

Out of the Frying Pan and into the Fire

Women's experiences of the
New Zealand Family Court

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Acknowledgement

Backbone acknowledges and thanks all of the women who participated in the Family Court survey. They made this report possible. We acknowledge and admire their courage, time and energy. For many women, this was the first time they could openly talk about their experience in the Family Court and for some it was very triggering. We hope that in bringing the issues in the Family Court to life in this report, women who experience violence and abuse are safer as a result. Kia kaha

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Executive Summary

Backbone believes one of the primary objectives of any system response for women and children who have experienced violence and abuse should be providing the opportunity and support to help them safely rebuild their lives. When women experience violence and abuse they may reach out to 'the system' to protect them and keep them safe. The Family Court is a critical part of the response system that women may rely on following separation for protection and further safety.

The women who participated in this survey reported serious negative outcomes from being involved with the New Zealand Family Court. Women told us that even though initially they went to the Family Court after separating from an abuser seeking protection and safety they now wish they had never done so. For these women, the Family Court has become the new abuser and many have told us it is worse than the abuser. They have been unable to rebuild their lives as they are trapped in Family Court proceedings for years. During this time they continue to be exposed to violence, abuse and associated trauma and they are unable to 'move on' in any way.

Women told us that the Family Court actively undermined their and their children's safety in a multitude of ways. They described the Family Court as somewhere where their experience of violence and abuse was not believed, was minimized and not responded to, where their abuser was seen as safe and any risk to them and their children was neither assessed nor considered. Some women talked about experiencing discrimination and Māori women reported racism. Women went to the Family Court often seeking protection for themselves and their children but once they found that their children were not listened to and were subsequently placed in unsafe situations. Women told us of being wrongly accused of a range of things that impacted negatively on decisions being made about them and their children's lives.

Women's harmful experience of the Family Court was made much worse because of the compounding effect of time spent in court proceedings, the increasing financial burden and the multiple health impacts. They identified that there was no logical start or end point in the proceedings; once they got involved in the Family Court they found it impossible to get out. Many said they were just 'hanging out' until their child turned 16 and they no longer had to be involved.

Women told us that it was the 'system's' response (the Family Court) that put them and their children in more danger after leaving an abusive and violent partner—not *always* the violent and abusive ex-partner or family/whanau member. Consequently, the system that is supposed to keep women and children safe when they experience violence and abuse made them **less** safe not more so.

Given this report contains overwhelmingly negative feedback from so many women and that there is such consistency in their experiences in the Family Court, we assume the information contained in this report will be of grave concern to the New Zealand public and those in authority – those who are responsible for ensuring the Family Court is safe and effective for women and children who have experienced violence and abuse.

Backbone believes the only way to determine whether the failures women are telling us about in the Family Court are accurate and systemic is to conduct a Royal Commission of Inquiry into the New Zealand Family Court. A Royal Commission of Inquiry is the only forum where the women and their families or whanau would feel sufficiently safe to tell their stories, where witnesses with specialist insights into the workings of the Family Court could share their views in confidence and where all their court documents (transcripts, reports, minutes and orders) and procedures can be independently reviewed.

With the majority of the 500 women who shared their experiences of the Family Court for this report telling us that the New Zealand Family Court makes them and their children less safe, leaves them with multiple crippling health conditions and prevents them from rebuilding their lives (and those of their children) - surely those in authority must now listen and take immediate action?

This Family Court survey found:

- All of the women taking part in the survey had experienced forms of violence and abuse and 50% told us they experienced litigation/legal-abuse.
- Wahine Māori are more likely to experience racism and find that cultural beliefs and practices are not comprehended in the Family Court.
- 417 women said their experience of violence and abuse was not believed or responded to, was minimised, or was not accepted into evidence.
- 83% of women told us the Family Court treated their abuser as safe.
- 58% of women attending Family Court-related appointments, fixtures, or hearings have been threatened, intimidated, or physically assaulted by their abuser.
- 93% of women do not feel psychologically or physically safe when the Family Court forces or coerces them into joint activities with their abuser.
- 155 women said the Family Court had forced their child/ren to spend time with the abuser. All of these women were worried about their child's safety while in the abuser's care.
- 107 women have been denied a support person in court or mediation.
- 166 women have been abused by a Judge, a lawyer, a psychologist (or other official person) while in the Family Court.
- 233 women were wrongly accused of being mentally unwell/unstable in Family Court proceedings.
- 120 women have been ordered by the Family Court not to talk to their child about the violence and abuse - thereby forcing women and children to pretend their trauma does not exist.
- 84 women have been ordered by the Family Court not to talk to others about what is happening to them in the Family Court.
- 50% of the 'gagging orders' against women were initiated by the Judge or the Lawyer for Child.

- 300 women have been traumatised by Family Court proceedings.
- 93% of women have suffered negative health impacts because of how they have been treated during Family Court proceedings.
- 19% of women have been involved in Family Court proceedings for between 7 and 22 years.
- Women are up to \$500,000 in debt due to having to fund their Family Court proceedings.

Introduction

Backbone thinks the primary purpose of the Family Court with respect to any cases of violence and abuse should be to ensure the victims are made safe and supported to rebuild their lives and the perpetrators are held accountable for their behaviour. Backbone has been set up to give women a safe way to tell those in authority how the system responded to them when they experienced violence and abuse. To achieve this objective, we create specific online surveys and create reports to share those voices with New Zealanders. We designed a survey for women to tell us about their experience of the Family Court in New Zealand. In this first Family Court survey report we focus on what women told us about how the Family Court impacted, positively or negatively, on their and their children's, safety and to what extent being involved in the Family Court has helped them and their children rebuild their lives free from violence and abuse. There will be more reports released in the coming months focusing on a range of issues in the Family Court that women have told Backbone about.

The aim of the Family Court Survey was to give women an easy, safe, and anonymous way to say how the Family Court experience was for them and if they did not use it - why not. Backbone set out to gather as many women's experiences as possible. Our goal was to provide consumer feedback for Judiciary and those who work in the courts and Ministry of Justice to help those in authority to continually improve and ensure the safe running of the Family Court.

Backbone received 612 valid responses to that Family Court survey. This survey report is the first of a series. The Backbone Collective will produce with the information collected from women who have experienced violence and abuse and completed the Family Court survey.

Women have generously and bravely shared their experiences of the Family Court with Backbone so that we can let those in authority, the public and the media know about what it is like to be a woman who has experienced violence and abuse going through the Family Court. Women are desperate for their voices to be heard.

Never before has the Family Court in New Zealand had access to such a large group of service users' experiences. Backbone hopes those in authority treat this taonga with the respect and dignity it deserves.

The Backbone Collective

The overall purpose of the Backbone Collective is to enable women to safely tell the Government, the media, and the public about how the 'system' responded to them when they experienced violence and abuse, and how they need it to respond in order to be safe and rebuild their lives.

Violence against women is everybody's issue; it goes against women and children's right to be safe and it impacts heavily on individuals, society and the economy. Therefore, when violence against women happens, New Zealand needs a response system that has the biggest and most positive impact on as many cases as possible. We need a system that holds abusers accountable for their violent/abusive behaviour and keeps victims safe by wrapping a joined-up system around them to do everything possible to reduce the immediate and long-term effects of the violence/abuse. If this was done we

would not only reduce the incidence of violence against women (and their children) but reduce the incidence of many other linked social issues and reduce the economic costs. Violence against women is a complex social issue and single 'bright ideas' will have little impact on reducing the prevalence or impact. People who have written about how to tackle complex social issues have said that often information is not available that helps us know what to do to fix the problem and so a continuous improvement framework is essential – that is, the system needs to continually listen to the people who use it (or who could use it) and make any changes required for it to operate efficiently and safely for its users.

Backbone's mission is to help facilitate the continuous improvement of the system that is designed to respond to women when they experience violence and abuse by giving women a safe and anonymous way to share their experiences and insights. We believe the system needs to be accountable for how it responds to its users and in our effort to encourage accountability, Backbone will:

1. run an ongoing series of secure, online surveys to collect anonymous feedback from as many women who have experienced violence and abuse as we can reach and present the voices of women in a collective way so no individual can be identified
2. act as a watchdog of the Government, the legal system and all agencies working within the response system by conducting close-up assessments of specific issues that have bubbled up from communications we have had with Backbone members and by tracking and reporting on whether any action has been taken to address the problems already identified by the Backbone members or from other reports.

Background

The Backbone Collective was launched in March 2017. Prior to launching, 156 women who had experienced violence and abuse had told us that the first issue they wanted Backbone to collect their feedback about was the Family Court.

On 7 April 2017 Backbone released its first Watchdog report – All Eyes on the Family Court.¹ The report was based on the voices of 10 women members who collectively submitted 160 questions for us to pass on to the necessary authorities via the Watchdog report. We found a significant commonality in what the 10 women were saying in their questions and what many other women were telling us in their email and Facebook messages.

At the same time as releasing the Watchdog report we publicly released a survey on the Family Court and invited New Zealand women to participate in it.

Since Backbone launched and the Watchdog report was released, women have been joining Backbone in their hundreds and confirming and validating the issues raised in that report via their many communications. Members have told us they have been using the Watchdog report to educate people around them including staff in schools, social workers and friends and family.

¹<https://static1.squarespace.com/static/57d898ef8419c2ef50f63405/t/58e696a21e5b6c7877e891d2/1491506855944/Backbone+Watchdog+Report+-+Family+Court.pdf>

There was some media attention at the time the Watchdog report was released. The responses from Principal Family Court Judge Ryan, The New Zealand Law Society and Minister Amy Adams included three common themes to try and dismiss or minimise the women's questions:

1. The questions were based on the concerns of only 10 women, inferring they were therefore not of major concern.

This report is based on feedback provided by over 600 women who completed Backbone's Family Court survey. We are confident that the feedback detailed in this report (and other reports to follow) will make it very clear that the New Zealand Family Court has not kept women and their children safe and in many cases, has placed them in more danger from violence and abuse. The responses we have received have validated and added more weight to themes identified in Backbone's first Watchdog report 'All Eyes on the Family Court' and raised *more* issues. Wherever possible we have aligned the information gathered from the Family Court survey with the themes we used in the Watchdog report, to show how closely the two reports are aligned.

2. The information was not gathered in a scientific way i.e. was merely 'anecdotal evidence'

It is important to note that Backbone's surveys and other feedback gathering mechanisms are not intended to be or designed as scientific *research*. Backbone reports the raw voice of the women members. As explained in the following section Backbone members are providing feedback as part of what needs to be in place as a continuous improvement process for the system responding to violence against women. Backbone is merely giving women a safe way to tell those in authority (including the public and media) how the Family Court experience was for them.²

3. The report wrongly inferred that the Family Court was closed and unaccountable and therefore lacked public scrutiny.

In the coming weeks, Backbone will be releasing its second Watchdog report examining the avenues available to women to complain or appeal their experiences in the Family Court, and to ensure public oversight of judicial decisions and processes of the Family Court.

The Survey

The survey was drafted by Backbone based on our knowledge and experience of the Family Court in New Zealand and on what numerous Backbone members had already shared with us. The draft survey was pre-tested by six Backbone members³. The input from these six members provided more context and detail and changes were made accordingly. The survey questions were then built into the 'survey gizmo' software and re-tested on five new women.

The final survey was extremely comprehensive, (108 questions in total – but not all questions were relevant to all survey respondents).⁴ The survey was open to women aged 15 and over who had experienced violence and abuse. Women could participate whether or not they had taken part in Family Court proceedings. We wanted to gather information from women who had not used the Family Court

² Over time Backbone will systematically gather women's feedback on other parts of the system

³ Not the women who authored the questions for the Watchdog report

⁴ A list of total survey questions is appended to this report.

about why not and also learn what their expectations from a well-functioning Family Court system would be.

Women were free to answer as many or as few of the questions as they chose (in addition to the small number of required questions).⁵ Backbone made a deliberate decision to accept partial responses from women knowing that for many women their ability to answer the whole survey would be limited by time, trauma responses and fear of speaking out. We offered women the opportunity to take the survey over the phone with one of the Backbone Co-founders.

To ensure as many women as possible had the opportunity to take part in the survey Backbone made it available on our Backbone’s website, on our Facebook page and in media interviews we urged women to fill in the survey. We further promoted the survey through Facebook advertising to ensure we reached women who might not already be members or connected with other women who were members of Backbone.

The survey was open for a month before the responses were drawn down for compilation and analysis. There were an unexpectedly large number of invalid surveys - we assume, because people who were not women who had experienced violence and abuse were going into the survey for a look but not completing the questions. Once these invalid surveys had been removed we were left with **612** valid responses.

About the Women who Participated

The sheer numbers of women who took part and their comments in the survey, Facebook messages and emails show us that the women who took part had a lot to say and were extremely grateful that someone was finally asking them about how the Family Court was operating for them and their children.

All 612 women who responded to the survey had experienced violence and abuse regardless of whether or not they had been involved in Family Court proceedings. Therefore, all feedback in this report needs to be considered within the context of violence and abuse.

Table 1: Survey participants use of the Family Court N = 612

Women who had used the Family Court	496
Women who had not used the Family Court	116
Total valid survey responses	612

⁵ Throughout this report we have made it clear the numbers of women who have responded to each of the questions.

