

# The Unique Dynamics of Family Violence and Abuse and its Impact on Families

## Presentation for Crown Prosecutors

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# Our Journey

- What is Family Violence and Abuse?
- Types of Family Violence and Abuse, focus on Financial and Legal
- Working from a Response Based Approach
- Why Individuals Stay
- The Pandemic: Making Good Better and Bad Worse
- Testimonials
- Small Changes can make a **Significant** Impact
- The “Silent Pandemic”
- Resources



# Family Violence and Abuse Stats

- In **Alberta**, 1 in 2 women will experience one incident of physical or sexualized violence and abuse
- 74% of **Albertans** report that they personally know at least one woman who has been sexually or physically assaulted
- **Calgary Police Service** respond to approximately 20,000 family violence and abuse calls each year
- In **Canada**, a woman is killed by her intimate partner every 5 days
- In **Canada**, family violence and abuse costs an estimated 7.4 billion every year

# What is Family Violence and Abuse?

Family Violence and Abuse is **deliberate** behavior in which one person chooses to dominate, control or harm another. **“Individuals who are perpetrating the violence and abuse against the will of another person who never asks or choose to be abused”**

# What are the Many Forms of Violence and Abuse?

- Emotional, Verbal and or Psychological Abuse
- Social Abuse and Isolation
- Intimidation, Threats and Control
- **Financial and Economic Abuse**
- Physical Abuse
- Honor Based Violence

# What are the Many Forms of Violence and Abuse?

- Sexualized Abuse
- Cultural and Spiritual Abuse
- Medication Abuse
- **Legal Abuse**
- Using Technology to Abuse
- Stalking and Harassing

# Financial Abuse

Financial Abuse involves using or misusing money which limits and controls their partner's current and future actions and their freedom of choice. It can include using credit cards without permission, putting contractual obligations in their partner's name, and gambling with family assets.

Financial Abuse can also involve the withholding of financial supports after separation to place pressure on their partner and to continue the intimidation and control.

# Financial Abuse

- Financial Control seeking unreasonable and excessive reporting on how money is spent or not providing sufficient or appropriate funds to meet the needs of the family when funds **are** available.
- Forcing the family to live in poverty after separation due to intentional legal delays for financial supports such as spousal or child support or refusing to pay for basic needs of the former joint residence such as utilities.
- Hiding of financial resources or refusing to find or disclose gainful employment on which the Court determines ability to pay support.
- Racking up debt, without financial disclosure to the other party.

# Legal Abuse

Use of the legal system in re-victimizing the injured party by denying the violence and abuse both in criminal proceedings and family proceedings.

More prominent and escalated once there is a formal separation or a protection order. **The ultimate abuse of process and control.**

- Filing numerous motions, adjournments or unnecessary delays, often at the last possible minute, to control court process and influence outcome.
- Threatening and intimidating looks and demeanor in the court room, hallways and parking lots to instill fear and control. Threats that “they will never have anything without them”.

# Legal Abuse

- Applying for sole parenting despite never having been the primary caregiver, with the intent to scare the other party in believing they will lose their child(ren) or financial supports to ensure they can continue to parent. Veiled threats that accused will follow through on previous threats made that only injured party can understand.
- Accused understands and builds on injured party's greatest fear: being homeless, not being able to provide for children, being seen as a bad parent, taking children from their care.
- Accused typically has access to funds to retain legal counsel and injured party must rely on Legal Aid (limited hours) or no legal representation and relying on legal resources to have access to justice.
- Agreeing to a settlement or condition around parenting, then applying to change it or revoking agreement, often at the last possible moment "I told you, you will never get any of my hard earned money" "I will fight you for the children and prove you are unfit".

# The Response Based Approach

In partnership with leaders in the family violence and abuse field, the Calgary Women's Emergency Shelter utilizes the Response Based Approach to support individuals who have experienced violence and abuse. Additionally, we will provide intervention supports to individuals who have perpetrated the violence and abuse.

