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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

Criminal & Traffic

Estate & Elder Law

➤ Our lawyers travel to you if needed

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

➤ Based right next to the CBD opposite the RBWH transport hub



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 7 years
- Has been in Practice for close to 12 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
- 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 about how to improve ministry to people that have experienced or are experiencing family and domestic violence.

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.
- But we forget sometimes to see whether the message we intend to communicate is in fact received by the person we are communicating with in the way we intend.
- The experiences that people have lived in the 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?



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;
 - People are hurting – hurting people do not necessarily behave rationally, and do not necessarily behave as the normally would;
- When a domestically violent relationship ends or separations occur:
 - A victim of domestic violence will often leave and reconcile a number of times;
 - Leaving is the MOST DANGEROUS TIME for a victim of domestic violence;
 - Safety is incredibly important at that time!
- 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.
- Typologies of domestic violence:
 - Coercive and controlling violence;
 - Situational couple violence;
 - Separation instigated violence; and
 - Mutual violent control.





Domestic Violence – why does it matter?

- 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

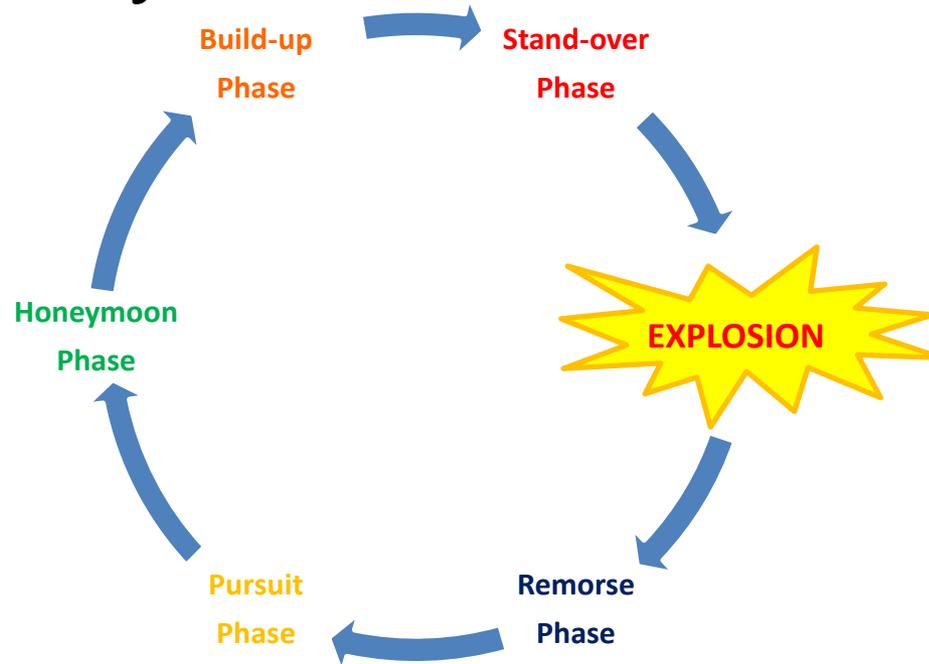


Domestic Violence – why does it matter?

- Effect on children witnessing violence
 - “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.”
- How prevalent is it?
 - In 2015, there were 158 domestic violence related homicides (being about 38% of homicides nationally, and up from the 95 victims in the previous year). In 35% of the dv homicides, there was NO weapon used. In 27%, the weapon was a knife.
 - About one quarter of women, and one half of men who are victims of domestic violence will not ever tell anyone about the violence they experienced.
- Talking about Jesus the bridegroom with a victim of DV? What about God the Father with a child who was beaten by their Dad?

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 about the cost she has endured).



Accessing Support:

- If you are in immediate danger, call Police on 000.
- 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
- Legal Aid - www.legalaid.qld.gov.au
- Your local family and domestic violence lawyer.
- 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.
- PLEASE PLEASE PLEASE – REFER REFER REFER. Their life might depend on it.
- Your 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?
 - 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.

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