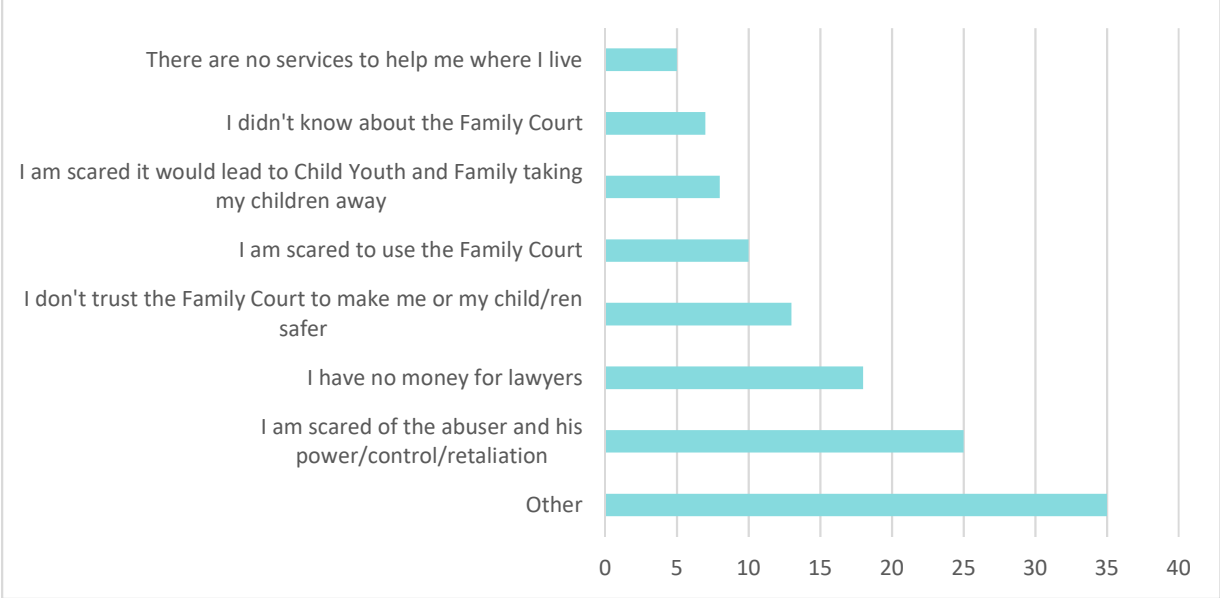
The women who participated in our survey did not represent a uniform group – their experience of violence and abuse was the common factor. Women took part in the survey from a range of age groups, regions and ethnicities as outlined below. Some women who took part in the survey had not used the Family Court and some had.

When women did use the Family Court we learnt from their responses that their pathway through the Family Court differs and these are not predictable in any way. These women were not all going through the same processes in the same sequence with the same professionals/parties. Some women initiated applications to the Family Court, some were forced to participate in response to applications made by their abuser. Some women had Child Youth and Family involvement in their case, others did not. Regardless of the pathway into and through the Family Court, or the ‘parties’ involved, the women’s experiences became largely beyond their control.

Women who have not been part of Family Court proceedings

Backbone was interested to find out from women who had not been involved in Family Court proceedings why this was so. There were 116 women who had not gone through the Family Court. We asked these women why they had not used the Family Court even though they had all experienced violence and abuse. Seventy-six women told us of a range of reasons for this. The majority were related to women’s fear of their abuser, fear that the Family Court would not make them and their children safer and that they could not afford legal fees.

Figure 1: Reasons women have not used the Family Court N= 76⁶



⁶ Women were able to choose as many options as they thought applicable.

Thirty-five women ticked 'other' and gave reasons for their lack of involvement with the Family Court.⁷ The main themes in their answers were:

- living overseas at the time of their separation
- not having children with the abuser
- feeling that they did not have enough evidence of the abuse and violence to risk going to the Family Court (had experienced emotional or psychological abuse rather than physical)
- thinking it would be a waste of money
- it happened a long time ago when services were not available to help
- feeling too scared
- made a private agreement so did not need Family Court.

Women in Family Court Proceedings

The women who had been involved in Family Court proceedings had different routes into and through the Family Court proceedings. Some had CYFS involvement, others did not. Some had sought an order from the Family Court, others were defending applications made by their abuser. Many of the women who responded to the survey (168) have current proceedings before the Family Court and a further 13 feel that fresh proceedings could be started at any time.

Many of the women in our survey went to the Family Court seeking protection from a violent and/or abusive partner or family/whanau member. Of the women who had been through the Family Court 347 women had made an application for a Protection Order. Of those who applied for a Protection Order just over three quarters were granted one. However, 54% of the women granted a Protection Order reported that they do not feel safer as a result. As part of applying for a Protection Order many women were then forced into parenting order proceedings or their abuser defended the order and women told Backbone the subsequent decisions put them and their children in ongoing Family Court involvement and dangerous positions.

Women are unable to control the abuse even when they are no longer in the relationship with the abuser. Separating from an abuser alone does not guarantee women and their children safety. Overwhelmingly our survey participants had separated from their abuser (94%) although 38% reported not feeling safer as a result. There are likely a number of reasons for them not feeling safer including violence and abuse continuing, lack of response from services when they call for help and/or being forced into contact with the abuser against their wishes such as at access change over times (often ordered by the Family Court).

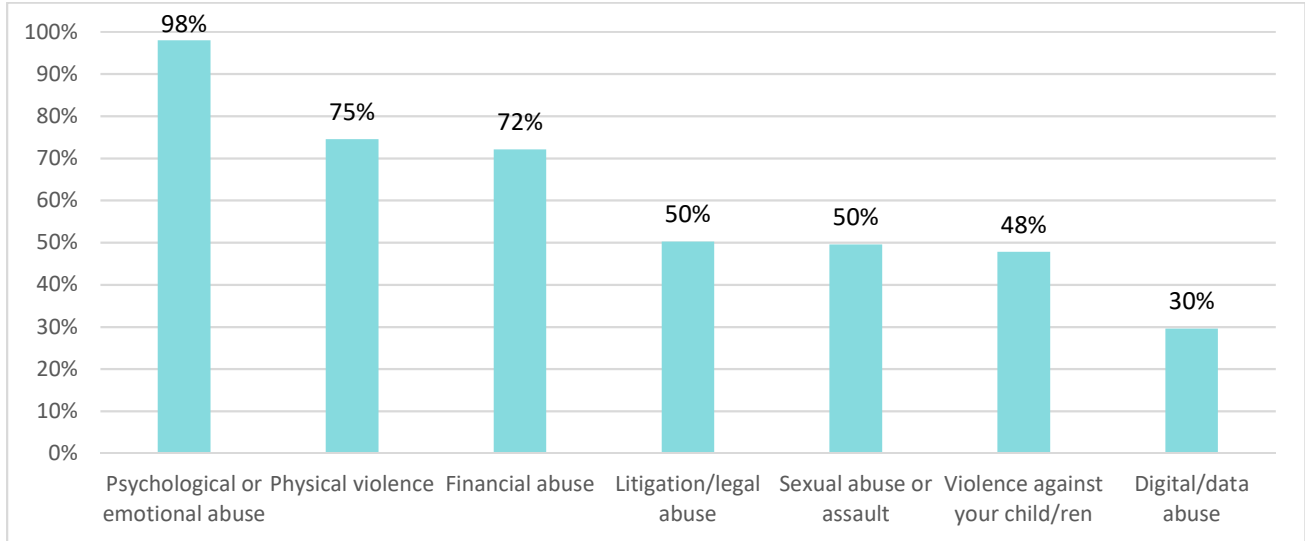
Types of abuse women have experienced

Women reported that they had experienced a range of types of abuse as shown in Figure 2. Please note that because most women experience multiple forms of violence and abuse they were able to choose as many from the dropdown list as applied to them. The types of abuse listed are mostly covered in the

⁷ Seven women who ticked 'other' also ticked one of the dropdown options. Twenty-eight gave their reason only in the 'other' text box

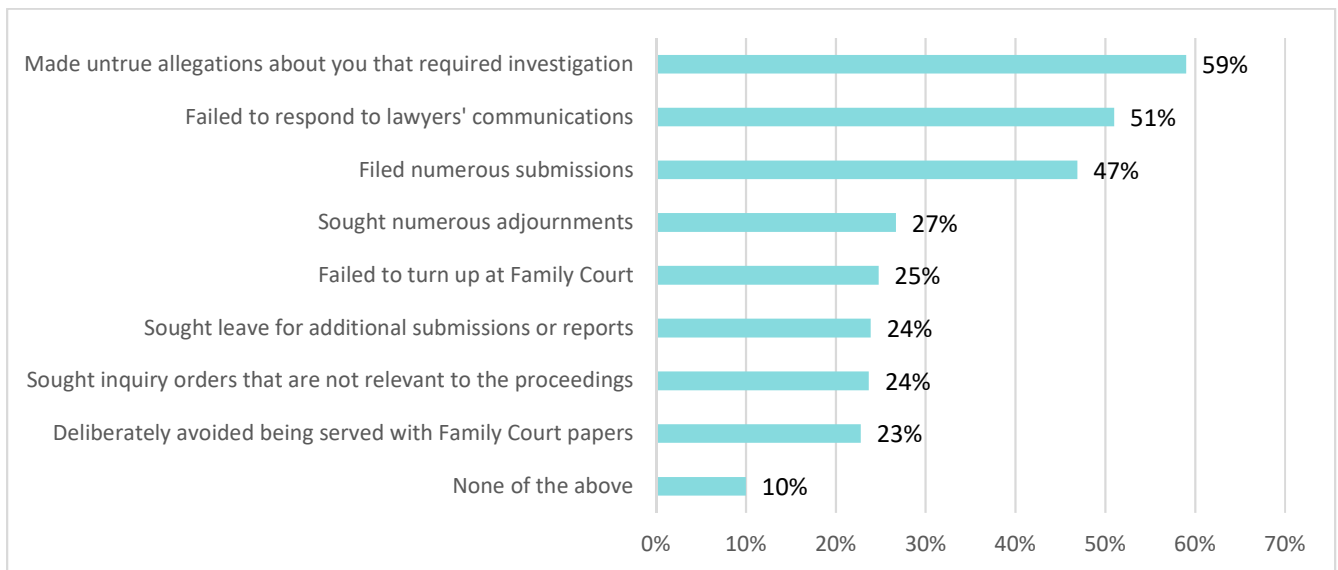
Domestic Violence Act 1995 excluding litigation abuse and digital data abuse. The Family and Whanau Violence Legislation Bill currently before parliament does include an insertion for digital abuse.

Figure 2: Types of abuse experienced N=609⁸



Using the Family Court to abuse women post separation is called litigation abuse. Litigation abuse not only includes the use of ongoing applications to the Family Court, it also involves a range of tactics used by abusers against women during court proceedings. Women described a range of tactics abusers use as part of litigation abuse (see Figure 3). Only 10% of women said their abuser had used none of the tactics we listed as possible options.

Figure 3: Behaviours abusers used in Family Court proceedings N = 439



⁸ Data/digital abuse was more prevalent in the 15-35 year age group (37.9%) compared to in the 56 years plus (15.9%)