For approximately thirty years, we have been in partnership with the Centre of Response Based, working with them to intervene with individuals who have used violence and abuse. Additionally, we continue to develop innovative work that is accountable to individuals experiencing violence and abuse and the community.

# The Response Based Approach

This approach was developed by Canadian Family Therapists and Researchers, Dr. Allan Wade and several of his colleagues. The Centre of Response Based Practice has supported the following:

- Expert on British Columbia panel on Family Law.
- With Dr. Linda Coates, many independent research projects and publications on legal responses to violence and abuse.
- Presenting this year at British Columbia Judges Annual Fall Conference, analysis of R. v. Friesen, recent Supreme Court decision.

# The Response Based Approach: Honoring Resistance

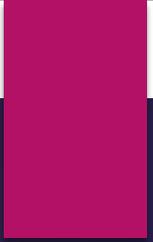
The Response Based Approach honors the many ways individuals resist the violence and abuse they are experiencing.

Whenever people are abused, they do many things to oppose the abuse and to keep their **dignity** and **self-respect**, this is called **resistance**. The resistance might include not doing what the individual who is perpetrating the violence and abuse wants them to do, standing up against the individual and trying to stop or prevent the violence, disrespect or oppression. Imagining a better life may also be a way to resist abuse.

# The Response Based Approach: Honoring Resistance

Many people believe individuals who are experiencing the violence and abuse share common “effects” of abuse by the individual who is perpetrating the violence and abuse. **An assumption is made that individuals who are experiencing family violence and abuse passively accept violence, lack self-esteem, assertiveness or boundaries.**

Much attention is paid to these “effects” of violence and abuse. Unfortunately, this leads individuals to be stereotyped and negative views of the individuals who are experiencing violence and abuse.



# Response Based Approach: Resistance is often not obvious

Family violence and abuse can be very dangerous. Often individuals experiencing violence and abuse resist in many ways that are not obvious. Others may not even notice the resistance so they assume that the individuals are “passive” and “they do not stand up for themselves”.

In fact, individuals experiencing violence and abuse resist violence and the so called “passive” does not exist.

# Language Matters: Rethinking our Approach

- Violence and abuse consists of actions by one person against the will and well being of another.
- Violence and abuse is unilateral and is important to not mutualized the violence and abuse.
- Mutual acts imply and entail consent, co-action, co-agency, joint activity.
- “If you hit someone on the head with a frying pan, you don’t call it cooking.” (Anonymous Canadian genius).

# Unilateral Acts vs Mutual Acts

## **Unilateral**

- ▶ forced their mouth on the individual
- ▶ partner -assault, beating
- ▶ forced vaginal penetration
- ▶ beating, attack, assault
- ▶ workplace bullying
- ▶ invasion, genocide
- ▶ international child rape

## **Mutual**

- ▶ kiss
- ▶ abusive relationships
- ▶ sex, intercourse
- ▶ fight, conflict, argument
- ▶ personality conflict
- ▶ war, conflict, historical relationship problem
- ▶ sex tourist, sex with minors

# Response Based Approach: Positive Social Responses

The role that supportive people can play in helping individuals who are experiencing family violence and abuse is huge. Studies have shown that positive social responses help individuals **recover faster, gain trust in asking for help, reduce self-blame, and help the individual feel integrated again into their community.**

The five principles to keep in mind when helping individuals, include **acknowledging the violence and abuse the individual has experienced, being clear that the person who chose to act violently is completely responsible for the violence, honoring the individuals resistance, challenging victim-blaming messages, and giving the individual room to talk about regrets about their own choices if they wish.**

# Positive Outcomes from Positive Social Responses

Injured parties who have received positive social responses;

- Tend to recover more quickly and fully.
- Are more likely to work with authorities, building of trust.
- Are more likely to report violence and abuse in the future.
- Are more likely to cooperate with legal process following through on laid charges, supporting the process and the need for their testimony.

