

# COURTING TROUBLE: Social media post exposes appalling abuse

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Some domestic violence perpetrators have found new ways to hurt their victims after they separate.

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**It's the abuse that never ends. Journalist SHERELE MOODY looks at the little known side of the domestic violence epidemic where perpetrators destroy victims using the law.**

WHEN Karen\* left her abusive husband, she thought her life would take a turn for the better.

He could no longer "rape, bash or choke" her and the demeaning emotional abuse, often done in front of their child, would finally be over.

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After police organised for a domestic violence order, the mother packed their bags and moved to another community to live a life free of terror.

Her abuser pleaded guilty to a range of charges and Karen began feeling safe and secure.

Like most Aussies, Karen loves using social media and, hoping to inspire other women to leave their abusers, she posted a comment about domestic violence.

The post did not name the perpetrator and the details were not enough for the abuser to be easily identified.

Karen had blocked her former partner from her social media accounts so the only way he could have seen the comment was through someone sending him a screenshot of the comment.



by Sherele Moody



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Not long after the post appeared, the police called to tell Karen her abuser had asked the court to issue a temporary domestic violence order against her.

The man claimed Karen's comment was "emotional abuse" aimed at destroying his career.

"I was beside myself, I was thinking I have to be at the court to defend myself which meant I would have to see him," Karen said.

"The last time I saw him, he tried to kill me.

"It was horrifying and I felt violated all over again that this had happened to me.

"It was a private application because the police did not feel he was in any danger or any need of protection."

The legal bill for defending against a DVO application will cost a person \$3000 to \$20,000 and that will climb higher depending on whether the matter goes to trial and if the outcome is appealed.



"His application read like a work of fiction, he had no proof of anything and he accused me of being the abuser even though he was the one who pleaded guilty to domestic violence charges"

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The judge also found the man's claims of Karen abusing him were false.

"His application read like a work of fiction, he had no proof of anything and he accused me of being the abuser even though he was the one who pleaded guilty to domestic violence charges," Karen said.

With no money for a lawyer, Karen was forced to defend herself in court against her abuser's claims.

"I had to go through multiple court appearances with him there and each time I took my own personal security, a different car, we went back roads, it was extremely full on," she recalled.

"It put me in the mode of flight or fight."

The court process was long and it almost destroyed Karen emotionally.

"I was left cross-examining my abuser, my rapist," Karen said.

"On the first day I was terrified - I almost walked out of the court and didn't defend myself.

"While he was on the stand, it was awful, I was subjected to more taunts, more abuse, he was calling me names and emotionally abusing me in the court room.

"I left those days feeling just as worthless as I did when we were in a relationship."

The court eventually tossed the DVO application out, with the judge noting Karen's abuser went to extreme lengths to access the offending post.



Facebook posts could land domestic violence survivors in hot water.

Matt Rourke

parent so that's where I'd say victims need to be even more careful how they engage with or respond to an abusive partner or ex-partner.

"A strategic perpetrator will likely use social media rants (no matter how justified) against the victim."

### Expert warns domestic violence survivors to not get too social

CRIMINOLIGIST and domestic violence researcher Dr Silke Meyer said it was rare for survivors to be put on domestic violence orders over social media posts but they were often used as 'evidence' of victim's abusing perpetrators in family law cases.

Dr Meyer considered Karen's experience a sign of things to come as perpetrators become more "switched on" about how social media posts can give them ammunition against the other party.