Participant demographics

Figure 4: Age of survey participants N=609

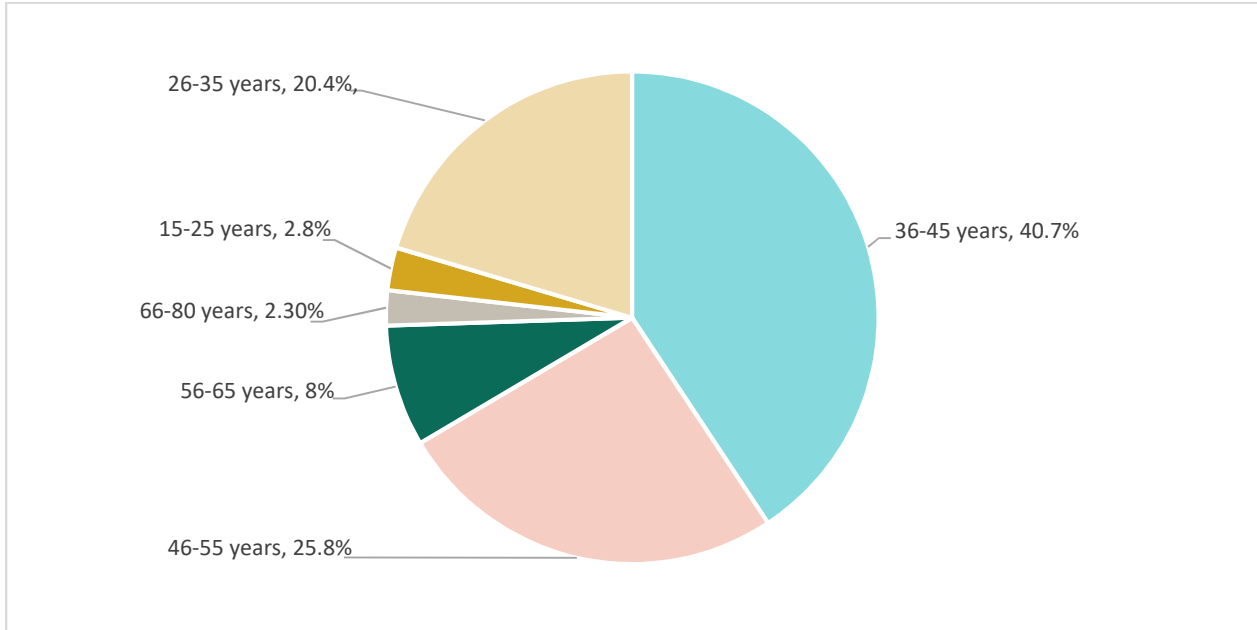
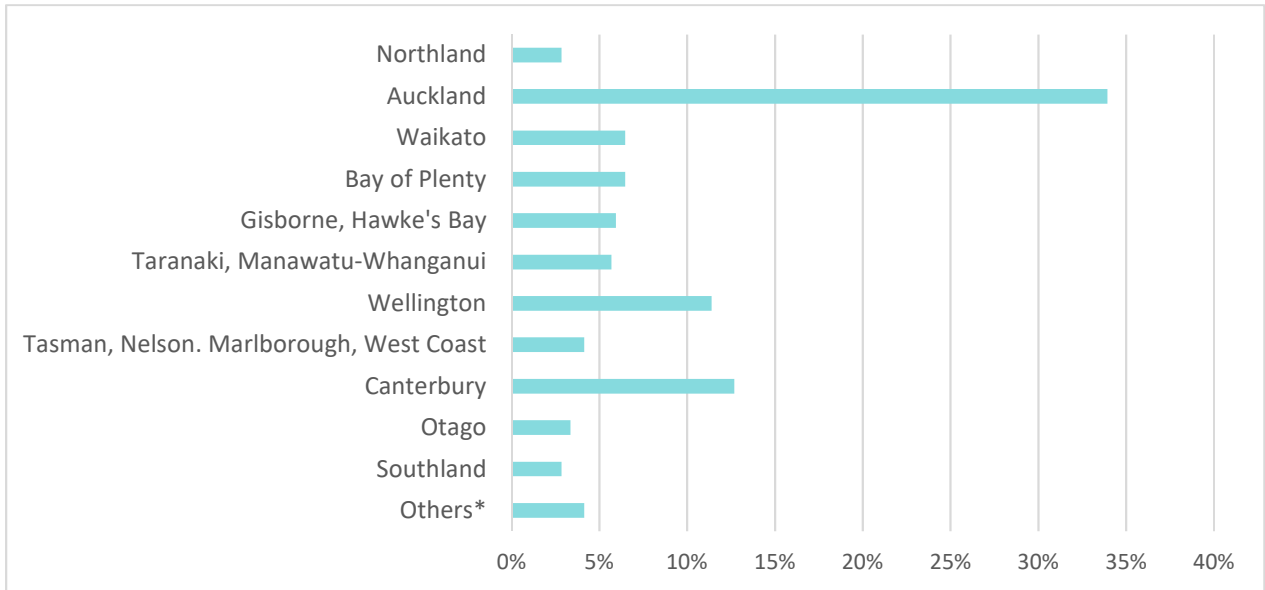
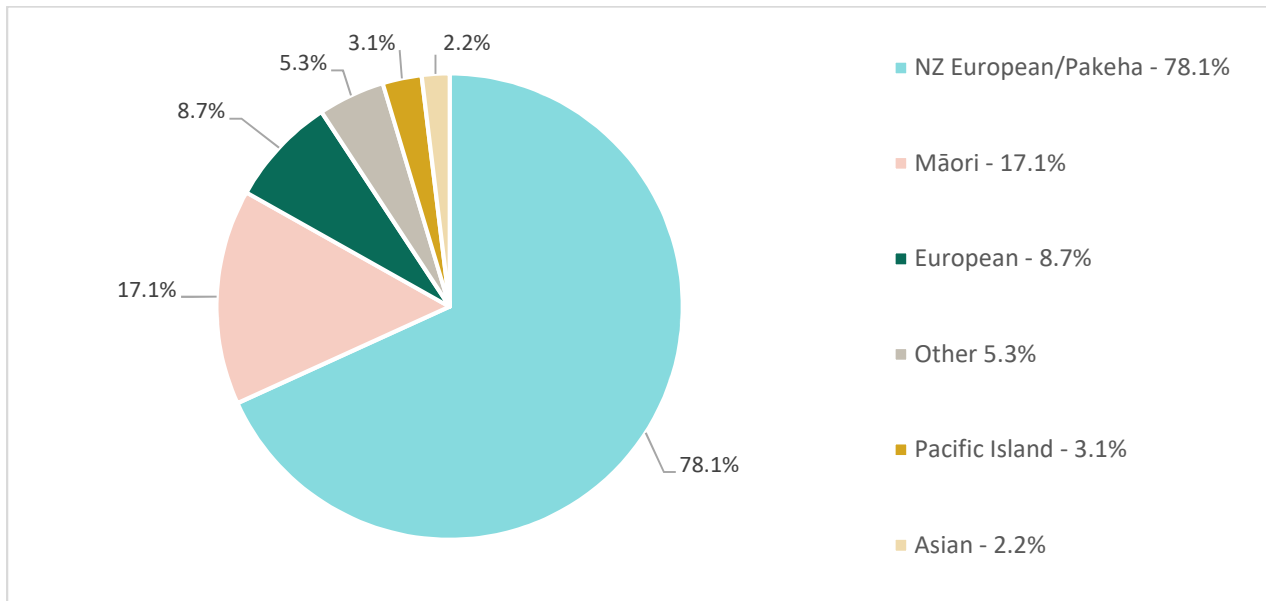


Figure 5: Regional spread of survey participants N=386



* Others include women no longer living in NZ and women living in hiding

Figure 6: Ethnicity of survey participants N=475



Women’s Experiences of the Family Court

In the following sections, we report on the feedback from the 496 survey participants who have used the Family Court and how the Family Court affected their safety and their ability to rebuild their lives. We found that regardless of age, region they live in or ethnicity the survey participants’ experience of the Family Court were extremely similar, except where otherwise noted in the report. The issues raised in All Eyes on The Family Court Watchdog report⁹ are mirrored and validated by the feedback from these 496 women. Please refer to footnotes for the corresponding issue highlighted in the Watchdog report.

Wahine Māori

Backbone is committed to the principle of the rights of Māori as tangata whenua and believe the Te Tiriti o Waitangi principles of governance, sovereignty and equality should be reflected at all levels of the response system. We are committed to ensuring that wahine Māori survivors can participate safely and equitably in Backbone. We are aware that Māori women are at risk of experiencing institutional racism and inequitable treatment and outcomes in every part of the system response. For this reason, all survey reports that Backbone produces will include a dedicated section examining the extent to which wahine Māori have a different (better or worse) experience than Tau Iwi women. Backbone wants to ensure that we are not presenting women’s voices as one unified voice if there are differences inherent in the women’s experiences.

Backbone Collective is voluntarily staffed by two Pakeha women. We understand that our world view is inherently different to that of Māori women due to our experience of privilege in New Zealand society. Even though we try to remove our privileged lens when we write a report like this, we know that aspects

⁹<https://static1.squarespace.com/static/57d898ef8419c2ef50f63405/t/58e696a21e5b6c7877e891d2/1491506855944/Backbone+Watchdog+Report+-+Family+Court.pdf>

of our experiences blind us to ‘truths’ for Māori women. We hope that in future we can build reports based on Māori women’s particular experiences that are informed and created in partnership with them. This is a first step towards uncovering what is happening in the Family Court for Wahine Māori – we know there is much more to be revealed.

Wahine Māori are more likely to experience racism and find that cultural beliefs and practices are not comprehended in the Family Court

There were 71 wahine Māori who chose to take part in the survey. The ethnicity demographic breakdown shows that 17% of our survey participants were Māori and that is slightly above the estimated resident Māori population of 15.4%.¹⁰ However we are also aware that Māori women are highly represented in the justice system either in the Criminal Court, Family Court or with Child Youth and Family involvement and that there will be many more Māori women with stories of the Family Court still to tell. We compared the responses we received from Māori and Tau Iwi¹¹ for each survey question. In all except two areas we

found remarkable consistency between Māori and Tau Iwi women’s responses to the questions and in the comments they made. That is – Māori women and Tau Iwi women share almost identical experiences in the Family Court.

There were two areas of significant difference. Twenty-one percent of wahine Māori reported experiencing racism compared to 8% of all Tau Iwi women. Similarly, 24% of wahine Māori told us they felt the Family Court had failed to comprehend the importance of cultural beliefs and practices, compared to only 5% of Tau Iwi women. We were not surprised by this difference as the majority of Tau Iwi were Pakeha/European (78.1%) and therefore were highly unlikely to experience racism as they represent the dominant culture in New Zealand.

One further difference between Māori and Tau Iwi women related to how their abuser used the Family Court. Fewer wahine Māori reported that their abuser had taken out applications in the Family Court (29%) compared with Tau Iwi women (41%).

Backbone will follow up with a report in the future to uncover more information about the ways in which wahine Māori experience racism in the Family Court and how it impacts on their everyday experiences. We understand that a survey approach may not be the most appropriate way to gather Māori women’s voices. We will work in partnership with Māori women who are part of Backbone to create a way that Māori women can feel culturally safe to participate with Backbone on future reports that are relevant to them specifically. We understand that there may be a different route into the Family Court for Māori women than Tau Iwi and we will be exploring this in the near future.

¹⁰http://www.stats.govt.nz/browse_for_stats/population/estimates_and_projections/MāoriPopulationEstimates_HOTPMYe31Dec16.aspx

¹¹ All others who were not Maori.

Safety

It is well known that separating from an abusive partner does not mean the abuse will stop. In fact, women tell us that the abuse gets worse at the time of separation and often continues for many years afterwards. The abuser usually adopts different ways to continue to abuse, control and intimidate their ex-partner after separation. Women are unable to escape the abuse even when they are no longer in the relationship with the abuser. Separating from an abuser alone does not guarantee women and their children are safe.

Overwhelmingly the survey participants had separated from their abuser (94%) although 38% of those who had separated reported not feeling safer as a result. Women who have separated from their abuser described a range of abusive behaviours from their abusers including being assaulted, threatened, verbally abused, belittled and made fun of, having him force his way into the house and deliberately not keeping to scheduled times of visits or drop-offs.

There are likely to be a number of reasons for women not feeling safer including violence and abuse continuing, lack of response from services when they call for help and/or being forced into contact with the abuser against their wishes such as at access change over times (often ordered by the Family Court). For 185 women, the changeover of the child(ren) for access between her and her abuser is one of the main opportunities the abuser uses to further abuse them.

When women experience violence and abuse they may reach out to 'the system' to protect them and keep them safe. The Family Court is a critical part of the response system that women may rely on following separation for protection and further safety. Women told us that the Family Court actively undermined their and their children's safety in a multitude of ways. In this section, we report on the ways women described the Family Court made their situation less safe rather than more so.

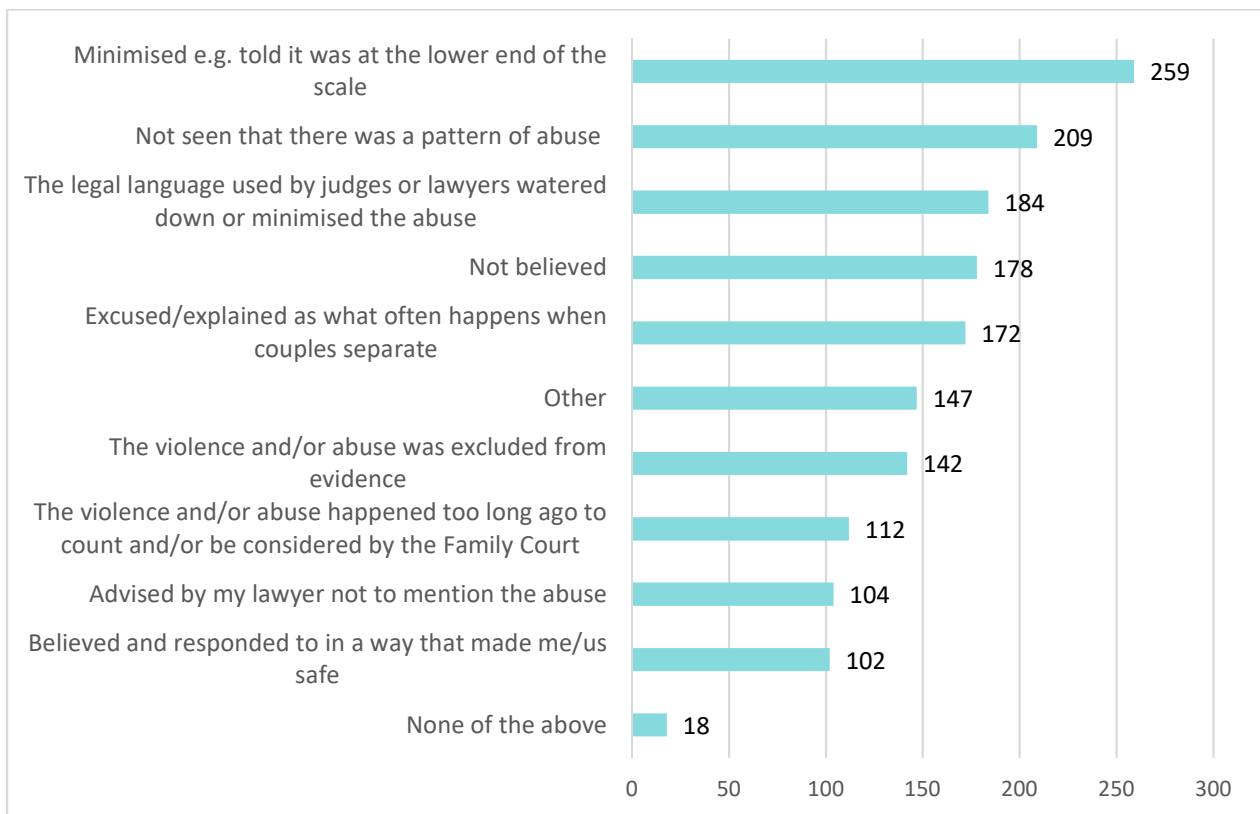
Overall, women identified that their abuser was able to use the Family Court to further their abuse of her post separation. Once in the Family Court their experience of violence and abuse was not believed or responded to safely. Conversely the women told us that the abuser was seen as safe by the Family Court, regardless of the fact that she had experienced violence and abuse from him, and in many cases, knew of violence against his previous partners and children. Women described how the minimizing of their experience of violence and abuse led to many decisions being made that placed their children in more danger. Women reported feeling that their children were not listened to nor represented appropriately at Family Court by those tasked with doing so. As a result, many women told us that their children were forced to spend time with the abuser against their wishes. The women worried about their children's physical and psychological safety during these times. Women also described feeling that no one believed or understood their experience of violence and abuse and practices were happening in the Family Court that were traumatizing and undermined their and their children's safety. Women detailed how untrue allegations were made about them in court which impacted on decision making when taken at face value. Women described how unsafe they felt at the Family Court and in being forced/coerced into joint activities with the abuser by the Family Court.

Women’s experiences of violence and abuse were not believed or responded to

Large numbers of women reported the Family Court is not taking their experience of violence and abuse seriously and responding appropriately, meaning that the Family Court failed to respond to their and their children’s need for protection.

