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Domestic Violence and Ministry Implications

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Introduction

Corney & Lind Lawyers Pty Ltd

➤ Mid size law firm – 18 lawyers + 30 staff

➤ Our focus areas

Schools & Education

Not for Profit & Charity

Commercial

Employment & Discrimination

Personal Injury

Commercial & Construction Litigation

Migration & Visas

Family Law

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➤ Our lawyers travel to you if needed

➤ Specialist lawyers committed to delivering “*just redemptive outcomes®*” with care and integrity

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Who is Fiona? (aka, Why should you listen to me?)

- Degree in Law (Hons)
- Masters of Law
- Vocational Graduate Diploma of Family Dispute Resolution
- Registered Family Dispute Resolution Practitioner (mediator)
- Accredited Independent Children's Lawyer for about 9 years
- Has been in Practice for close to 14 years including 5 years at Legal Aid Queensland and 6 years practicing in a regional area
- Extensive experience in family law and domestic violence, and more recently assisting schools and churches with a variety of matters, particularly Child on Child Sexual assault
- I've heard most of it, and not much shocks me anymore.....



Who is Eustacia? (aka, Why should you listen to me?)

- Degree in Law
- Degree in Arts (Political Science)
- Graduate Diploma in Divinity (no, it doesn't make me divine, just a student of Christian theology)
- Has been in Legal Practice for nearly 7 years
- Has worked outside the legal profession
- Strong experience in family law and domestic violence – and presently heads up our Family Law Team.
- I've heard most of it, and not much shocks me anymore.....



The Plan

1. The lawyer exclusions:

- a. I'm just a lawyer – and not a pastor, and I have no theological training!
- b. Today, I'd like to give you some information and pose a lot of questions. Hopefully, today will be the beginning of a series of discussions you have with your team about how to improve ministry to people that have experienced or are experiencing family and domestic violence (and the perpetrators!!).

2. Some scenarios:

- a. All names, locations, and denominations have been changed to protect the innocent!
- b. All are real life scenarios that have occurred.



Scenarios

- A member of the congregation discloses that they are the victim of domestic violence during ongoing counselling.
- A member of the congregation comes to you and says that he doesn't have contact with his wife or children, and can't contact them because of a Domestic Violence Order, but wishes to take steps to open dialogue and reconcile with his wife.
- A member of the congregation comes to you and says that they have decided to separate from their spouse, discloses that they have engaged a lawyer and are seeking a domestic violence order against their spouse.
- You interact with someone in the church family – and think something is a bit, well, odd.



The word picture we use

- We Christians are a strange bunch at times. We use pictures and stories to illustrate the nature of God. And that's as it should be – we copy off Jesus who also told lots of stories.
- Communication is not what we tell someone, but a process – good communication is about sending the message, and ensuring that the message we intend to communicate is in fact received by the person we are communicating with in the way we intended.
- The experiences that people have lived in their family or origin will impact heavily on their perceptions when we use some of these word pictures.
- As an example, two stories:
 - The young man talking to a duty lawyer who tells the duty lawyer to do their best to have him sent to jail for as long as possible
 - The seven year old girl who grew up watching her dad beat her mum – before he turned on her.
- How do you think these people react to the phrase, “God loves us like a dad.”
- What about when you talk about Jesus the bridegroom and his care to the church to a woman who has been traumatised by domestic violence? What message is being received?



Hurting people

- When a relationship comes to an end:
 - The grieving cycle;
 - Practical arrangements;
 - The need for independent legal advice;
 - The need for other referrals – medical, psychological, practical;
- When a domestically violent relationship ends or separations occur:
 - A victim of domestic violence will often leave and reconcile a number of times – average of 9 times before the final time;
 - Leaving is the MOST DANGEROUS TIME for a victim of domestic violence – 12 months after separation is the next most dangerous time;
 - Safety is incredibly important! Please don't underestimate how much danger a woman leaving a dv situation is at.
- There are a bunch of legal issues that may well arise:
 - Debt issues and repayment of joint loans
 - Child support
 - Parenting arrangements
 - Distribution of property matters
 - Spousal maintenance
 - Domestic violence

Domestic Violence

- What is domestic violence?
 - Physical or sexual abuse;
 - Emotional or psychological abuse;
 - Economic abuse;
 - Threatening or coercive behaviour;
 - Damaging property;
 - Threatening suicide or self-harm; and
 - Other behaviour that is controlling or dominating and causes a person to fear for their safety or wellbeing.