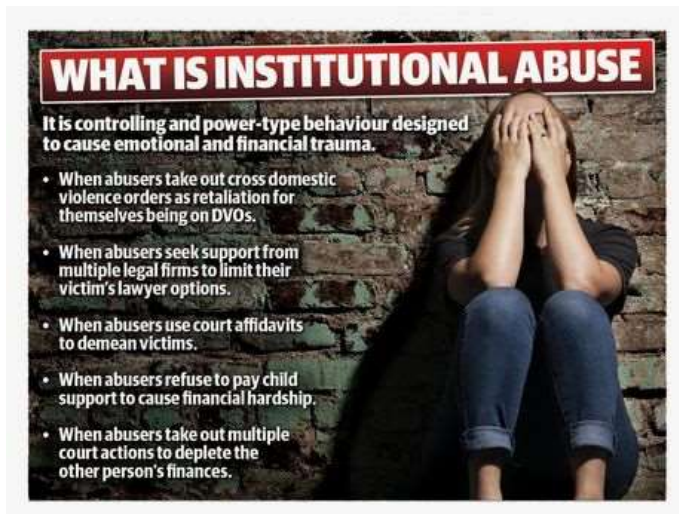
"Don't post things in response that can be taken out of context and used against you and - maybe even more important - make sure your account is absolutely secure, check your privacy settings, make sure the abusive partner or ex-partner doesn't have access via a known password, friends of friends and so forth," the University of Queensland academic said.

"Perpetrators have become much more switched on in terms of what they can use against victims to make people question the victim's legitimacy - in DV court in the first instance - but often more so in subsequent family law proceedings.

"Victims are often seen as vindictive when bringing up domestic and family violence to minimise contact between children and the abusive parent so that's where I'd say victims need to be even more careful how they engage with or respond to an abusive partner or ex-partner.

### 'Institutional abuse' hurts the victim long after the relationship ends

WHILE Karen's use of social media backfired on her, her experience of being a domestic violence survivor facing a potential domestic violence order is far from rare.



She is among thousands of Australians who have been subjected to "institutional abuse" - that is acts of control perpetrators use to continue harming their victim long after the relationship is over.

Along with domestic violence cross-orders, abusers may also cause emotional and financial trauma by refusing to pay child support or instigating multiple court actions to reduce the other person's finances.

Some will file affidavits containing demeaning language and false allegations while many will do their best to "conflict" their victims out of legal support.

Women's Legal Service Queensland and NSW DV Line support staff are finding themselves helping increasing numbers of women facing these issues, with domestic violence cross-orders one of the key problems.

"It happens all the time," Women's Legal Service Queensland principal solicitor Rachel Neil said.

"We are seeing a rise in cross-applications and some of those applications are in retaliation to the other person having a DVO on the abuser.

"For example, I was on duty at Ipswich court recently and half my clients were respondents."

In some cases, police will organise for couples to both have DVOs.

QUT domestic violence and justice expert Molly Dragiewicz said this could even happen when officers find victims defending themselves against perpetrator attacks.

"The police say 'Oh, let's arrest them both and the judge can sort it out'," Associate Professor Dragiewicz said.

"But if the judge isn't sorting it out, it can embolden the abuser to continue that sort of harassment."



Some abusers see multiple lawyers so their victims cannot seek legal advice from them. This is called conflicting out and it has bad consequences for women living in regional Australia.

Contributed

#### How the law deals with domestic violence cross-orders

WHEN considering domestic violence cross-orders, Queensland and NSW domestic violence legislation says courts need to determine - and protect - the person who is at most risk.

They do this by taking into account how the relationship played out, who was the controlling person and who repeated the patterns of abusive behaviour.

Courts issue domestic violence orders with one main goal in mind - keeping the victim safe by limiting the perpetrator's contact with them.

In Queensland they are called domestic violence orders and in NSW they are apprehended domestic violence orders.

Queensland has one domestic violence court and others will be rolled out in the near future.

Prof Dragiewicz said these courts could be the key to ending scurrilous domestic violence cross-orders.

"If you have one magistrate following the case, that magistrate would be in a better position to discern the merits of the request for the orders," she said.

A 2014 Women's Legal Service NSW study found more than two thirds of its women clients defending ADVOs reported that they were the victims of violence in their relationships.

Many of the women defending ADVOs reported police did not see their version of events "as credible compared with the other party, due to the circumstances of their heightened stress and anxiety".

"Others said they believed the other party had deliberately initiated AVO proceedings as a further mechanism of controlling their behaviour, by giving them the ability to threaten them with reports to police in the future," the report's author Julia Mansour said.