417 women said their experience of violence and abuse was not believed or responded to, was minimized, or was not accepted into evidence

Figure 7: How the Judge and others in the Family Court respond to women’s experience of violence and/or abuse ¹² N = 481



¹² Three of the questions have had to be précised for this figure as they were too long. The full text of those three questions is:

- Not seen that there was a pattern of abuse, saying that it was only a few "minor" incidents, failing to acknowledge that these minor incidents add up to a lot of harm
- Excused/explained as what often happens when couples separate because everyone is upset and that over time when everyone has calmed down it will no longer be a problem e.g. separational violence, couple violence, situational violence
- Advised by my lawyer not to mention the abuse, that it would be better off if I don't mention the abuse in order to make progress

Eight-Four percent (417) of participants said that their experience of violence and abuse was not believed or responded to, was minimized, or was not accepted into evidence. Only 13% (62) of participants told us that the Judge and others (e.g. lawyers, psychologists) working in the Family Court had believed them and responded in a way that made them safer and didn't report negative experiences. A further eight percent (39) of women had had both positive and negative experiences. Fifteen women (3%) said that none of the multi-choice options we had provided were relevant to them.

The 147 women who selected the 'other' comment option told us about their experience of violence and abuse being minimised or ignored in the Family Court proceedings either by their own lawyer, Lawyer for Child, the court appointed psychologist or the Judge. These women talked about being belittled, being told they were too dramatic or hysterical, being told that their abuser's convictions happened too long ago to be relevant, that psychological abuse was too hard to prove, that the abuse had been dealt with because it happened so long ago, that the Family Court only considers physical abuse of children and not psychological, that the abuse was irrelevant that it didn't meet the threshold, that the abuse did not count because it happened to the mother and not the children, that the violence was an accident and not intentional, that it was unfair to make statements about abuse against the abuser, or that the violence and abuse was disregarded or ignored by the judge.

When presented with the statement, 'No one in the Family Court believed or understood my experience of violence and/or abuse and this has made it hard for me to discuss it or explain my situation in my applications/affidavit', 43% strongly agreed and 23% agreed with the statement.¹³

Abusers are seen as 'safe'

Conversely 392 (83%) told us that the Family Court treated the abuser as 'safe' even when the woman's experience of his treatment to her or the children showed that he was not safe.

All women who completed this survey recorded experiencing types of abuse as outlined in Figure 2. Women's perceptions that the abuser was not safe are based on their own experiences of violence and abuse and the abuser's treatment of other women and children.

83% of women told us the Family Court treated their abuser as safe

In many cases women involved in the Family Court were also part of Criminal Court proceedings as victims of their abuser's violence. In 124 cases (30%) the woman's (ex) partner had been charged in the Criminal Court for what they did to her or the children. Sixty-five percent (263) participants said they know that the abuser has hurt other previous partners or children. Seventeen percent (86) of participants answered yes to both these questions.

¹³ Note 492 women answered this question.

By combining the feedback on these two questions we are able to see that in 291 women (59%) said the (ex) partner has been charged in the Criminal Court for what he did to her or the children and/or that she knows he has hurt other previous partners or children). This corresponds with the 292 women who said there had been violence against their children (see Figure 2). These alarmingly high numbers surely adds weight to their experience that the abuser is **not safe**. We asked women to tell us the reasons they thought the abuser was viewed as safe (see Table 1).

Table 2: Reasons those working in the Family Court think the abuser is safe¹⁴

Psychological abuse is minimised by the Court	289
Manipulated Court officials e.g. judges, psychologists, lawyer for child	267
The Court thinks that the abuser seeing the child is more important than the risk they pose	267
Presents well in Court	237
The Court does not see that the abuse of me impacts on the children	235
The Court focusses on facts and not emotions i.e. how the child/ren and I feel	207
Those working in the Court do not understand violence and abuse	189
Has influence e.g. is a professional, has money	157
The judge and/or lawyers have made light of the children's fear of the abuser and what they have done or might do to me	149
The abuser's lawyer has used intimidation and harassment to pressure me to accept arrangements that I don't think are safe so it looks like I am OK about the arrangements but I'm not	145
The abuser has done a Stopping Violence course and so the Court thinks he or she will no longer be abusive to me or the children	133
Other	112
The Court says they can't predict violence	60

The women who selected the 'other' comment option told us they felt there was a lack of understanding about violence and abuse by those working in the court including a lack of knowledge about the impact and effect of psychological abuse. They also talked often about the abuser's position of influence or his connection to people of influence. Many told us that they felt the Judge and others

¹⁴ Three responses of 'none of the above' and two responses of 'I don't know' are not shown in the chart

inflated how credible the abuser was because they put the father’s rights to contact with the child over safety.

The risk is not assessed

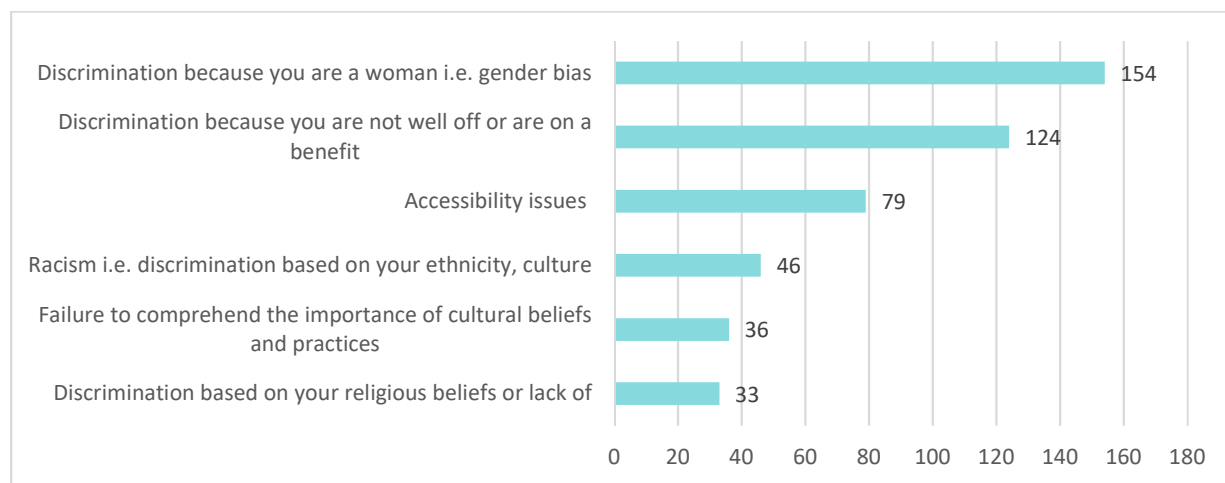
Given that all the women in our survey had experienced violence and/or abuse we asked them if the Family Court had undertaken a risk assessment to determine what risk the abuser posed to them and their children to inform decisions, directions and orders. Of the 449 women who answered this question only 10% said a risk assessment had been done in their case. Without any formal assessment of the risk the abuser posed to them and their children these women were left to try to ‘prove’ that the violence and abuse occurred and that they feared for the future safety of them and/or their children.

The way in which the ongoing risk to women and children was assessed (or not) has a direct impact on whether or not subsequent decision-making within the Family Court made her or the children safer. As a result of wrongly viewing the abuser as *safe* the participants told us that the Court went on to make orders that placed her and the children in greater danger.

There are discriminating practices in the Family Court

Women also told us that they had experienced discrimination by those working in the Family Court.

Figure 8: Discrimination experienced in the Family^{15 16}



Children are not listened to and are placed in unsafe situations¹⁷

As noted previously when outlining types of abuse experienced, **292** women told us that there had been violence against their children. Many of the women in this survey therefore sought orders from the Court that would protect their children – either as Protection Orders or Care of Children orders. We asked women if their children had been made safer through the Family Court process. Sadly only 45 thought they had been made safer and **206** said they had not.

¹⁵ Note – statistically reported by more Māori women (21%) than Tau Iwi women (8%)

¹⁶ Figures 8, 10 and 11 were part of one bigger question which had 449 women respond overall

¹⁷ The rights of children are not being upheld in the Family Court pg. 17 (All Eyes on The Family Court Watchdog report)

As part of the Family Court process in many cases the Court appoints people to present the child/ren's view to the court or make assessments on the current circumstances to assist in decisions being made e.g. Lawyers for Child, Court appointed psychologists or CYFs representatives. When we asked women if their children had reported that those officials had adequately presented the children's wishes and experiences to the court **226** women told us that those officials had not done so. The consequence of officials not listening to or presenting the children's views to the court often resulted in unsafe decisions being made by the court. Women (**155**) told us that in many cases those unsafe decisions made by the court meant that their children were forced against their wishes to spend time with the abuser.

We asked the participants how they felt about their children's safety and mothers reported being worried about their children's safety while they were in the care of the abuser.

- Most of the mothers of these children (91%) told us that their children's health, wellbeing and behaviour has been negatively affected by forced time with the abuser.
- Most of these mothers are concerned about their children's physical safety when they are in the care of the abuser (83%)
- All of the mothers are concerned about their children's psychological wellbeing while in the abuser's care.

Practices by those working in the Family Court undermined women and children's safety

All women participating in the survey reported experiencing violence and abuse and 48% said their children experienced violence and abuse. However, 65% of the participants did not think their experience of violence and abuse was understood by those working in the Family Court

Women told us about practices in the Family Court that were negative for them and their children including their safety being undermined, being discriminated against, and being further abused by those working in the Court. In this way women were describing abusive behaviours in the Family Court that mirrored their experience of abuse from their ex-partner.

Of great concern is that of the 448 women who answered this section of the survey, only 10% felt none of the dropdown list of negative and potentially harmful practices¹⁸ applied to them. One hundred and thirty-nine women (31%) selected one or more of the dropdown list and also provided more detail in free text form by selecting 'other'. This feedback has been used in the following subsections to provide context and explanation to the results in the charts.

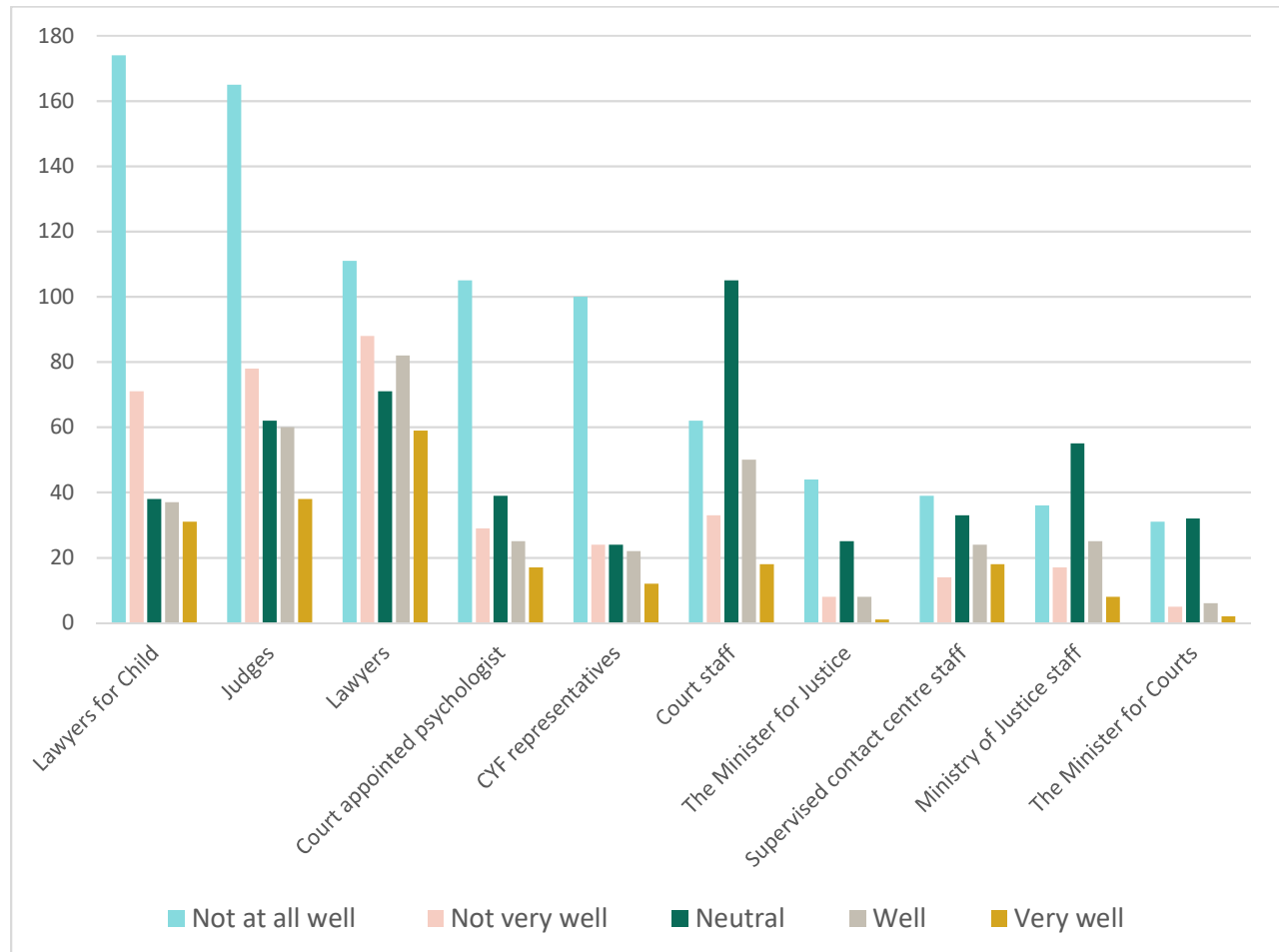
Many of those working in the court undermine women and children's safety¹⁹

We asked women to tell us how well those working in the Family Court have responded to their and their children's safety. In all but two categories (Court staff and Ministry of Justice staff) the survey participants mostly felt that those working in the court had responded 'not at all well' to their safety. Of significant interest is that the highest number of women identified Judges, lawyers and Lawyer for Child as responding not well or not at all well to their safety followed by Court appointed psychologists and Child Youth and Family.