Domestic Violence – why does it matter?

- Domestic violence is:
 1. Damaging to our community
 2. Debilitating to the victims and witnesses of domestic violence;
 3. Deadly to its victims; and
 4. Devastating in its impact upon kids.
- Wide-reaching implications and effects:
 - Seven times more likely to have a severe psychological issue if they were subjected to physical abuse at any stage of their current relationship.
 - Twenty-one times more likely if the abuse was in the last twelve months.
 - Seventeen times more likely if there was sexual abuse within the relationship.
 - Massive effects on physical health
 - Massive effects on ability to hold down a job
 - Massive effects on spiritual health



DV– How Damaging to our community?

- Financially – Price Waterhouse Cooper estimate that the annual cost of violence against women costs Australia \$21.7 billion. They estimate on the current trajectory, the next 30 years will cost us \$323.4 billion. Costs include:
 - Health costs – including initial physical violence and long term costs of treating depression, anxiety, PTSD, etc.
 - Lost productivity at work – through absenteeism, being late or attending court.
 - Consumption costs – DV victims often have to replace items which are damaged during dv incidents, or refurnish houses when they choose to leave;
 - Medical cost associated with caring for children who witness DV – eg counselling services;
 - Costs of caring for children who are taken into the care of the Department, and the work required to work with a family towards reunification;
 - Costs to the legal/criminal system – running Courts, Police Services, and prisons are expensive!
 - Funerals are not cheap either.
 - Costs for additional school services that are incurred;
 - Security upgrades for houses and businesses



DV– How Debilitating?

- Research by VicHealth has found that domestic violence is the leading contributor to death, disability and illness in Victorian women aged 15-44 years. More than high-blood pressure, smoking, or obesity!
- Quite apart from physical injuries, chronic pain and mental health, domestic violence has been linked to significant levels of acquired brain injuries;
- Nearly 18% of all depression experienced by women are related to domestic violence;
- if an adult woman was subjected to physical abuse at ANY stage of their current relationship, they were 7 times more likely to demonstrate symptoms of a severe psychological issue. If that abuse was in the past 12 months, it jumped to 21 times more likely. If the woman was subjected to sexual abuse at any stage of the current relationship, they were 17 times more likely to demonstrate symptoms of severe psychological issues.



DV– How Deadly?

- In 2014, we had 95 dv deaths in Australia
- In 2015, we had 158 dv deaths in Australia
- In 2016, we had 176 dv deaths in Australia.
- In 2017, we had 201 dv deaths in Australia (however, the data seems to be presented differently this year- they have split it into homicide and murder rather than one category)
- So far this year, we have had 57 women die as a result of dv homicides – not including children – and the figure is climbing.
- Last year, a third of all sexual assaults reported to Police were DV related.
- Think it's about guns? Think again. 2/3^{rds} of the homicides involved a weapon, and most commonly, that was a knife. That means 1/3rd were killed with bare hands.



DV– How Devastating to our kids?

- Recent neuroscience research is suggesting that kids that are exposed to or witness domestic violence have the same structural changes in their brain as kids who have grown up in a war zone.
- Chronic and Toxic stress in children causes problems on the brain formation;
- Babies and young infants exposed to abuse and neglect are more likely to experience insecure or disorganised attachment problems. Insecure attachments alter the normal developmental process for children, leading to severely affects on a child's ability to communicate and interact with others and form healthy relationships.
- “Research over the last 20 years has unequivocally determined that children exposed to violence in the home suffer a wide range of poor psychosocial and health outcomes. The literature indicates that exposure to DFV in childhood is associated with depression, anxiety, trauma symptoms, aggression, lower social competence, low self esteem, fear and loneliness. Children exposed to DFV in childhood may also have poorer academic outcomes, higher rates of peer conflict and impaired cognitive functioning. Health and socio-economic impacts include higher likelihood of future alcohol and drug abuse, depression, unemployment and homelessness.”
- **95% of kids who had sexually assaulted another child had also experienced or witnessed a dv incident.**



Domestic Violence – why does it matter in Ministry?

