

## BDVAS December 2004 — March 2005 Newsletter



### **Brisbane Domestic Violence Advocacy Service's response to women who have experienced Domestic Violence and are going through the family court process**

An advocacy outreach service has a particular and significant role to play in supporting women who have experienced domestic violence through the family court process. A major strength associated with being able to provide court support in the family court is that we may assist women to overcome the particular barriers they face when accessing the family court system. BDVAS employs a number of approaches to assist and support women during the family court process.

#### ***Practical support:***

The provision of practical support is essential to women going through the Family Court process. Breaking down barriers to access allows women to focus on the issues at hand and work towards the outcome desired. BDVAS provides some of these practical supports to women such as childcare, transport and emergency relief. An employee of BDVAS who is a qualified childcare worker provides childcare; BDVAS also has the capacity to

provide transport to women and children to access childcare, Family Court and legal appointments. On occasion BDVAS has also provided emergency relief for accommodation, transport costs or other essentials. For example BDVAS recently paid for accommodation for a woman coming from interstate after Legal Aid had refused to fund the airfares and accommodation for her to attend a trial in the Family Court. Without the support from BDVAS this woman would have faced great difficulty in being able to attend the trial.

#### ***To be believed and have her story validated:***

In the Family Court process the perpetrator or perpetrator's legal representation will attempt to discredit the woman. The implication of this is that the woman may start to question her own experience, and therefore is likely to minimise her experience of domestic violence. As advocates, it is vital to stand alongside

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***The following abstract is from a paper presented at the Women's Legal Service Conference 2004***

the woman in her current experience, not to criticise or condemn, but to support and confirm. Clients of BDVAS have commented that they found it extremely comforting having some one stand alongside them during the court process, someone who is not going to question or discredit their experience.

#### ***To be given all adequate information regarding the court process, her rights and her options:***

Advocate workers aim to minimise the trauma and maximise the woman's control over the process. Advocates provide information about the court process and make appropriate referrals, i.e. legal or counselling. Advocates endeavour to assist women to understand the organisations and systems, which they are

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required to interact with during the family court process. A number of women we work with have expressed that this type of advocacy has been a significant component of the support as they are not always in a space where they can retain all of the legal information, which is presented to them. Advocate workers can attend, relevant appointments with women and can ensure that they have all of the relevant information, which can later be clarified with the woman. This information sharing aims to ensure that the woman has all the relevant information in preparation for court proceedings. It is anticipated that by providing the woman with as much relevant information as possible she is then able to make some decisions and take some control of her own process (as within the constraints of the court). In providing information regarding the family court process advocates support and encourage women to question legal processes which may be

inaccurate and inappropriate.

### **Formal Advocacy:**

As formal advocates we are often asked by women and other services to advocate on behalf of the woman. Our role is to be a voice for the woman that we work with at a time when they are feeling unable to articulate their needs fully. We work in partnership and under direction of the woman and attempt to break down the barriers that prevent the woman accessing the services and supports she is entitled to.

Alongside of the individual advocacy, BDVAS also advocates for women and children who have experienced domestic or family violence on a systemic level. Opportunities such as this conference allow us to speak out about the issues with the aim of making changes that will improve women and children's access to services and enhance their experiences in the Family Court system. By raising awareness of the impacts of domestic and family violence it is hoped that entrenched beliefs and

attitudes may be shifted and significant reforms implemented in the area of family law.

### **Conclusion:**

Going through the family court process is usually a very daunting and stressful experience for women who have been subjected to domestic violence. This paper has only touched on the devastating impact family court proceedings can have on victims of domestic violence. It is also important to highlight that the issue of child protection has not been discussed. Child protective services have come to recognise that child witnesses of domestic violence is a form of child abuse and necessary steps must be taken to protect children from the harmful effects of this abuse. Unfortunately the Family Court system is not giving the same weight to this issue and too often domestic violence is seen as secondary to the high importance placed on children having access to both parents.