¹⁸ See survey question 37

¹⁹ Mothers are being punished for trying to protect children pg.20 (All Eyes on The Family Court Watchdog report)

Figure 9: Responses to women and children’s safety by those working in the Family Court N= 427



Practices in the Family Court are further abusing women and children

Women told us that practices in the Family Court resulted in them suffering ill-treatment which further minimized their experiences of violence and abuse and placed them in greater danger due to resulting decision making. Women reported that they experienced abuse from Judges, lawyers and psychologists, were made less safe at Court e.g. being cross examined by their abuser and were unable to keep their children safe from further abuse due to beliefs of the Court that children need two parents regardless of presence of violence and abuse. We asked women whether they have ever been abused by a lawyer, a Judge or psychologist (or other official person). One hundred and sixty-six women said yes – 28 said they had been abused by all three, 49 said yes to two of those three options.

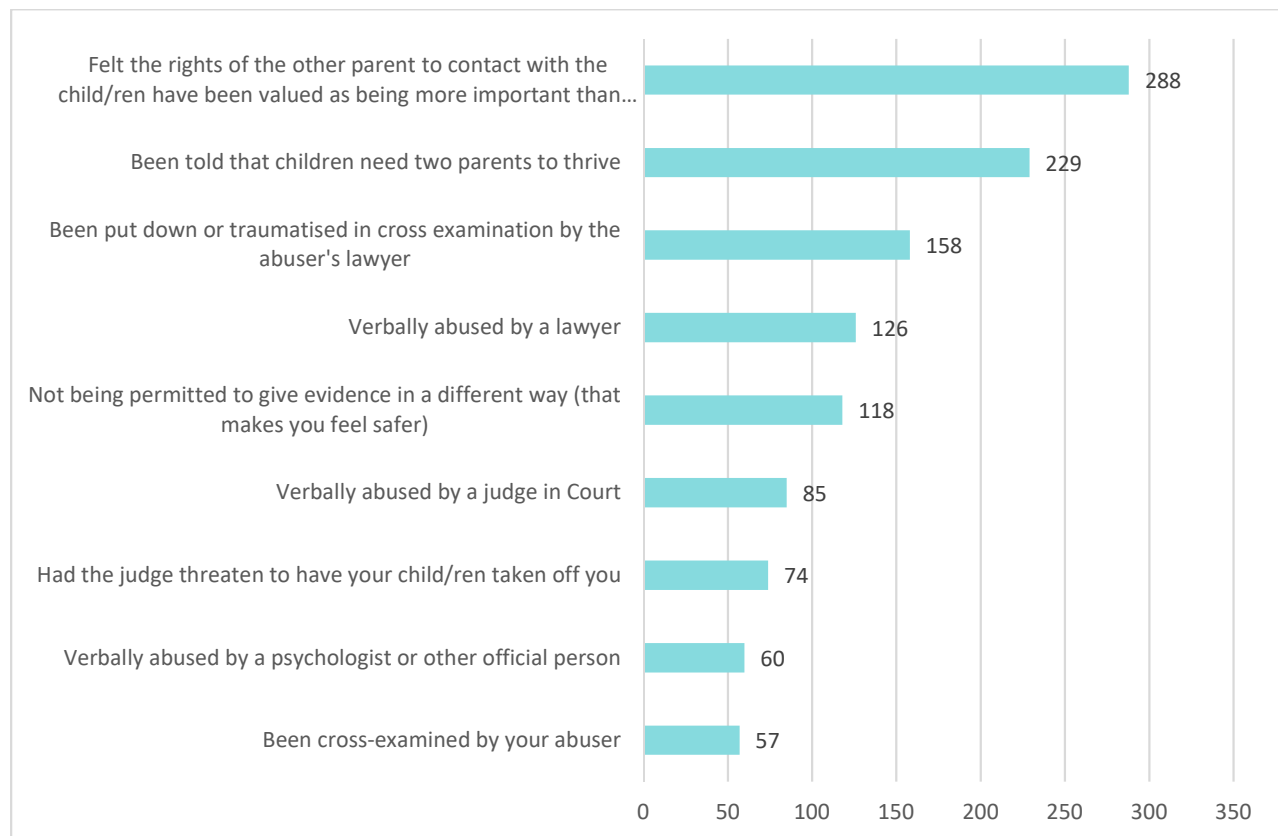
166 women have been abused by a Judge, a lawyer, a psychologist (or other official person) while in the Family Court

Figures 10 and 11 show practices in the Family Court that made women less safe. In addition, to selecting from the dropdown options, 139 women provided more detail under the ‘other’ option. The detail provided from these women shows examples of practices that undermined their and their

children’s safety at the Family Court and in the decisions made as a result. The main practices these women told us about include the following,

- Being prohibited from speaking at all during court proceedings
- Threatened that if they did not compromise on parenting orders they would be in contempt of court
- Threatened by Lawyer for Child that if they did not compromise, the child would be taken off them, they would lose their Legal Aid or things would get worse for them.
- Pressured by their own lawyer not to talk about the abuse or pursue the children’s safety as that would make things worse for them
- Being rushed through proceedings and pressured to agree to things they did not understand or agree with
- Having their affidavits or expert reports neither acknowledged nor read in the proceedings
- Blamed for their children’s ill health rather than it being the effect of the violence and abuse on the children
- Prohibited from making further applications to the Family Court
- Not having their trauma (due to the abuse and the Family Court proceedings) acknowledged and responded to appropriately, were belittled, shouted at, told to be quiet, forced to give evidence for long periods of time with no breaks.

Figure 10: Practices in the Family Court which make women feel less safe

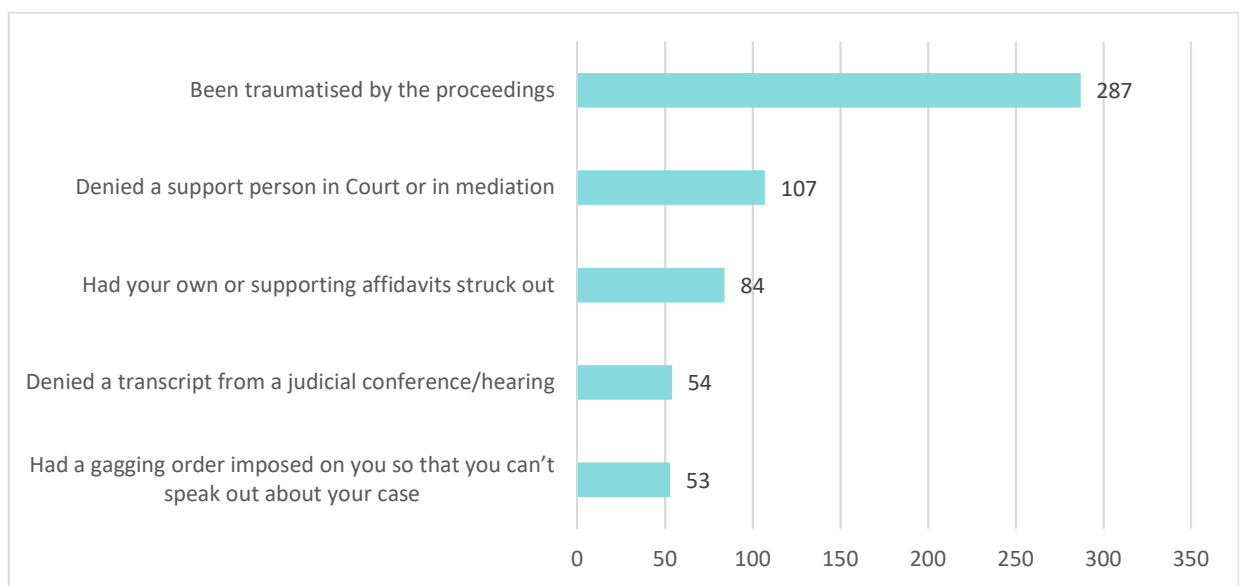


Women feel unsupported, traumatised and silenced by their experience in the Family Court

The practices of those in the Family Court came at a high price for these women – 64% (300) told us they were traumatised by the proceedings. One hundred and seven (23%) participants said they had been denied a support person in court or mediation. Fifty-three women (11.3%) were subjected to the ultimate silencing by having a gagging order imposed on them preventing them from speaking about their case.

300 women have been traumatised by Family Court proceedings
107 women have been denied a support person in court or mediation

Figure 11: Practices which traumatised or silenced women in the Family Court



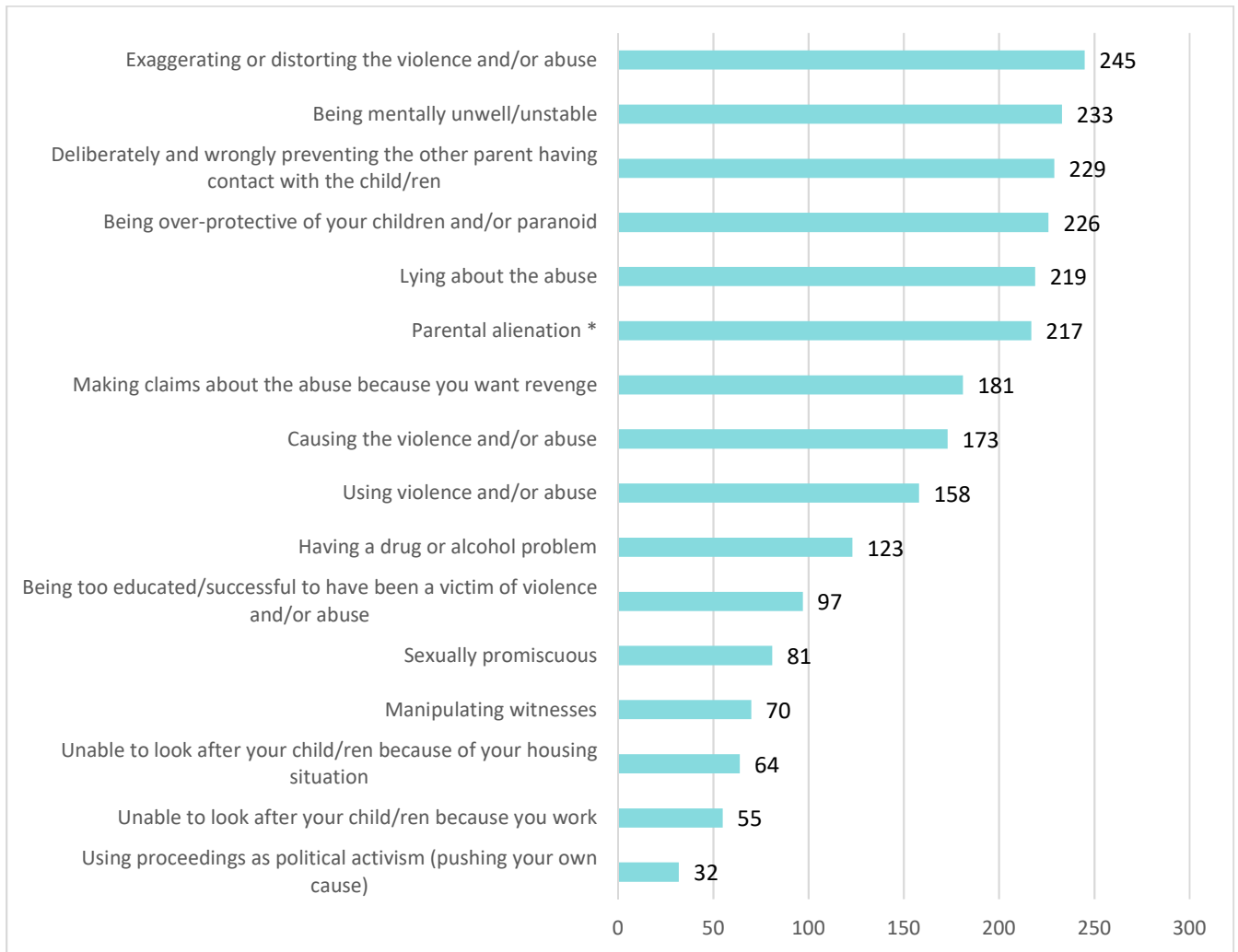
Women are being wrongly accused in Family Court proceedings

233 women were wrongly accused of being mentally unwell/unstable in Family Court proceedings

In addition to traumatising practices in the Family Court proceedings women also told us that untrue allegations were often made about them in court which altered the way the Family Court responded to them and resulted in unsafe decision making. Of particular concern for Backbone is the large numbers of women saying they were wrongly

accused of lying and/or exaggerating the abuse, of being crazy or deliberately destroying a child's relationship with the abusive parent and doing this as revenge. None of the untrue allegations selected would be appropriate or safe responses to women and children who have experienced violence and abuse.

Figure 12: Women wrongly accused in Family Court proceedings N=395²⁰



* Parental alienation refers to the idea that one parent is deliberately destroying the child’s relationship with the other parent e.g. Post Separation Parental Rejection, Enmeshment between the mother and child

There is some indication of regional differences with respect to women being wrongly accused of one of the above issues:

- Nearly twice as many women in Auckland and Northland said they have been wrongly accused of having a drug or alcohol problem as women in the South Island.
- Fifty-nine percent of women in Auckland and Northland were wrongly accused of being mentally unwell/unstable in Auckland and Northland, but only 38% in the South Island.

²⁰ 14% felt none of the dropdown options applied to them and they have not been included in the table

- Twenty- seven percent of women in the South Island were wrongly accused of causing the violence and/or abuse in the South Island compared to 39% in Auckland and Northland and 43% in the rest of the North Island.

Eighty-two women selected the ‘other’ option.²¹ Their responses were varied and extensive describing being wrongly accused of many things that would impact on them being able to look after their children including,

- taking medication
- being divorced
- being traumatised due to violence or rape
- their new partner would hurt children

The environment and processes in the Family Court operation put women in danger

The environment of the Family Court and the way things are done there can place women and children in greater danger. Fifty- eight percent (243) of the survey participants told us they had been threatened, intimidated, or physically assaulted by their abuser while attending court-related appointments/fixtures or hearings. This is of enormous concern to Backbone.