**HOW WE TALK AND WHAT WE WRITE MATTERS.**

**BE EXPLICIT AS TO WHO IS RESPONSIBLE.**

- Avoiding language that implies “**mutual**”. “You were then forced to have sex vs you were sexually assaulted”.

# Emergency Protection Order Interview

C = Court/Judge

A= Applicant/Victim

A: About two years ago he threw me onto the floor and started punching my head into the floor three times, to the point where there was blood all over the place. And then my friend said, "The cops are coming. You'd better get out of here", you know. And he just took off.

C: Okay. So there was an **incident** of violence **between you** two years ago. Any other instances of that nature?

A: Not of that nature, just slapping, hits to the head, like, you know, just . . . verbal abuse.

# Clare's Law

In Alberta, Clare's Law is known as the ***Disclosure to Protect Against Domestic Violence Act***. Clare's Law allows, in defined circumstances, people who feel they are at risk of family violence and abuse to apply to obtain information on their intimate partners history of family violence and abuse or other relevant acts.

Clare's Law has two main elements: the '**right to ask**', which allows Albertans to request family violence and abuse related information about a current or former intimate partner; and the '**right to know**', which allows, in certain circumstances, police to disclose family violence and abuse risk information to a person determined to be at risk.

Within Canada, Alberta and Saskatchewan have implemented Clare's Law, and Newfoundland & Labrador are in the process of developing their version.

# Divorce Act

As of March 1, 2021 several major changes to Canada's Divorce Act were enacted. For the first time, the Act now recognizes and refers to **Family Violence and Abuse**.

Separation and divorce can intensify an already volatile relationship and the period following separation often carries the highest risk of violence and abuse.

# Why Individuals Stay

- Economically dependent on the accused and having no other supports (for example, no support of family or friends; or has no knowledge of or is unwilling to seek out an emergency shelter).
- Financial Supports, have limited financial funds and is in process of accessing the one time emergency fund available through Alberta Works and possible income supports in future. Approximately a 90 day wait to change child tax benefits.
- Think about the risks and benefits of leaving the situation, however, decides that it is safer to stay and endure the violence and abuse for the sake of the children.

# Why Individuals Stay

- **Fear** that disclosure of the violence and abuse may lead to Children Services intervention and removal of the children.
- **Emotionally isolated** and feels completely unsupported by friends and family, often as a direct result of manipulative efforts of the individual who has perpetrated the violence and abuse. The individual may feel that they are being blamed for the violence and abuse.

# Why Individuals Stay

- **Love** for the individual and hope and believe that the violence and abuse will stop.
- **Fears retaliation and escalation** in the level of violence and abuse. Increased risk of harm to the individual and children if the individual leaves the situation.
- An individual who is an immigrant or refugee and may not want to contact the authorities due to **concerns of deportation or loss of sponsorship**.
- **Distrust in authorities**; fears a racist response to the complaint, to partner or both; or fears being ostracized by the community. Shame, Guilt.

# Why Individuals Stay

- From a small or remote community and may have limited or no access to supporting services and programs. May be their only frame of reference. **Normalizing acts of violence and experiences.**
- May not believe that the police can or will do anything to help (perhaps may not know that spousal abuse is against the law, or that they feel the violence and abuse is too “minor”, or has already reported to the police and experienced disbelief or no action).

**No matter what the reasons, the individual always wants the violence and abuse to stop.**

# The Pandemic: Making Good Better and Bad Worse

- Increase in Physical Assaults causing injury.
- Increase in Property Damage.
- Increase in Strangulation.
- Increase in Cyberstalking.
- Increase in financial stressors due to loss of employment.
- Increase in use of intoxicants.
- More time spent together resulting in more interaction, emotional escalation and safety concerns.

Reports that they feel they are “Living in a Pressure Cooker”.

