of domestic violence, was heralded as a vital key to women reclaiming control of their own lives and moving onto violence-free life-styles.

Three years later, and after the granting in New Zealand of more than 22,000 protection orders, the Department for Courts statistics indicate that less than 10% of protected women are requesting to attend the programmes. The Family Court continues to be used by many women to obtain legal protection, but only a fraction of these women are seeking the education and support resources available since 1996.

The growth of the Family Court's ability to provide education programmes for battered women since 1995 is considerable. The recognition of the need to enable more women's participation in women's group programmes has resulted in the development of a national register of DVA programme providers in 1998. More than 140 providers of protected persons programmes underwent intensive scrutiny during 1997 to meet the high approval standards prescribed for them in the Domestic Violence Regulations 1996, but the demand for their skilled services has not markedly increased since that time.

This study was primarily on the DVA programme information exchanged between those with knowledge of the legislation (i.e. those practitioners who provide service to the Family Court's domestic violence clients through various mechanisms), and those who sought its legal protection (i.e. the victims of domestic violence). The methods used for the giving and the seeking of DVA programme information between these two groups were the principal foci of the research.

Because an understanding of the dynamics, effects and context of domestic violence essentially underpins this study and influences the methodology and processes involved, one chapter provided an overview of domestic violence in New Zealand. In Chapter Three it was stressed that, due to the extreme distress caused by domestic violence, abused women are rarely sufficiently independent to break away from the patterns of violence without assistance from outside sources. Learning how to deal with the complex dynamics of domestic violence is vitally important for keeping women and their children safe. Arguably, women will continue to be at risk of further abuse if they fail to address their own learning needs and rely instead on their partner to make behavioural changes. The provision of domestic violence programmes is clearly in line with the objective of the Domestic Violence Act 1995 which is to reduce and prevent violence in domestic relationships by recognising that all forms of domestic violence are unacceptable behaviour.

The design of this research was detailed in Chapter Two. Although it was originally intended to locate two similar sized samples of respondents, the number of protected persons who volunteered to participate was much less than those involved in the second group. It is noted, with some irony, that this inability to engage responses from a larger sample of protected persons reflects the nature of the legislation, as the confidentiality and safety of the protected persons



is paramount. Conversely, there remains a need for the voices of more protected persons to be recorded in more research that will enable the Family Court to improve its service delivery to them.

Although the small sample of protected persons who participated in this study do not represent a comprehensive cross-section of this client group, their circumstances are diverse, and consequently their methods for seeking information varied. Earlier research by Maxwell and Robertson (1993) had found that court services were not the major source of help and support for most Family Court clients, and their responses reflect that trend. The participants gathered information about DVA programmes in a random manner: through friends, court staff, the programme provider. However, more than one acknowledged that written information about programmes was supplied with the protection orders, but was not absorbed on receipt of the orders.

It is noted that some had turned to the police, and its victim support group, at their time of most danger, for information, but found that little support information for their particular situation was available through that channel at those times. The legal information they received from their lawyers was deemed to be satisfactory when the women sought protection orders, and there was not a high expectation that their lawyer could also provide DVA programme details. The quest for knowledge about keeping their children safe was clearly an urgent issue for these women, and it does not appear that their counsel were able to identify the programmes as a means to that end.

The protected persons' variable knowledge of the Family Court's free DVA programmes could suggest that this significant change in the legislation has not been widely shared at the grassroots level. The legal protection obtained from

the Family Court may not yet be seen as connected to learning opportunities for victims of domestic violence.

The costs of child-care and public transport were not listed as factors preventing these protected persons' attendance at programmes, but it is arguably a barrier for other women, in the observation of the programme providers in Chapter Seven. Jan, an experienced programme provider, also identified the threatening and intimidating behaviour of the woman's partner or ex-partner as a major obstruction to her participation and learning.

The programme providers suggested that both the Family Court and the lawyers could be more active in the promotion of DVA programmes, as they were identified as being in a better position to recognise that she could commence a programme. They were aware that the protected person might not wish to reveal that a protection order has been granted, and therefore they are restricted in their ability to suggest such a course.

They also recommended that much more advertising, in a variety of places and media, would assist in improving the up-take of programmes. Kate had applauded the anti-violence messages seen in television commercials, and suggested that these be extended to give more detailed messages on accessing education and support so that the women could begin to seek empowerment. On the other hand, Holly had cautioned that many women receive far too much information at a time of crisis, and are unable to process sufficient for their benefit. A variety of different methods of information dispersal was practised by the men's group family support worker, Barbara, who also admitted that a limited feedback from protected women that she had not personally contacted, meant that she could not readily identify which method achieved the best results.