58% of women attending Family Court-related appointments, fixtures, or hearings have been threatened, intimidated, or physically assaulted by their abuser

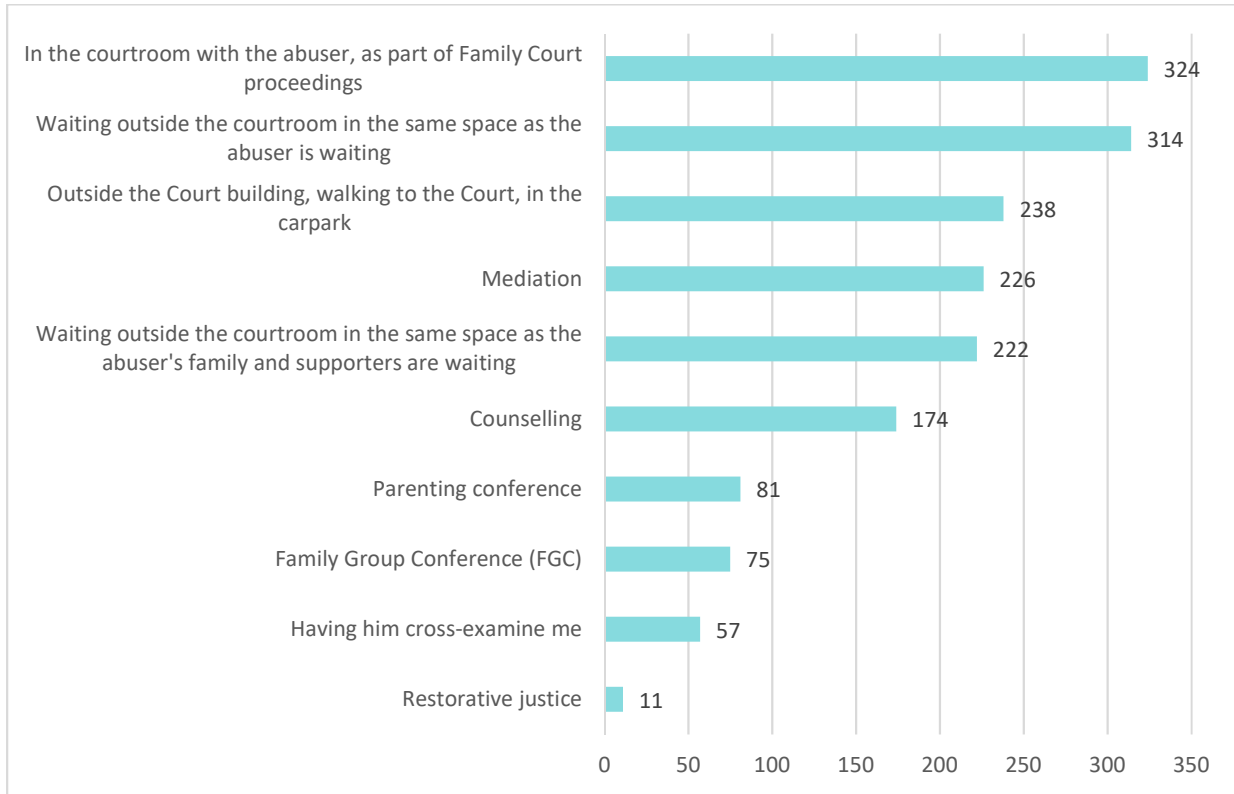
Many women reported being forced/coerced by the Family Court into participating in joint activities with the abuser without any regard to their safety or support needs. This happened even if they had a Protection Order in place which prohibits the abusive person from having contact with them for safety reasons. These activities made them feel less safe and traumatised.

The practice of forcing/coercing women into joint activities with the abuser is another clear example of how women’s experiences of violence and abuse, the subsequent fear and trauma and their need for protection is neither understood nor responded to safely by the Family Court. Backbone suggests it would be highly unlikely that a criminal court would force such activities on a victim of stranger assault without due care and consideration of the implications for the victim, so it is puzzling as to why the practice is different when the assailant or abuser is known to the victim.

Only 10% (47) of the participants said they had not been forced/coerced to be part of any joint activities with their abuser. Seventy-One women chose to leave comments in an ‘other’ option describing their experiences of being placed in more danger in joint activities prescribed by the Family Court. All except five of these women also selected one or more of the listed activities they had been forced/coerced into attending.

²¹ Seventy-one of these women also chose one or more of the options from the dropdown list

Figure 13: Joint activities the Family Court forces/coerces women to take part in with the abuser N = 407



The main types of joint activity mentioned as ‘other ‘were round-table meetings in small lawyer’s office rooms where they were forced to sit with their own lawyer, the abuser and their lawyer. Women described these round-table reviews/meetings as being very scary and stressful. Other women mentioned being left alone in the court room with the abuser while lawyers met with Judges in Chambers. Some told us they were accosted by the abuser in the Family Court and threatened. Other women told us of incidences of their abuser threatening them in counselling sessions. Some women talked about hiding in the toilets at the Family Court to stay safe, others said they refused to attend the court fixtures as they were so scared of seeing the abuser. Women who said that they had been forced or coerced into joint activities with the abuser were then asked if they felt safe during these activities (psychologically as well as physically). An overwhelming 93% (354) told us they did not feel safe.

93% of women do not feel psychologically or physically safe when the Family Court forces or coerces them into joint activities with their abuser

Women also mentioned that access change-over arrangements ordered by the court that forced them to interact with the abuser in situations they felt unsafe. This was reflected in another survey question where **185 (67%)** of women said access change over times provide an opportunity for their abuser to

further abuse them. As explained at the beginning the Safety section in this report women described a range of behaviours being used by their abusers at access change-over including being assaulted, threatened, verbally abused, having him force his way into the house, deliberately not keeping to scheduled times of visits or drop offs, being belittled and made fun of.

Rebuilding lives

Backbone believes one of the primary objectives of any system response for women and children who have experienced violence and abuse should be to provide the opportunity and support to help them safely rebuild their lives. The women who participated in this survey reported serious negative outcomes from being involved with the New Zealand Family Court. They have been unable to rebuild their lives as they are trapped in Family Court proceedings for years. During this time they continue to be exposed to violence, abuse and associated trauma and they are unable to 'move on' in any way.

In this section women describe being 'stuck' in the Family Court for lengthy periods of time and the impact that has had on them and their children. The vast majority of women described terrible health impacts they directly attributed to their involvement in the Family Court. Both their subsequent financial hardship and health issues were exacerbated by the length of time involved in the Family Court.

Women's harmful experience of the Family Court was made much worse because the compounding effect of time spent in court proceedings, the increasing financial burden and the multiple health impacts.

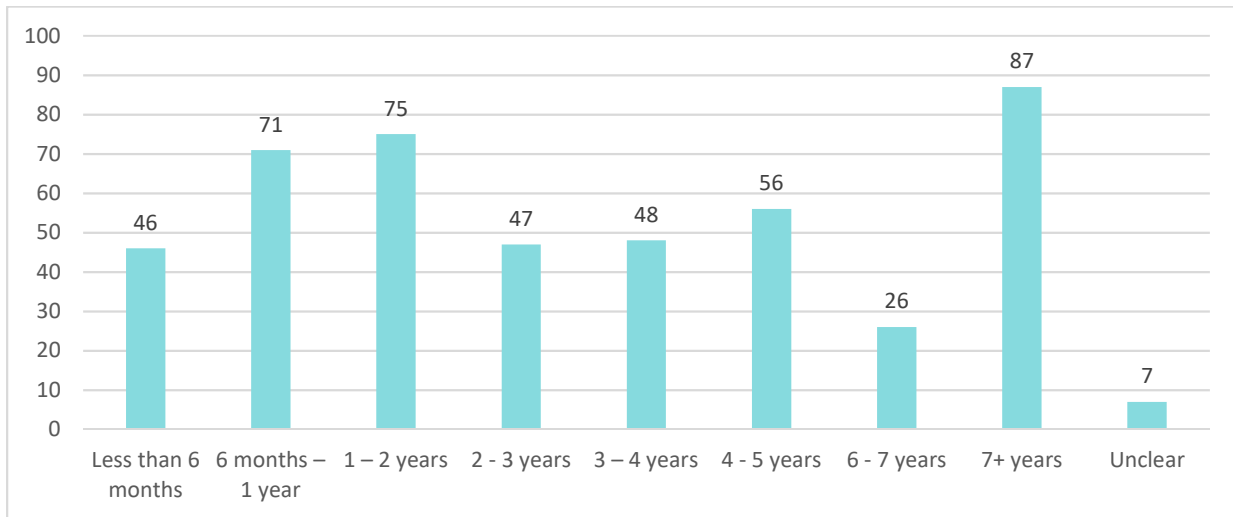
Length of time in Family Court proceedings

Many women told us they were trapped in the Family Court for very long periods of time. Women may have little control over the period of time they spend in the Family Court. They told us that often times the litigation was forced on them by the abuser - that is they were responding to the abuser's application to the Family Court, Child Youth and Family applications and reviews or prolonged Family Court proceedings. Conversely, women told us they felt forced to apply to the Family Court (often multiple times) because their abuser was not adhering to the parenting, protection or other orders made by the court.

19% of women have been involved in Family Court proceedings for between 7 and 22 years

It is of serious concern that so many women have been in Family Court proceedings for such long periods of time. Nineteen percent **(87) of participants have been involved in Family Court proceedings for over 7 years (ranging from 7 - 22 years).**

Figure 14: Length of time spent in Family Court proceedings N = 463



The data in Figure 14 is a static snapshot of where women in the survey are currently at in terms of length of their Family Court proceedings. Women who have been in the Family Court for 1 -2 years may well go on to spend 7 years in the Family Court in total if their cases are still proceeding or if the abuser decides to file fresh applications in the future.

We would have expected to see larger numbers in the earlier periods with these dropping off over time as matters are resolved. On the contrary, there are almost as many participants involved with Family Court at the 1 - 2 year mark as were at the 7 years plus mark. This corresponds with what women are telling us – that once they are involved in the Family Court they become stuck and unable to extricate themselves and their children from continued litigation.

Health impacts due to involvement in the Family Court²²

The women and their children who participated in this survey have all been in a violent and/or abuse relationship - often for many years. They will therefore all be suffering the health effects of past and continuing trauma as a consequence. Most of the survey participants told us that their involvement with the Family Court had directly resulted in further negative and serious health issues for them - from physical issues through to mental disorders. Many women experienced multiple different impacts. Backbone is very concerned about this double whammy impact on the health of women and children who have experienced violence and abuse.

93% of women have suffered negative health impacts because of how they have been treated during Family Court proceedings

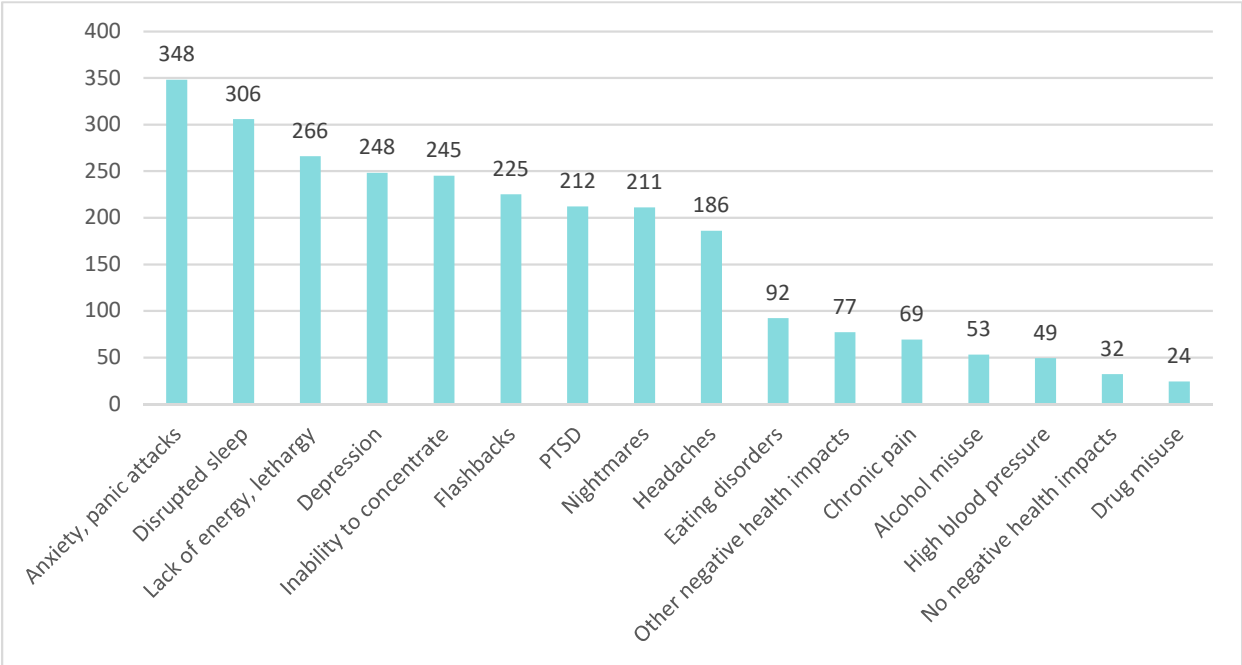
²² Women are being re-victimised and abused by the Family Court pg. 21 (All Eyes on The Family Court Watchdog report)

The health impacts reported in this section are having a serious negative effect on these women’s lives and are a **direct result** of proceedings in the Family Court. Only 32 (7%) women said that their health had not suffered as a result of how they were treated during Family Court proceedings.²³ Tragically 93% of women told us their health has suffered as a result of how they have been treated during Family Court proceedings.

The negative impact of the Family Court on these women’s lives is enormous and impacts on their ability to earn an income, mix with others, participate in daily activities, and have hope for the future. Of the 407 women who selected from the dropdown list of health conditions, 239 women (59%) selected six or more of the listed conditions. This should be a major concern to the New Zealand health system and must be having a major impact on the lives of these women and children and on the New Zealand economy.