Anyone making a cross-application for an ADVO in NSW must satisfy the court they fear the other party will commit a violent offence against them or stalk or intimidate them.

Domestic Violence NSW CEO Moo Baulch said her organisation had seen a rise in the number of women who were the subject of cross-order applications.

"This has been increasing for a while now," Ms Baulch said.

"We think that this is related to perpetrators of violence knowing they can use this as a tactic to continue to control their partner."

#### Ministers concede perpetrators are using courts to hurt victims





Prevention of Domestic and Family Violence Minister Shannon Fentiman says she is aware abusers take out cross DVOs on their victims.

Photo from Facebook

QUEENSLAND Domestic Violence Minister Shannon Fentiman said her government was aware abusers were using the DVO system to punish their victims.

Ms Fentiman said changes to the Domestic and Family Violence Protection Act were designed to give "stronger protections" in cases where cross-applications were made.

"It is well known some perpetrators use cross-applications for a DVO as a way to slow the court process," she said.

"The changes we introduced mean applications are now dealt with at the same time so the court can quickly determine the person most in need of protection.

"It is common for perpetrators to use multiple legal avenues - often all at once - to continue to exercise power and control over their victims.

"In addition to specialist courts and magistrate training, we have put in place changes to improve the legal experience for victims of domestic and family violence."

NSW Attorney-General Mark Speakman warned making "frivolous or vexatious" cross-orders could come at a heavy cost to the perpetrator.

"They would need to establish that their fears are reasonable," Mr Speakman said of the cross-applicants.

"It is an offence to make a false or misleading statement to a court.

"As a further safeguard, if a cross ADVO application was frivolous or vexatious, a court may order the applicant to pay the other party's legal costs."

Domestic violence survivor Karen said there needed to be more stringent processes in place to prevent people taking out domestic violence cross-orders.

"Perpetrators should not be allowed to do this because it's a continuation of their abuse," she said.

"There should be a system in which there is already a DVO made by police, the other person should not be able to make a private application.

"They should be made to do it through police and if police think it's not warranted it should end there."

### Facing up to conflict as abusers deny their victims legal support

DOMESTIC violence experts are increasingly worried about perpetrators "conflicting" their victims out of legal support.

This involves the abuser seeking advice from multiple legal services. As they have sought advice they are considered a client of the service and that means their former partner cannot access the same firms because it would be deemed a conflict of interest.

Barbara\* is one of many domestic violence survivors who knows how hard it is to get support while living in a regional town.

The NSW resident said she endured years of physical, emotional and sexual violence at the hands of her children's father.

"He abused me from a few months after our relationship began," Barbara told NewsRegional.

"He was hitting, punching, kicking and slapping.

"He would have sex while I was asleep and when I woke up and told him 'No' he would tell me to 'Shut up' and punch me.

"He would degrade me in front of friends and family and my kids, he would threaten to kill me and my kids."

When Barbara was able to leave her abuser, the first thing she tried to sort out was court orders that would define how she and her former partner would care for their kids.

But Barbara found herself hitting a massive legal roadblock as lawyer after lawyer in her hometown told her they could not represent her because her ex had already contacted them for support.

"It was very frustrating that I could not get legal help," the mother of two said.

"I spent almost a week without sleep until my GP put me on Valium so I could get some sleep and stop me having panic attacks.

"I was having several panic attacks a day, I did not eat and I almost ended up in hospital."

Ms Neil, from WLSQ, said conflicting the other party out of legal support was particularly concerning in regional, rural or remote areas because it was used to "isolate" victims.

"It's about hurting them and limiting their options," Ms Neil said.

"It's about winning, but primarily it is about control.

"Domestic violence victims are often isolated from their families and friends and this is a form of aggression and control.

"They are aiming for their victim not to be able to access any sort of help."

Ms Baulch said perpetrators could be "quite clever" with their attempts to deny their victims legal support but professionals in the industry were becoming more attuned to the situation.

"It's a tactic that is used reasonably regularly - it's certainly not uncommon," she said.