By Peta Preston and Sharon Gyde

## ***DVRC's Training Room***

Located at "The Precinct" 2nd Floor, 12 Browning Street, West End.

The training room is a private, well equipped space that is perfect for staff or committee meetings, training sessions or workshops. Facilities include seating for up to 30 people, Overhead Projector/PowerPoint Projector system, Electronic Whiteboard, Tea and Coffee making facilities.

Very reasonable rates apply and concessions are available to unfunded groups that share the vision of the DVRC Inc. If you are interested please call 07 3217 2544 or e-mail [admin@dvrc.org](mailto:admin@dvrc.org)

## Advocacy - Can we or can't we?

Over the past few months there have been both public and private discussions about how non government organisations can be effective in the role of advocacy. The discussion about whether government is silencing organisations by the contractual arrangements which govern the funding to the non government sector has been one which has been reported in the media and voiced at public forums.

The service agreement between the Domestic Violence Resource Centre Inc. (DVRC) and Department of Communities does not have any clause which prevents the organisation from engaging in public debate. The experiences of DVRC and its engagement in policy development has been more impacted on by the quality of the relationships between organisations, and with government rather than the nature of the service agreements. Personally, I think governments everywhere are sensitive to criticism and we should not confuse that with advocacy. This does however highlight an important issue about how the power imbalance between government and non-government agencies is recognised and where protection exits in times of disagreement and conflict for non-government agencies.

The issue about advocacy and funding are complex and we need to revisit the processes that are available to non-government agencies to advocate. We live in a democracy and individuals and organisations do have the right to speak out and advocate. Advocacy exists in a competitive environment and politicians represent a constituency that is not homogenous - there are so many resources. The view of the community and of non

government agencies are not homogenous. It is therefore important that we are committed to enabling with and to funding bodies.

This enables the policy which determines how programs responsible for the distribution of funding through to the delivery of services in government, community and private organisations can be more informed.

It is also important for organisations to contribute to the policy which governs how organisations can deliver services which is often at the heart of advocacy for peak organisations.

One of the barriers for effective advocacy is the lack of clear and agreed upon processes of participation by organisations to develop a position and to place the position at the table in a timely and useful manner with all stakeholders – that is within the community sector and between government and the sector.

There has been a tendency for the advocacy process to reflect an adversarial process, where debate is characterized by a win/lose framework. However, effectively advocating for social change can only come about when there is a process of intentional dialogues that can lead to a number of positions or options existing. Who determines when and what is an important issue to discuss? Government consultation can be one way for discussion to occur, but what about issues which are outside the arenas where consultation is decided on by government? The challenges of non-government organisations to be effective advocates are many, but service agreements and consultations processes with government are not the determining factors and nor should they be our only focus.

The effectiveness of advocacy is

often judged by whether government adopts a position put forward by an advocate. But the effectiveness can also lie within the way in which participants are educated and learn more about the other's reality or the social factors impacting on people's lives. The challenge is to keep the discussions alive, to keep the conversations going so that we can all learn and move towards addressing the social and personal circumstances which disrupt people's lives and challenging the social and economic participation in the community. Advocacy requires participants to have a lot of belief that advocacy itself is worthwhile even when results such as social change can't be clearly seen for the effort.

Domestic and family violence is an issue which we still need to keep our advocacy focused on all aspects of community life. There is still a level of ignorance in the community about the extent of sufferings caused and the impact of domestic violence on families and particularly on women.

The linkages between control and violence are still not fully understood by the family or criminal law courts, child protection systems, friends, relatives and acquaintances, to mention a few. Gender is still being dismissed with the violence being reframed as interpersonal conflict and dysfunction rather than an underlying attitude and assumption that women exist for the sole purpose of meeting the needs of men in an intimate relationship and that children are property to be fought over rather than lives to be nurtured and protected.