There were 77 women who selected ‘other’ in the dropdown list. Six of these women only selected ‘other’ to explain the health impacts. The other 71 women selected one or more of the dropdown list of conditions and used the free text ‘other’ box to explain the impacts in more detail. The health impacts these women describe are disturbing and heartbreaking including existing conditions exacerbated by the stress of Family Court involvement (heart, skin, bowel, blood pressure, gynecological problems, sleeplessness). Some of the women told us they had attempted or considered suicide as a result of their experience; some had miscarried pregnancies or had stillbirths.

Figure 15: Reported health impacts as a direct result of Family Court proceedings N = 404²⁴



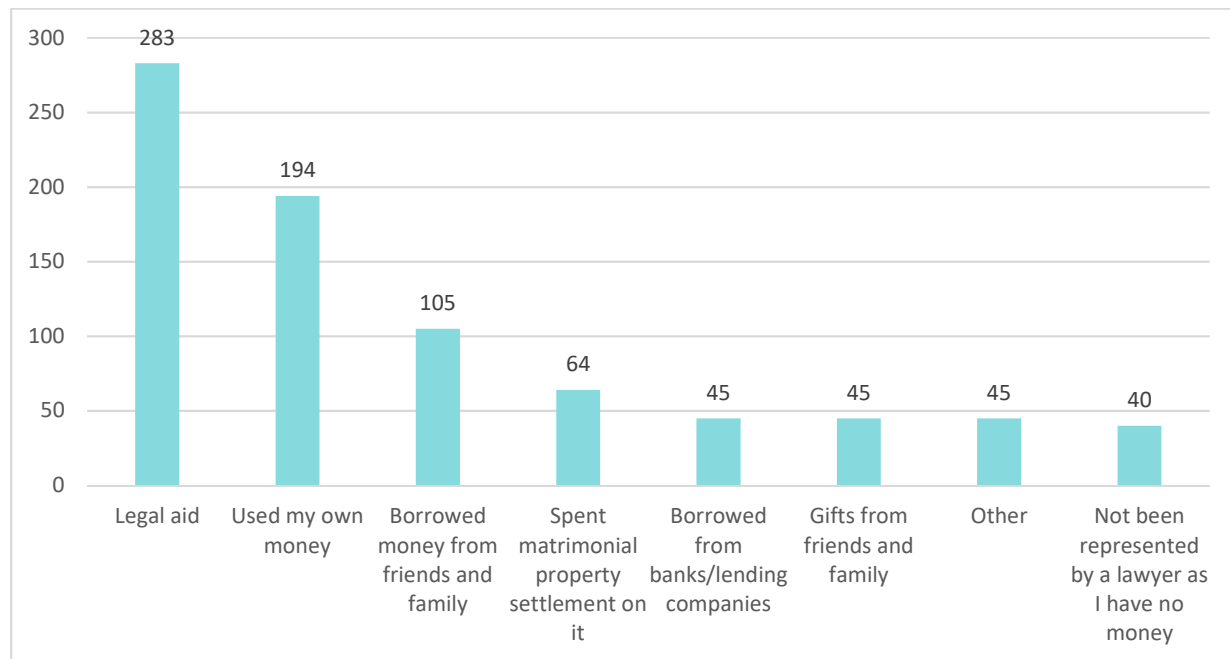
²³ These are therefore not reflected in Figure 15

²⁴ Seventy-one women selected one or more of these conditions and provided information about other health impacts in more detail.

Financial impact of Family Court involvement²⁵

Being involved in Family Court proceedings is expensive for many women. Only 64.5% of the women who answered this question said their Family Court proceedings had been funded by Legal Aid. This means that 35.5% of women funded their Family Court involvement in a number of ways - using their own money, borrowing (therefore going into debt), being unrepresented as they can't afford it, or withdrawing from proceedings even though they were not satisfied that decisions had made them or their children any safer. Along with those listed in Figure 16 women also told us they sold property or belongings, represented themselves to avoid legal fees, new partners paid for it and some paid off legal fees in installments. Many of the women in our survey had applied for Legal Aid but had been declined assistance. Backbone will be releasing a separate report in the future detailing survey findings relating to Legal Aid.

Figure 16: Ways women paid for Family Court proceedings N = 439

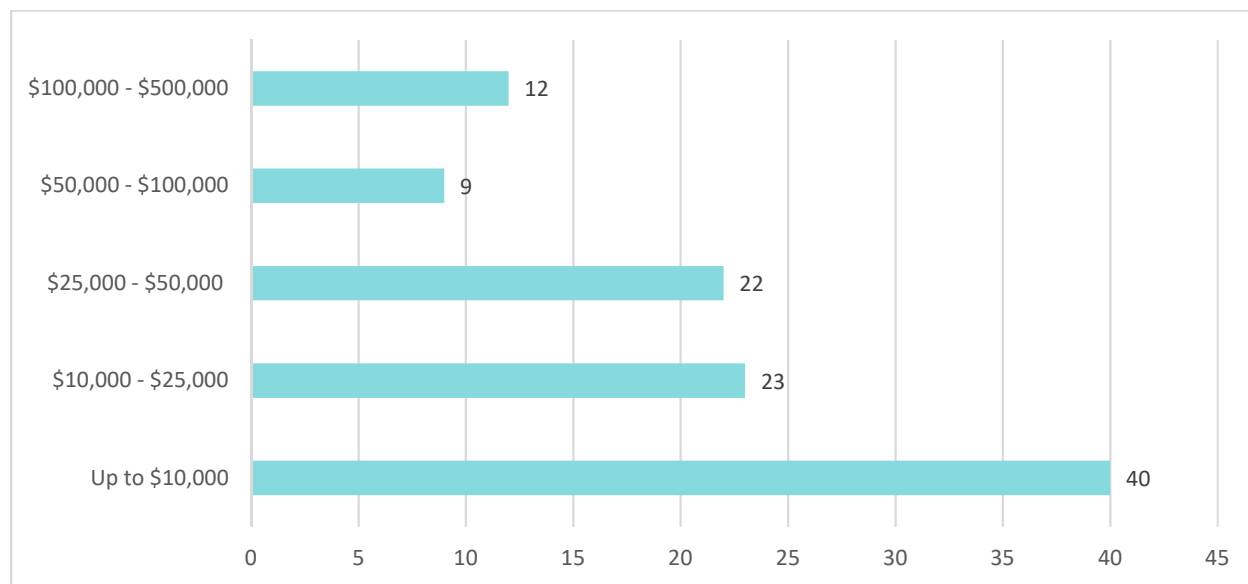


We asked women how much they have spent on proceedings. Some women chose not to answer this question but of the 215 who did the women spent up to \$500,000. We asked women if they were in debt due to Family Court proceedings and if so by how much, and how they felt about that debt. One hundred and sixty women reported being in debt due to proceedings and 106 of them told us how much they owed. The figure ranged from **\$25.00 to \$500,000.00 in debt**. Twelve (11%) of the 106 women who answered this question were in debt between \$100,000 and \$500,000 due to the cost of Family Court proceedings.

Women are up to \$500,000 in debt due to having to fund their Family Court proceedings

²⁵ Family Court proceedings are forcing women into debt pg.26 (All Eyes on The Family Court Watchdog report)

Figure 17: Women’s debt due to Family Court proceedings N= 106



Many women (**236**) told us they did not have control over how much was spent on Family Court proceedings and that responding to the abuser’s applications have made them spend more than they wanted to. Although many women were being forced into debt by being involved in the Family Court – their abuser in many instances was not. We asked women to tell us if their abuser had access to more money or legal aid than she did to fund Family Court proceedings. Of the 436 women who answered this question, 70% said the abuser has access to more financial resources than she does.

We asked the women who are in debt how they felt about that debt and just over 70% reported feeling ‘very worried’ about it. Women told us about the impact the financial burden of Family Court proceedings was having on their lives. These women were forced to make decisions about pursuing safety for their children or going into further debt. Many women told us they were not able to work as the Family Court proceedings were like a full-time job. Some women said that they felt the financial impact on them was intended by the abuser and was part of a strategy to punish and ruin her.

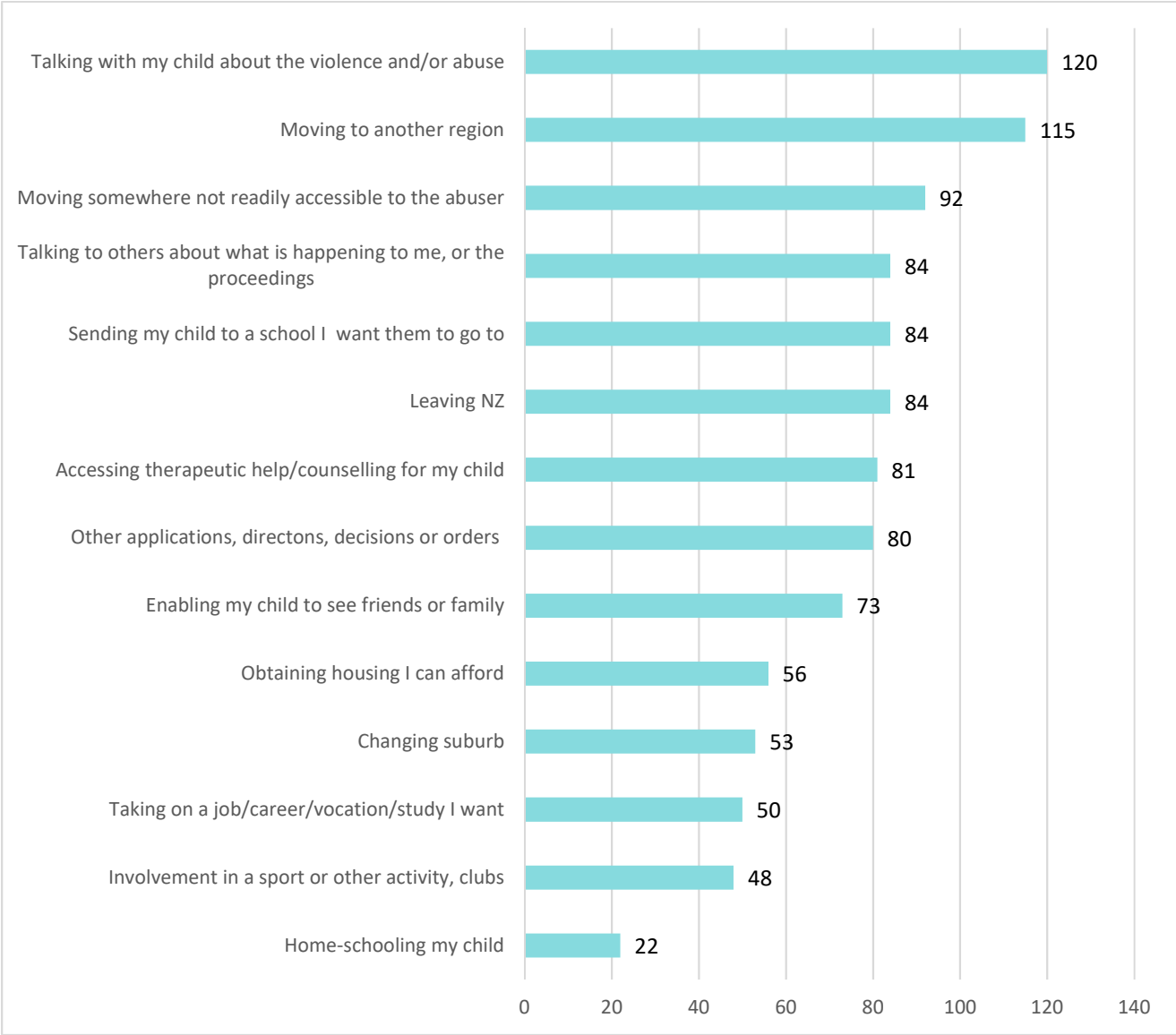
The financial impact often made it extremely difficult for women to rebuild their lives as they struggled with the compounding effects of spending years in Family Court proceedings experiencing unsafe practices and decision making, mounting debt **and** the health impacts.

Prohibitive applications, decisions, orders and directions made by the Family Court

In addition to health and financial impacts, women have had applications, decisions, orders and directions placed upon them that stop them doing certain things thereby preventing them from rebuilding their lives. Whilst 133 of the women who answered this question told us that they had not experienced prohibitive applications, decisions, directions, or orders, the remaining **286** women (68%) did. These had a significant impact on their and their children’s safety and on their ability to rebuild their lives. In Figure 2 we showed that 50% of women told us they had experienced litigation/legal abuse. Seeking prohibitive orders is likely to be one of the forms of litigation/legal abuse women are

experiencing as they are a prominent example of how the abuser can use Family Court proceedings to continue to control women and children’s lives post separation in very concrete ways.

Figure 18: Prohibitive applications, decisions, orders and directions made by the Family Court²⁶



²⁶ This chart only includes the results for the 68% of participants who had experienced prohibitive applications, decisions, directions, or orders. 32% had not experienced this.

There were 78 women who selected the 'other' option from the dropdown list. These women described a range of prohibitive applications, decisions, orders and directions made by the Family Court. For many of these women the way the parenting order was finalised placed restrictions on when, how and where they could spend time with their children. Women told us that they were unable to plan holidays with their children – in some cases they were never allowed to take the child from their town (either to another New Zealand or international destination) even for a holiday break – or were unable to have the child in their care for more than five days which prevented longer breaks away, or always had to have the children back in father's care on a certain day of the week meaning holidays had to be planned around that day and couldn't cross over it. Women said the orders impacted on how they could interact with the children in their daily lives – they were prevented from going to the school when their child was there, were prevented from attending school after hours activities or parent teacher interviews or sporting events or for younger children daycare activities and functions. Some women described orders that prevented their children from taking part in sporting activities. Other women told us the child was prohibited from seeing their grandparents, other family members or the woman's new partner. Some women said that they were prevented from talking to anyone who knew the abuser or to others about the abuse. Figure 18 shows 84 women saying they had an order preventing them from 'talking to others about what is happening to them in the proceedings' and in Figure 11, 53 women told us they had gagging orders made against them. Backbone wonders why women being so actively silenced?