A Women's Legal Service Queensland helpline professional takes a call from a client.

Contributed

"Community legal centres and law firms should be able to make referrals to other legal services for people in this situation."



Moo Baulch is the CEO at Domestic Violence NSW.

### Using the courts to abuse adds up to lasting impacts

RMIT University research shows 16% of Australian women and 7% of men have suffered financial abuse at the hands of their current or former partners.

Financial abuse includes controlling access to money, tracking everything someone spends, not allowing a person to have their own bank accounts, forcing the victim to work in certain jobs and hand over their pay, selling off the other person's property and making them sign for loans they do not want.

For some survivors, the financial abuse does not end when they walk out the door.

Experts say cashed-up perpetrators have two ways of keeping the financial pressure on their victim post-separation - refusing to pay child support and using the court system to deplete the other person's cash reserves or take on massive debts to cover legal costs.

In Australia, about 95% of separated parents come to agreements about their children without being involved in the Family Court of Australia.

About 4% of families will face some form of court action before their parenting arrangements are finalised and 1% will go to trial over their children's futures.

Women's Legal Service Queensland estimated that just getting to the front door of a courthouse could cost each party up to \$15,000 and if the parties go to trial they could expect to spend \$70,000 plus.

Ms Neil told NewsRegional abusers used the courts to inflict emotional and financial pain by having matters adjourned over and over again and making "constant" applications (for example the court to suspend parenting orders).

Every time this happens, the other party needs to pay a lawyer to prepare their case and to attend on the day.

"It's a tactic that's definitely used by abusers," Ms Neil said.

Women with no money usually self-represent, but even that comes at a cost.

"They have to get childcare, they have to take time off work, they have to prepare documents," Ms Neil said.

"When men have a history of doing this, women are less likely to start their own justified court proceedings because they know there will be a barrage of claims and accusations against them."

Ms Neil said one of the hardest parts of the court process was receiving affidavits - like statements of claims - that are a necessary part of the court process.

"Affidavits can be very long - up to 300 pages," Ms Neil said.

"Eventually it will get to a hearing and the judge will hopefully wade through it all and see through it, but this doesn't help the emotional distress that that causes (the victim) at the time."

Ms Neil said survivors facing this type of abuse could ask the court to declare the other party a vexatious litigant but "it's a really difficult order to get".



"The problem with this abuse, emotional abuse, is that it's in stealth mode"

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"It's hard to prove and the courts do not have a measuring stick for it.

"If someone has bruises or injuries then the evidence is there and the legal system can implement interventions to stop it.

"Women are struggling and the courts just can't support them.

"It's very sad to see."

### How the courts fail victims of institutional abuse

DAVID Nugent has been working with domestic violence perpetrators, their partners and children for more than 15 years.

Mr Nugent said institutional abuse, including "playing the court system", was about revenge.

"When a partner walks away from the relationship she is stepping away from his power and control," the Heavy M.E.T.A.L group founder said.

"He plays games with access to the children.

"The men are in a position where they are financially better off, they can access the services of lawyers and play the court system to their advantage.

"Women in these situations are in a really tight spot because they don't qualify for legal aid and they cannot afford a lawyer."

Mr Nugent said it often became too much for survivors and they would go back to the abuser.

"This is because it's so overwhelming," he said.

"The problem with this abuse, emotional abuse, is that it's in stealth mode.



Vexatious litigants can use the Family Court to financially ruin their former partners.

John Weekes

### Separation assault's lasting legacy

INSTITUTIONAL abuse is 'separation assault', Prof Dragiewicz told NewsRegional.

She said it was designed to bankrupt the victim emotionally and financially.

"Once separated, the abusers can't use the tactics that used to work to control their partners any more," she said.

"But our (court) systems allow them to have contact.

"They can do further emotional abuse, they can even make veiled threats while on the stand and the magistrate won't even recognise that abuse."

# Karen's and Barbara's names have been changed for their own protection.

**For 24-hour domestic violence support, call the national hotline 1800RESPECT on 1800 737 732.**

-NewsRegional



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