Barbara, like most of the Family Court Coordinators, relies extensively on written material to inform protected persons of the resources available to them. An accurate measurement of the effectiveness of this strategy has not been taken. The wordiness and formality of some publicity material could possibly detract from the success of this practice. Effective information-sharing begins when the initial written material is short and simple and includes contact phone numbers for follow up if desirable. Some FCCs prefer to make personal contact with the women, while a small number of FCCs continue to mail information to protected persons for some months after the temporary protection order was made. There are suggestions that the delivery of information after the crisis time may be more beneficial for the recipient to act upon.

However, the practices of Family Court Coordinators in DVA programme promotion are not standardised, apart from the trend to mail out a request to attend programme form. Some FCCs see that lawyers are better placed to share programme information with their clients when applications for orders are filed, some focus on personal contact with the protected persons where possible, and others are active in educating the local community support groups about access to the Family Court-funded programmes. Aware of the poor attendance of protected person under the legislation, FCCs continue to apply innovative approaches to public education when possible.

At the core of the conundrum as to why so few women are requesting attendance at protected persons programmes lies the gap between the public and private lives of the women who live in violent domestic relationships. While men and women interact in ways which reinforce an ideology of male dominance, an abused woman remains isolated from the support which enables her to break

the cycle of violence. The privacy of the need for a protection order is one thing, and attendance at a programme would involve breaking down the secrecy.



29 July 1998

Brenda Baxter  
C/- Family Court  
PO Box 650  
WANGANUI

Dear Brenda

### Domestic Violence Act 1995 - Research Proposal

The Department has now had an opportunity to consider the research that you wish to undertake concerning the Domestic Violence Act. We are happy for you to undertake the research, as set out in your proposal, subject to the following conditions.

1. The interview samples will be sought not at Wanganui where you are  
a Family Court Co-ordinator.
2. Work on the project is undertaken in your own time.
3. With regard to the survey of Family Court Co-ordinators, we agree to this subject to the survey taking a maximum of 20 minutes to complete, the co-ordinators not being asked to undertake any work such as collating statistics and the co-ordinators not being asked to give opinions about government policy.
4. With regard to the interviews with Family Court related professionals - if court staff are to be interviewed the Court Manager would have to agree if it was to be in work time, court staff should be asked factual questions and not be put in the position of being asked to comment on government policy.
5. The sample of clients is the most sensitive part of the research and it is not normally our practice to facilitate access to clients for the purposes of academic study. Your design does not involve the Department in recruiting the sample. The sample, therefore, should not be recruited via any Courts documentation or employees (this includes Victims Courts Advisors).
6. The normal ethical requirements about consent and anonymity should be observed.
7. The Department would want to receive a copy of the thesis once it is completed.

If you have any questions about the above please contact me so that we can discuss them.  
Good luck with the research. I will be interested to see the outcome.

Yours sincerely

Angela Lee  
Manager Research and Evaluation

Copy to: Marti Eller, DVA Director, David Kubrycht DGM and Terry Silcock LCM.  
Palmerston North

## APPENDIX 2

### **“Why are so few women attending Family Court-funded domestic violence education programmes?”**

## **CLIENT INFORMATION SHEET**



**MASSEY  
UNIVERSITY**

### **Who is the Researcher?**

The researcher is Brenda Baxter. Brenda is a masterate student at Massey University, and has been employed by the Department for Courts as the Wanganui Family Court Coordinator since 1986. Brenda's interest in supporting women who seek to distance themselves from violent partners has developed through her Family Court work. Recently seconded to chair the Central Panel which approves domestic violence education programmes in this region, Brenda is researching the factors which may hinder women from taking the opportunity to attend these programmes. The researcher is acting independently: the Department for Courts has not commissioned this study.

Brenda may be contacted at work by telephoning 06 347 9672. Her supervisors, Dr Christine Cheyne and Richard Shaw, may be telephoned at Massey University, telephone number 06 350 4300.

### **What is the Study About?**

This study is centred on women's attendance or non-attendance at domestic violence education programmes (which may be requested up to three years after a Protection Order is made in the Family Court). The purpose of the research study is to investigate the factors which determine whether protected persons programmes are considered as options for women, and to examine their access to information regarding the availability and content of these programmes.