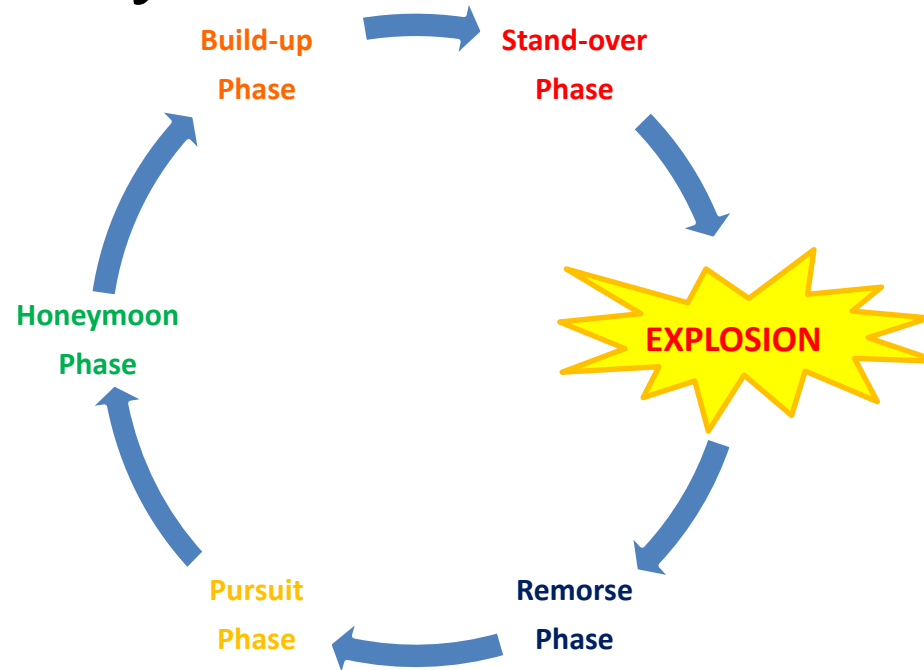
- Talking about Jesus the bridegroom with a victim of DV? What about God the Father with a child who was beaten by their Dad? – How do we expect them to understand what we are trying to communicate?
- DV matters in ministry because we are called to bind up the broken, liberate the captives, and care for the widows.
- In Ezekiel 34, there is a scathing judgment on the Shepherds of Israel who eat the fat, and clothe themselves with the wool of the flock, but fail to strengthen the diseased, heal the sick, bind up the broken and seek the lost. Instead Jesus models this course of action himself, and we seek to do as Jesus does.
- In Isaiah 61, the writer says that the “Lord has anointed me to preach good tidings unto the meek; he has sent me to bind up the broken hearted, to proclaim liberty to the captives, and the opening of the prison to them that are bound.”

A few more thoughts...

- Domestic and family violence is one of Australia's leading criminal, health, and wellbeing issues. "Magistrate Baldwin told the man that he would have had to have been "living under a rock" not to know that Australia was "very serious about domestic violence"."
- Most people in your congregation will experience it, be exposed to it, or know someone going through it.
- Jesus specifically calls us to "bind up the broken and liberate the captives"
- Church leaders are uniquely positioned to respond helpfully in situations of domestic violence
- They are also uniquely positioned to do significant harm if they do not deal with it, or if they deal with it badly
- Sin – for example, abuse – thrives in conditions of silence
- Consider God's frequent condemnation of oppression, burdening by the abuse of power or position, and the use of violence – conversely consider how God uses power. Jesus manifests humility, gentleness, and self-sacrificing for others.
- It is proper to embrace justice and mercy – consider your responsibility to live under the laws of the land and to encourage others to do the same.

Domestic Violence – what a family lawyer wishes you knew

- The cycle of violence:



- How do you know the difference between genuine remorse and repentance, and the usual stage of the DV cycle? What does that look like??



Why don't they leave if it is so bad?

- Fear of not being believed
- Feel embarrassed or ashamed that they are experiencing violence;
- They have usually lost their confidence and find it hard to trust anyone;
- They may have had poor responses if they have spoken to someone previously;
- Fear of the offender minimising the incident to the police and others;
- Fear of increased abuse, violence, or physical restrictions;
- Fear of being left with no financial security or home;
- Fear of being alone or isolated;
- Fear of shame by exposing the family to outside scrutiny;
- Fear of how the church family will react;
- Told that the Bible says they should stay;
- Believe that it will never happen again; and
- Fear that if they separate, the risk will be even higher (they are probably right! Just ask Rosie Battie or Ann O'Neill about the cost they have endured).