# Testimonials

- *“The stress, fear and humiliation I have felt...the pure terror you feel when you don’t know how to navigate protecting yourself and your children....I feel stronger, more knowledgeable, able to take steps forward to do the best for my family.”*
- *“I have always felt threatened by the court system, the police, everyone. I believed him because he studied criminal justice...he told me I would never ever be free ...”*
- *“You never blamed me like everyone else...my mother...she is supposed to support me and she reminds me more than once a day that “he was my choice” and that “I am stupid” You tell me I am courageous and a survivor... thank you.”*

# Testimonials

- *“You were the first I told who let me tell my story without judgment or the question “but why did you stay” ...*
- *“You gave me back my dignity and my power to protect my children and myself.” “The things he said to keep me in line were wrong. So many years... I have been brainwashed and you are helping me find me....”*
- *“I have never felt heard by anyone...not the police, not my lawyer, not my family or friends, never...until now..”*
- *“I hate the word VICTIM yet here I am ..I was a victim but you have shown me I have strength and power. I trust you and I know you will help me find my way to say I WAS a victim and I AM a SURVIVOR..”*

# Small Changes can make a Significant Impact

**Case management**, same Crown Prosecutor from beginning to end

**Delays and the impact on injured party.** Does the No Contact Order/Recognizance cover the period of the delay? Is this information shared? Is reason for delay explained? (not to minimize seriousness of the offence).

**Information and communication.** What does the charge mean and what is the max or minimum that could happen (impact on injuring party and children? How can the family be supported financially if accuser is incarcerated?

**Testimonial Aids**(video, screens ). When is injured party advised that this may be possible (greatest fear is facing their former partner)?

**Impact Statements.** Lots of time to complete and individuals may need support. What weight do they bear on the Court's decisions?

**Understanding.** There may only be one charge that is defined by the Criminal Code, there may be many other things happening to the injuring party that is not spoken of or considered.

# The “Silent Pandemic”

Do the Courts dealing with Family Matters (Queen’s Bench and Provincial Court of Alberta) have access to criminal court information?

Injured party often accused of **gatekeeping** or **alienation** if children do not want parenting time with the other parent.

Changes to the Language in the Divorce Act – **YES!**

Is it actually changing how the Courts and Judiciary deal with Family Violence and Abuse, its Dynamics and impact on the family as a whole? Is it still the silent pandemic?

Is the Court directing more supports for children (reunification therapy, counsel for children) or is there an assumption made that the injured party is simply not “supporting” or “brainwashing child against other parent”.

# The “Silent Pandemic”

Is the Court recognizing and addressing the impact of the family violence and abuse experienced by injured party and child(ren) (conditions to parenting time – how are they followed?)

How to enforce?

Children – identifying the children as injured parties and ensuring their mental, physical and emotional health is protected.

How do children see themselves – how do they see the other parent.

False Reporting –injured parent will do ANYTHING to protect – Accusing party will do ANYTHING to extend and prolong violence and abuse.

# Supporting Safety

## Apps:

- coParenter: <https://coparenter.com/>
- Family Wizard: <https://www.ourfamilywizard.ca/>
- My Plan ( Safety Planning App): <https://myplanapp.ca/en/#>
- Noonlight App (can trigger requests for emergency services) – *formerly SafeTrek*: <https://www.noonlight.com/>

# National Resources

- National List of Transition Houses and Shelters in your area:  
<https://sheltersafe.ca/>
- The National Residential School Crisis Line: 1866 925 4419
- National Aboriginal Circle Against Family Violence: 1450 638 2968 or  
[www.nacafv.ca](http://www.nacafv.ca)

# Resources in Calgary

- Calgary Women's Emergency Shelter – 403 234-7233 (SAFE)
- YWCA, Sheriff King Shelter – 403 266-0707
- Rowan House – 403 652-3311 ( Toll free: 1 855-652-3311)
- Awo Taan – 403 531-1972
- Eagle's Nest – 403 932-2222
- Wheatland Community Crisis Society -403 934-6634
- Kerby Rotary House ( Seniors) 403 705-3250
- HealthLink ( translation services) 403 943-5465

## Quote

Alongside each history of violence and oppression, there runs a parallel history of prudent, creative and determined resistance.

Dr. Allan Wade