This is not to dismiss that other factors do contribute to violence in relationships such as the impact of drugs and alcohol and mental illness. Violence that is not acceptable but not always well described by the

power and control model are also present in domestic and family violence. These are all issues which definitely require our attention in how we intervene and how we address the violence that is so ever present in some peoples lives.

We cannot use only one analysis of violence to describe the impact on peoples lives. This is where our ability to engage with and listen to people who are affected is so important. Today, more than ever we need to be forming coalitions across social issues rather than a silo approach if we are going to be effective in our advocacy. The intersection between domestic violence and homelessness is one example as is domestic violence and child protection.

Our advocacy needs to be grounded in who it is we are representing. Whose voices do we bring to the table? What are our processes within our organisations of asking women and their families what they need? What are the resources that would assist them to be safe? How do we engage men or other person(s) to take responsibility for their violence? How do we inform policy makers?

As community organisations our advocacy should not be in conflict with service provision, but service provision should be such that we can advocate based on informed advice from those who access our organisations. It is not our role to write government policies, but it is our role to inform and advocate about the reality of life for the citizens that governments represent.

For government, the challenge is what processes can be offered to the community sector so as to listen and hear what we bring to continuously improve their policies, and programs and other responses? These processes have been hidden amongst the number of times the Departments themselves have to restructure and realign with government priorities. With the formation of a new Department of Communities we hope that some renewed focus to processes between government and non-government organisations will be possible so as to enhance our responses to people experiencing violence.

It is important for many of us to affirm our role as community organisations. We do not always only exist as a vehicle for government funding to provide

services. We exist also to provide a place where people can gather and participate at times when their regular networks and supports are disrupted. Community organisations can be a place to identify, to access emotional support, to learn and to access professional services. We provide in times of crisis a place for a person's basic needs: to be heard, to be validated, to belong, and to find shelter, food, clothing and safety. These outcomes are difficult to measure but they are present, valid and essential for a civil society. Thus, when we become frustrated during our advocacy process, we should stop and reflect and be proud of our place in the many neighborhoods and communities that we find ourselves engaged in.

Therefore, whether we work within government, as politicians or as community organisations or as individuals we should take every opportunity to advocate where ever we can and remember the saying from Margaret Mead, "Never doubt that a small group of thoughtful committed citizens can change the world. Indeed, it is the only thing that ever has....."

By Karyn Walsh  
Chairperson DVRC Inc.



Presents were handed out to the women and their children. Our sincere thanks go to **The Body Shop** and **The Lord Mayor's Trust** for their generous donations of gifts.

The Christmas Party was a great opportunity for the Service to celebrate with the women the achievements for the year and also for the women to meet each other.

Above: BDVAS proudly hung their banner.

Right: Tamara, Children's/Admin Worker handing out presents.

## ***Brisbane Domestic Violence Advocacy Service Christmas Party***

BDVAS held their annual Christmas Party on the 20th December 2004. Women and their children enjoyed a b-b-q lunch at Southbank Parklands. Approximately 20 women and 25 children enjoyed themselves at the party.



## Case Study

For the purpose of this case study the names have been changed to protect the individuals identities.

### PERSON SUBJECTED TO VIOLENCE:

Olivia is an Anglo Australian woman who is 27 years old. She has three children aged between 13 and 5 years of age. Olivia was in a spousal relationship with Darren from the age of 16 for approximately seven years. Olivia was subjected to ongoing violence and abuse throughout the relationship. On presenting to BDVAS for assistance and support, Olivia and Darren had been separated for approximately four years. Although Olivia and Darren were separated the violence was still continuing, mostly during contact change over with the children. Olivia has a protection order and assault charges pending against Darren. Darren has been convicted with numerous charges of assault occasioning grievous bodily harm and has served time in jail as a result.