### **What will Participants be asked to do?**

There will be two main groups of participants: firstly, Family Court clients, and secondly, Family Court-related professionals.

If you agree to take part in the study, you will be invited to meet with the researcher for an interview to discuss domestic violence education programmes. With your

informed consent, the interviews will be audio-taped and you have the right at all times to request that all or any part of the interview not be recorded. Depending on your experiences, preferences and availability, there may be a follow-up interview.

You have the right to ask any further questions about the study that occur to you during your involvement, as well as the right to withdraw at any time, and to refuse to answer any particular questions as you chose. Your participation is voluntary and has no influence on access to any services.

### **What can the participants expect from the Researcher?**

If you take part in the study you can expect that any information you provide will be treated with the utmost confidentiality, and that your anonymity is protected. Your name will not be used unless you give permission to the researcher when providing information. Your safety is paramount in this research study, and all efforts will be made to protect your safety by conducting the interview only at meeting times and venues which you consider to be safe.

The transcriber of the audio tapes will be a research assistant who will sign a confidentiality agreement. You will be offered the opportunity to review transcripts of interview material. Additional time would be required if you wish to review the transcripts of the audio tapes material when prepared.

Access to a summary of the findings of the study will be given when it is concluded. The researcher intends to use the thesis to promote awareness of the availability and contents of domestic violence education programmes for adult protected persons in New Zealand.



## APPENDIX 3

### CHECK LIST

The Domestic Violence Act 1995-

What can you tell me about the act?

What can you tell me about protection orders?

Are you able to discuss what happened when you decided to apply for a protection order?

Did your lawyer supply you with any information about the availability/ content/ timeframes for programmes? Please explain what you found helpful.

Where else have you sought information about support and education for domestic violence?

What other sources of information about domestic violence were useful to you?

Domestic violence education programmes for women -

How did you hear about these?

Why are they significant?

Would you recommend one to a friend?

What did you expect from the Family Court staff when you got a protection order?

How do you think the Family Court Coordinator could assist you at the time you obtained an order?

Were your expectations met? How?

Did the FCC contact you at a good time? Why?

When would be a good time for FCCs to contact a protected person, if at all?

Have you seen the pamphlet about the programmes from the Department for Courts?

Was it mailed to you, or did you obtain it at the Courthouse?

Please comment on its value in giving advice about DVA programmes.

What other publicity material have you seen?

What do you know about Family Court counselling?

Would an offer of counselling be helpful to you?

Can you tell me about any differences you know about counselling and DVA programmes?

Please tell me of any suggestions you can think of which may assist more women to attend DVA programmes

"Why are so few women attending Family Court-funded domestic violence education programmes?"

## INFORMATION SHEET



MASSEY  
UNIVERSITY

### Who is the researcher?

The researcher is Brenda Baxter. Brenda is a student at Massey University, and has been employed by the Department for Courts as the Wanganui Family Court Coordinator since 1986. Brenda's interest in supporting women as they seek a violence-free lifestyle has developed through her Family Court work. Brenda is aware that very few women are making requests to attend free domestic violence education programmes through the Family Court.

The research is independent, and is not sponsored by the Department for Courts.

Brenda may be contacted at work by telephoning 06 345 9610 or at home on 06 343 8517. Her supervisors, Dr Christine Cheyne and Richard Shaw, may be contacted at Massey University on telephone 06 350 4300.

### What is the study about?

This study is about women's attendance or non-attendance at domestic violence education programmes (which may be requested up to three years after a Protection Order is made in the Family Court). The purpose of the research study is to investigate the factors which determine whether protected persons programmes are considered as options for women, and to examine their access to information regarding the availability and content of these programmes.

### What will participants be asked to do?

There will be two main groups of participants: firstly, Family Court clients, and secondly, Family Court-related professionals.

If you agree to take part in study, you will be invited to meet with the researcher for an interview to discuss domestic violence education programmes. With your informed

consent, the interviews will be audio-taped and you have the right at all times to request that all or any part of the interview not be recorded. Depending on your experiences, preferences and availability, there may be a follow-up interview.

You have the right to ask any further questions about the study that occur to you during your involvement, as well as the right to withdraw at any time, and to refuse to answer any particular questions as you chose.

Your participation is voluntary and has no influence on your access to any services of the Department for Courts.

### What can the participants expect from the researcher?

If you take part in the study you can expect that any information you provide will be treated with the utmost confidentiality, and that your anonymity is protected. Your name will not be used unless you give permission to the researcher when providing information.