Accessing Support: Referral options

- If you are in immediate danger, call Police on 000. If you are wondering whether it is bad enough, you probably should have dialed already.
- If you need to report a domestic violence situation to police, and you are not in immediate danger, you can go to your local Police Station, or call Policelink on 131 444
- DV Connect Womensline – 1800 811 811(24 hours, 7 days a week in Queensland) or dvconnect.org.au (includes resources for victims and those who suspect domestic violence or are supporting a victim of domestic violence)
- Women’s Legal Service – www.wlsq.org.au – does free phone and in person legal advices – usually at night.
- Legal Aid - www.legalaid.qld.gov.au
- Your local family and domestic violence lawyer – Eustacia and her team are a fantastic option for Christian Family lawyers..
- DV Connect Mensline – 1800 600 636 (9 am to midnight, 7 days a week (Queensland) (dvconnect.org/mensline)
- Kids Helpline – 1800 511 800
- The Centre for Domestic and Family Violence Research has useful fact sheets at <http://www.noviolence.com.au/resources/information-services/fact-sheets> including information about the effect on children of witnessing domestic violence.
- Your GP.
- If you are in a violent domestic relationship, we recommend that you are cautious about accessing online information unless you are also mindful of deleting your browsing history – some safety tips can be found at <https://www.qld.gov.au/community/getting-support-health-social-issue/planning-safety/index.html>



The roles and responsibilities:

- **Department of Communities, Child Safety Services**
 - Role is to protect children;
 - They will often be involved in partnership with Police;
 - They will intervene and remove children IF there is no parent acting protectively
- **Police**
 - Ability to issue DV Applications in their own right;
 - Ability to charge with DV offences including assault, deprivation of liberty, stalking, rape, sexual assault;
 - Ability to prosecute criminal offences and breach of DVO's
- **Magistrates Court of Queensland/Local Courts**
 - Power to make domestic violence Orders/Apprehended Violence Orders
 - Power to punish perpetrators for breach where prosecuted by Police
- **Family Court of Australia/Federal Circuit Court of Australia**
 - Parenting matters and property/Spousal Maintenance;
 - Have limited ability to make injunctions
 - Have limited ability to amend DV Orders made by State Courts
- **Hospitals/GP's/Health Services:**
 - Medical and counselling referrals
- **DV Connect/RSPCA:**
 - Crisis Counselling (phone), safety planning and arranging refuge and animal placement



Responses:

- Violence is NEVER acceptable – it is criminal behaviour, and it has no place in our homes and churches.
- It is probably MUCH WORSE than is being reported to you (if they are brave to talk to you at all!) – like the machete matter.
- For every matter where someone speaks up about the abuse they are experiencing, there is likely to be at least one person who has experienced abuse that isn't saying anything at all – domestic violence is massively under reported.
- PLEASE PLEASE PLEASE – REFER REFER REFER. Their life might depend on it.
- Recommended responses:
 - Are you safe? Do you need a safe place to stay? Do you want me to come and collect you/the children/the dog?
 - Do you have a plan to keep safe? How can I help?
 - Listen and don't judge.
 - This is NOT your fault, this behaviour is NOT okay.
 - Refer to another appropriate service.
 - Be cautious about advising victims of DV about withdrawing applications or returning home – you could be sending a woman home to die.

**When someone says, “I don’t want to take sides”, or
“we must be careful to love both of you.”**

“It is not possible to be truly balanced in one’s views of an abuser and an abused woman. As Dr. Judith Herman explains eloquently in her masterwork *Trauma and Recovery*, “neutrality” actually serves the interests of the perpetrator much more than those of the victim and so is not neutral. Although an abuser prefers to have you wholeheartedly on his side, he will settle contentedly for your decision to take a middle stance. To him, that means you see the couple’s problems as partly her fault and partly his fault, which means it isn’t abuse.”

— Lundy Bancroft, [Why Does He Do That?: Inside the Minds of Angry and Controlling Men](#), textbook used for the QUT Graduate Certificate in Domestic Violence

<https://www.saferresource.org.au/>

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