### PRESENTING ISSUES:

Olivia contacted BDVAS seeking assistance with a number of issues relating to domestic violence and residency/contact arrangements with her children. When initial residency/contact orders were made, Olivia had agreed to allow the children to reside with Darren. Following an assessment with BDVAS, Olivia had stated that she felt that she had no choice but to agree to the children living with Darren, as she was self represented and was fearful of what he might do if she did not agree. As a result of this, and concerns about the children's welfare and safety whilst in the care of Darren, Olivia had recently made an application to the court for residency of the children to be given to her. Olivia also wanted information and advice in relation to securing accommodation in a safe location. Securing accommodation had become difficult for Olivia. She had been listed on 'TICA', the tenancy database, due to previous tenancies in which the property had been damaged as a result of Darren's violent behaviour. Olivia was also seeking assistance from BDVAS regarding her legal options. Olivia wanted information on how to report a breach of the Domestic Violence Protection Order.

### ACTIONS BY ADVOCATE: STAGE ONE: INTENSIVE SUPPORT AND ADVOCACY

Following the initial assessment with Olivia, the Advocate developed a case plan, which highlighted the issues identified by Olivia. The Advocate provided initial crisis intervention and support to Olivia to apply for urgent interim residency and recovery orders for the children. The children had a large amount of unexplained absences from school, were often sent to school in dishevelled/dirty clothes with no lunch, had no fixed address and at times were sleeping in a car etc. It was concerns about these issues along with a recent event in which one of the children was physically injured whilst in the care of Darren, which prompted Olivia to make an application for these orders. The Advocate also arranged refuge placement for Olivia and her children, upon their return to her by the Federal Police, as there were significant safety concerns for them.

Due to child protection concerns, which Olivia had about the children whilst in Darren's care, Olivia decided to notify the Department of Communities. The Advocate organised a meeting between Olivia and the local area office of the Department of Communities and attended this meeting with her. *Cont next page*

The Advocate provided information to Olivia on accessing housing. The Advocate liaised with a number of housing services on Olivia's behalf including the Department of Housing, Micah and Brisbane Boarders. From these negotiations the Advocate was able to secure permanent accommodation for Olivia in a safe location. The accommodation was a three-bedroom home, which made it an appropriate residence for her and her 3 children.

The Advocate also attended a meeting with the Social Worker at Centrelink to ensure that Olivia received the financial assistance that she was entitled to.

The Advocate linked Olivia in with Legal Aid so she was able to receive assistance with her Family Court matter. The Advocate attended and provided support at relevant meetings and court appearances with Olivia. At the interim hearing Olivia lost residency of the children to Darren, pending the outcome of the trial, which was scheduled for a few months time.

### **STAGE TWO: FAMILY COURT SUPPORT AND ADVOCACY**

As part of the Family Court matter, Olivia was requested to attend a meeting with an independent court report writer. An Advocate attended this meeting with Olivia and supported her and her children through this process. This process was extremely distressing for Olivia as Darren was present in the waiting room at the time of her appointment. It seemed that the report writer gave little consideration to the issue of domestic violence throughout the relationship or for the violence that was still continuing.

BDVAS provided ongoing support to Olivia during the 4 day Family Court Trial.

Olivia found the Family Court process frustrating and felt that it too, had failed to take into consideration the domestic violence that she and the children had experienced and were still experiencing. During the Family Court Trial Olivia's credibility was tested and her ability to parent adequately was questioned. During the trial a number of incidences occurred in which the children were distressed in relation to Darren's behaviour/actions, and it was their request that they return to their mother's care.

The final decision by the Judge did not happen for several months after the trial had ended. The Judge made an order in Darren's favour, to maintain full residency of the children, and that contact change over was to occur at the mother's house.

### **OUTCOMES FOR PERSON SUBJECTED TO VIOLENCE:**

- The Advocate secured permanent accommodation for Olivia.
- BDVAS linked Olivia to relevant services that could provide her with the support and assistance she required in relation to her experience of domestic violence. These services included: counselling services, Qld Police Service and legal services.
- BDVAS provided ongoing emotional and practical support to Olivia during the Family Court process, along with intensive court support during the trial.

BDVAS will continue to offer support to Olivia in relation to the Family Court appeals process.