The transcriber of the audio tapes will be a research assistant who will sign a confidentiality agreement. You will be offered the opportunity to review transcripts of interview material. Additional time would be required if you wish to review the transcripts of the audio tapes material when prepared.

Access to a summary of the findings of the study will be given when it is concluded. The researcher intends to use the thesis to promote awareness of the availability and contents of domestic violence education programmes for adult protected persons in New Zealand.

## APPENDIX 5

### PART 1. Sharing Information about DVA programmes with the Protected Person

#### ▪ PERSONAL CONTACT

	Always	Often	Sometimes	Never
I meet with the protected person				
- when an application is filed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- when an interim protection order is made	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### ▪ TELEPHONE CONTACT

I phone the protected person at the time a protection order is made to share information about DVA programmes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I make a follow-up telephone call to the protected person when the order becomes final to see if a DVA programme is required.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- I do not meet with or telephone the protected person at any time because.....

.....

.....

#### ▪ CONTACT by Correspondence

	Always	Often	Sometimes	Never
I mail to the applicant the request form (DVP4) for attendance at a protected person's programme				
- when an interim protection order is made	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- when the protection order becomes final	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I mail to the protected person the Courts pamphlet entitled "For the Protected Person- Domestic Violence Programmes" (Order no. CASE/098) at the time an interim protection order is made.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I mail to the protected person publicity material on support and education provided by local support agencies when an interim protection order is made.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I have prepared a flier with contact details for all the local approved DVA providers of protected persons' programmes and this is sent out				
- when an interim protection order is made	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- when the protection order becomes final.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### ▪ EDUCATION

	On request	Daily	Weekly	Monthly	Never
I conduct open information sessions on:-					
- Protection Orders (obtaining & using)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Approved DVA programme content and availability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I screen domestic protection information videos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Part 2. Sharing information about DVA programmes for protected persons with other stakeholders

### THE JUDICIARY

	Always	Often	Sometimes	Never
I advise the Family Court Judges of the names of the local approved DVA programmes for protected persons.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I share with the Family Court Judges publicity material provided by local approved DVA programme providers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### FAMILY LAWYERS

I run training sessions on DVA programmes for the local Family Law practitioners.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I prepare and deliver information packs which contain the DVP4 Request form, the Courts pamphlet on protected persons programmes, and leaflets from approved DVA programme providers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### VICTIMS COURT ADVISOR / ADVOCATE

	Always	Often	Sometimes	Never	N/A
I liaise with the advisor / advocate about education and support for victims of domestic violence.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I keep the advisor / advocate informed about the content and availability of DVA programmes for protected persons in this area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### VICTIMS SUPPORT/ FRIENDS OF COURT / COURT AID

I provide a training session about the Court-funded provision of domestic violence education programmes for protected persons.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I urge them to attend Family Court Association meetings when the focus is on domestic violence.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### APPROVED PROVIDERS OF RESPONDENT PROGRAMMES

I advise local providers when newly approved DVA programmes for protected persons become available.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I arrange regular meetings for all DVA programme providers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- COURT CUSTOMER SERVICE STAFF

I include information about the Family Court's DVA programme delivery for respondents and protected persons in staff training for the customer service or counter staff at my court.

Always      Often      Sometimes      Never

☐ ☐ ☐ ☐

I ensure that the request forms (DVP4) for protected persons' programmes are available at the counter.

☐ ☐ ☐ ☐

The customer service staff know that I am available to assist with any enquiry about protected persons' programmes.

☐ ☐ ☐ ☐

Please add any additional comments regarding the practice which you have developed for sharing information with protected persons and other stakeholders about the availability and content of DVA programmes in your area. I will also welcome any samples of your publicity material and correspondence in relation to protected persons programmes.

[illegible]

THANK YOU FOR TAKING THE TIME TO COMPLETE THIS SURVEY



\*This is the first request for a programme to be provided to persons protected by this order.

\*Although the order has been in force for 3 years or more special circumstances exist justifying the registrar authorising attendance at a programme.

.....  
 .....  
 .....

*Set out sufficient information about the nature of the special circumstances*

\*Requests have been made on previous occasions for a programme to be provided to the following persons who are protected by this order.

.....  
 .....

*State which protected persons have had programme attendance authorised on previous occasions and the date of that authorisation*

.....  
 Signature

.....  
 Date

*\*delete or omit if inapplicable*



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