It is very concerning that 201 decisions, orders and directions that prevent them from speaking to their children about the abuse and that children are being prohibited from accessing therapeutic services to recover from the abuse and trauma. In these cases, the Family Court is forcing women and children to pretend their trauma does not exist.

Backbone is very concerned that the prohibitive orders, applications, directions and decisions prevent women from seeing their children and mothering their children in a way that is best for their own and their children's recovery from the trauma of the violence and abuse they experienced in the relationship. Saddest of all were the women who told us they were prohibited from seeing their children at all. These children were either in permanent foster care or full time with the abuser.

We asked women who it was who initiated the applications, directions, decisions and orders. In most cases it was the abuser who is seeking these prohibitive orders – but not always. Women told us in many cases it is other court professionals initiating them. In fact 45% of these orders were initiated by someone other than the abuser. For example, 27 women told us that the Judge had initiated the action that prevented them from talking to others about what is and isn't happening to her or the proceedings. Furthermore, the decisions, orders, and directions preventing the woman from talking to her child about the violence and abuse were far more likely to have been initiated by the Judge, Lawyer for Child or court appointed psychologist, than by the abuser.

Table 3: Who initiated the prohibitive applications, decisions, orders and directions made by the Family Court N = 286²⁷

	Abuser	Judge	Lawyer for Child	Other person	Opposing lawyer	Court appointed psychologist
Talking to my child about the violence and abuse	26	25	34	6	7	14
Moving to another region	78	9	7	9	5	2
Moving somewhere not readily accessible to the abuser	51	17	4	6	6	1
Talking to others about what is happening to me or the proceedings	24	27	13	4	6	6
Leaving New Zealand	56	9	4	7	3	
Sending my child to a school I want them to go to	56	6	4	9	1	2
Accessing therapeutic help/counselling for my child	27	17	13	11	2	1
Other applications, directions, decisions, or orders	31	13	6	12	4	1
Enabling my child to see friends or family	39	14	3	5	4	
Changing suburb	42	2	3	1	0	1
Obtaining housing I can afford	30	9	2	3	3	
Taking on a job/career/vocation/study I want	25	10	3	4	3	
Involvement in a sport or other activity, clubs	26	8	3	3	2	
Home-schooling my child	16	1	0	2	1	
TOTAL	527	167	99	82	47	28

Some women selected the ‘other’ option from the dropdown list to describe who initiated the prohibitive orders, applications, direction or decisions. Of the 112 women who completed this option there were four stand out groups identified as the initiators – the abuser, the Judge, Child Youth and Family and ‘all those working in the Family Court’ (Judge, Lawyers, Lawyer for Child, Psychologist).

²⁷ Note the numbers in the horizontal lines are slightly lower than the corresponding line in the Figure above because not all women told us who initiated the prohibitive applications, decisions, orders and directions

In many cases the women described a dynamic of collusion where they felt like all the parties working in the Family Court were in support of the abuser and worked together against her and the children. The Lawyer for Child was also often singled out in the 'other' category.

Some women also told us that they had been the initiator of prohibitive orders, applications, direction or decisions. These women described making applications to the Family Court to prevent their abuser taking the child out of the country, stopping the child going to a particular school (that the abuser and his family wanted the child to attend). In some cases, women went to the Family Court seeking clarification of parenting orders only to have further prohibitive orders made against them. Some women talked about being advised by their own lawyer not to make applications to change suburb etc. as they would not be granted.

Backbone wonders why would these various parties working in the Family Court seek to actively prohibit women from rebuilding their lives by moving somewhere safe, talking about their abuse, getting support to deal with the trauma, get therapeutic help for their children, being involved in their children's daily lives (school, sporting activities, social engagements, seeing friends and family), living in an affordable home, making medical decisions for their child and taking up jobs and furthering their education.

Conclusion

If the system wants to work better to keep women and children safe it needs to listen to the voices of women. Backbone's role is to be a conduit for women's voices, not to analyse or prove/disprove what they are saying. As we said at the outset, this is not an academic research exercise – it is a report about feedback from over 600 women – all of who have experienced violence and abuse in their relationship. Nearly 500 of these women have also experienced the New Zealand Family Court.

The women who took part have been very consistent in their feedback to the multiple questions we asked them in this survey. They have told us loudly and clearly that the Family Court in New Zealand is putting them and their children in more danger – it is neither safe nor enables them to rebuild their lives. Their experiences mirror those that the members of Backbone are telling us on facebook and by email and those contained in the 160 questions of Backbone's first report 'All Eyes on the Family Court'.

Backbone accepts that the individual pieces of feedback in this report are what women have told us has been their experience. However, collectively with so much feedback from such large numbers of women we assume the information contained in this report will be of grave concern to the New Zealand public and those in authority – those who are responsible for ensuring the Family Court is safe and effective – those responsible for rectifying the matters women who have experienced violence and abuse have told them about via this report.

Backbone is clear that this report touched on issues that significantly impact on Wahine Māori in their interaction with the Family Court including racism and lack of understanding of cultural beliefs and practices. There is more work to be done to uncover the detail behind this experience and we are committed to enabling Wahine Māori to safely engage with Backbone so that we can co create future reports that provide much more of the picture.

Backbone believes the only way to safely and robustly determine whether the failures in the Family Court that are highlighted in this report are accurate and as widespread as the report suggests is to conduct a Royal Commission of Inquiry into the New Zealand Family Court. A Royal Commission of Inquiry is the only forum where the women and their families or whanau would feel protected enough to tell their stories, where witnesses with specialist insights into the workings of the Family Court could share their views in confidence and where all their court documents (transcripts, reports, minutes and Orders) and procedures can be independently reviewed.

With over 500 women saying that the New Zealand Family Court makes them and their children less safe, leaves them with multiple crippling health conditions and prevents them from rebuilding their lives (and those of their children) - surely those in authority will listen now?

Appendix 1 - Survey Questions - The Family Court

1. **What gender are you?**
2. **Are you 15 years or older?**
3. **Before you begin, you may want to enter a user ID or code so that if for any reason your computer crashes, or you lose your internet connection, you can get in touch with us and we can search the database for your partially-completed survey and send you a link for you to finish it.**
4. **Which one of the following best describes you?**
 - **Victim/survivor of Violence Against Women**
 - **I think I am/was in an abusive relationship**
5. **How old are you?**
6. **Which ethnic group(s) do you most identify with?**
7. **Which region do you mainly live in?**
8. **What forms of violence and/or abuse have you experienced?**
9. **Have you separated from the abuser?**
10. **Have you felt safer since separating?**
11. **Have you been part of New Zealand Family Court proceedings?**
12. **What are the reasons you have not used the Family Court?**
13. **What are the most important things the Family Court should have in place to help women and their children be safe*? *By safe, we mean psychological, emotional, mental and spiritual safety as well as physical safety**
14. **Please tell us when was the last time you were involved with the Family Court?**
15. **How long have you been involved in Family Court proceedings in total i.e. from the first application until now?**
16. **Has a lawyer or Family Court personnel ever explained the Family Court process to you in a way that you understood?**
17. **How many times have you made an application to the Family Court for an order or direction?**
18. **Please select which of the following applications you have made**
19. **How many times have you been taken to the Family Court by your abuser i.e. how many times have you had to reply to/defend/respond to applications made by him/her?**
20. **Which of the following moves has the abuser made during Family Court proceedings?**
21. **Have you ever applied for a Protection Order for either you and/or your child/ren?**
22. **Was it granted?**
23. **On what grounds was the Protection Order declined?**
24. **Has it helped you to feel safer?**
25. **Have you had anyone explain to you how the Protection Order works e.g. breaches?**
26. **Do you understand how the Protection Order works?**
27. **How has your experience of violence and/or abuse been understood or responded to by the judge and others in the Family Court e.g. lawyers, psychologists?**

28. How strongly do you agree with the following statement? No one in the Family Court believed or understood my experience of violence and/or abuse and this has made it hard for me to discuss it or explain my situation in my applications/affidavits.
29. Has it seemed to you that the abuser has been viewed as safe* by those working in the Family Court, even though your experience suggests that the abuser isn't? *By safe, we mean psychological, emotional, mental and spiritual safety as well as physical safety
30. What do you think are the reasons that those working in the Family Court think the abuser is safe?
31. As part of your involvement with the Family Court, which of the following joint activities have you been forced/coerced to be part of with the abuser?
32. Have you felt safe*? *By safe, we mean psychological, emotional, mental and spiritual safety as well as physical safety
33. Have you ever been threatened, intimidated or abused physically or emotionally by the abuser while attending court-related appointments/fixtures or hearings?
34. Has the abuser made an application for a Protection Order against you?
35. Was it granted?
36. Have you ever been wrongly accused in Family Court proceedings of any of the following?
37. Which of the following have you experienced while participating in legal proceedings in the Family Court?
38. How many lawyers in total have represented you during the time you have been involved in the Family Court?
39. What has been your experience of lawyers that have represented you?
40. Have you tried to get legal aid and been declined?
41. What reason were you given for being declined?
42. Did someone in authority influence the decision of the Legal Aid Service Board e.g. a judge?
43. Will you try again when/if your situation changes?
44. Has the abuser got access to more money or legal aid than you do to fund Family Court proceedings?
45. Has the Family Court ever done a risk assessment i.e. assessed you (and your child) to work out how much danger you are in from the abuser?
46. Have you been assessed to find out if you are a safe parent?
47. Have there been any applications, directions, decisions or orders preventing you from doing any of the following? Who initiated these applications, directions, decisions, orders? Comments?
48. Has your health suffered as a result of how you have been treated during Family Court proceedings?
49. How have you funded your legal costs relating to Family Court proceedings?
50. Approximately how much money have you spent on legal costs related to Family Court proceedings?
51. Are you in debt due to Family Court proceedings?

52. Can you tell us approximately how much money you owe?
53. How do you feel about the debt you owe?
54. Have you had control over how much has been spent on Family Court proceedings? Has responding to the abuser's applications made you spend more money than you wanted to?
55. Has involvement in the Family Court had a negative impact on your finances in other ways?
56. Please tell us more
57. Has anyone explained to you what your rights are in the Family Court?
58. Do you understand what each of the following people are supposed to do in the Family Court?
59. Please tell us how the following people you have dealt with in the Family Court have responded to the safety of you and/or your child/ren?
60. Based on your experience with the following people, how important is it for them to have training on what women and children who experience violence and/or abuse need to be safe?
61. Keeping in mind that all your responses will remain completely confidential, please consider naming those judges, lawyers or other court-appointed personnel who made you and/or your children SAFE
62. Keeping in mind that all your responses will remain completely confidential, please consider naming those judges, lawyers or other court-appointed personnel who made you and/or your children UNSAFE
63. Are you aware of any conflict of interest between the key workers in your Family Court case e.g. judges, lawyers, Lawyers for Child and child psychologist?
64. As far as you know, has the abuser hurt other previous partners or children?
65. As far as you know, does the abuser have a protection order against them from a previous partner?
66. Has the abuser been charged in the Criminal Court (includes the Family Violence Court) for what he or she did to you or your children?
67. Have you been treated differently in the Criminal Court compared to the Family Court?
68. Compared to the Family Court, has your treatment in the Criminal Court been: much better, better, neutral, much worse, don't know?
69. Has your information been shared between the Family Court and the Criminal Court?
70. Has your privacy or safety of information ever been breached by those working in the Family Court?
71. What was the breach?
72. How did you know that there had been a breach in privacy?
73. What happened as a result?
74. How did you feel about the breach in privacy?
75. What action did you take against those involved?
76. If no action was taken, what were your reasons for this?
77. Have you ever made a complaint or raised an issue about your treatment in the Family Court?

78. Who did you make the complaint to? Were you satisfied with the response that you receive?
79. Please tell us more about what happened when you made your complaint:
80. Have you wanted to make a complaint?
81. Would you like to be involved in the preparation of our next Watchdog report on the Complaints process?
82. Have you made an application to the High Court to have a Family Court decision reviewed?
83. Has the High Court decision improved the situation for you and/or your child/ren?
84. Have you been referred to any social services as a result of your involvement in the Family Court?
85. Were the social services you were referred to: helpful, helpful, but didn't make a difference to our safety, unhelpful and took up my time and energy. Made things much worse, I haven't been seen by them yet, Other (please tell us).
86. Do you have children that are part of Family Court proceedings?
87. What are the most important things the Family Court should have in place to help women and their children be safe?
88. Please share any final comments here
89. Have your children been made safer through your involvement with the Family Court?
90. Have your children reported to you that their experiences and wishes have been adequately presented to the Family Court by Lawyer for Child, psychologists, CYF representatives etc?
91. Are your children being forced to spend time with the abuser against their wishes?
92. Has their health/wellbeing/behaviour been negatively affected by this?
93. Are you worried about your child/ren's physical safety when they are with the abuser?
94. Are you worried about your children's psychological - e.g. emotional, mental, spiritual - safety when they are with the abuser?
95. Have your children wanted to activate their own court proceedings but been denied that?
96. Have you ever had your children taken from you because you are said to be guilty of parental alienation?
97. Have you ever been threatened with having your children taken from you because you are said to be guilty of parental alienation?
98. Have you ever been forced to sign a document in which you are made to admit to being a "Parental Alienator" and then been forced into therapy to re-programme yourself?
99. Has CYF been involved in your Family Court Proceedings?
100. What impact has CYF involvement had on your child/ren's safety?
101. Have you used supervised contact services?
102. Have you used Court approved/directed services?
103. Has the contact been supervised by someone the abuser chose e.g. family/friend?
104. Have you found the supervision arrangements safe for you and your child/ren?
105. Has the abuser used access changeover times to further abuse or intimidate you?

106. Please tell us the ways the abuser has intimidated or abused you at these times:

107. What are the most important things the Family Court should have in place to help women and their children be safe?

108. Please share any final comments here: