

Traumatized Nation: how society is toxic to women and children

by

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ABSTRACT

A growing body of scientific evidence is uncovering how toxic stress and early traumatic experiences have profound long lasting effects on our children's developing brains and neuro-immune-endocrine systems and are linked to nine out of ten of the most common causes of death in Canada. Domestic violence is linked to many of these effects and although widespread throughout Canada, it receives little attention. In fact, the legal system, the family court system in particular, ignores this medical evidence thereby contributing to the trauma of children. In this thesis I identify and confront eight prevailing myths and biases that create an unfair playing field for women in family court and society and the crisis of justice in Canada. Domestic violence is about power and control over another and I use the lens of the power and control wheel which recognizes eight ways that men use to dominate over women, only one of which involves physical violence. As statistics, reports and medical evidence haven't been enough to advance actions to address domestic violence on a meaningful level, I use my own story to highlight how this plays out in real life in the hopes of illustrating the urgency of addressing domestic violence in our neighbourhoods. Violence against women requires challenging some deeply held biases and I suggest a more Indigenous perspective on child rearing to help address and mitigate the concerns raised by the Adverse Childhood Experiences Study.

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DEDICATION

I dedicate this work first and foremost to my children. I am so very sorry for what they've had to experience and I'm sorry I couldn't protect them better. The loss of their voices and the additional harm committed upon them by the legal system itself has been the driving factor of this thesis.

Secondly, I dedicate this work to all the mothers and children who have fled abusive homes only to be revictimized and often alienated from each other by family courts and a society that refuses to believe and support women or our children; a society that is damaging to our safety and well being.

TABLE OF CONTENTS

CHAPTER 1 INTRODUCTION.....	1
1.1 Why Autoethnography as an Indigenous research paradigm?.....	10
1.2 Power and Control Wheel.....	23
1.3 Summary.....	25
CHAPTER 2 LITERATURE REVIEW.....	28
2.1 Gender Bias.....	28
2.2 Violence Against Women.....	32
2.3 Trauma.....	36
2.4 Post traumatic Stress Disorder (PTSD).....	39
2.5 Adverse Childhood Experiences (ACEs).....	40
2.6 Family Court.....	46
2.7 Survey of Legal Aid Lawyers.....	56
CHAPTER 3: METHODOLOGY.....	61
3.1 Indigenous Research Paradigm.....	61
3.2 Autoethnography.....	62
3.3 Organizational Autoethnography.....	68
3.4 Summary.....	70
CHAPTER 4: MY STORY	71
4.1 Growing up Brown in Manitoba.....	73
4.2 A day like any other day.....	90
4.3 Trauma.....	93
CHAPTER 5: DISCUSSION.....	100
5.1 Myth: Courts are biased towards mothers.....	100
5.2 Myth: Most mothers are lying about domestic violence.....	102
5.3 Myth: Equal Parenting is in the best interest of children.....	104
5.4 Myth: Domestic violence doesn't affect children.....	105
5.5 Myth: We have a Justice System in Canada.....	109
5.6 Myth: "Good" People Don't Commit Violence.....	111
5.7 Myth: Without broken bones or bruises abuse doesn't exist or isn't bad ..	113
5.8 Power and Control Wheel.....	113
5.9 Systemic Barriers to Justice.....	124
CHAPTER 6: CONCLUSION.....	133
6.1 A Way Forward: A Trauma Informed Approach Through an Indigenous Lens	141
REFERENCES.....	144

LISTS OF TABLES

Table 1: Power and Control Wheel list of abusive behaviours.....24

LISTS OF PHOTOGRAPHS

Photograph 1: My son’s Mother’s Day note to me.....108
Photograph 2: A photo my daughter took of herself.....126

LIST OF APPENDICES

Appendix A Power and Control Wheel.....180

FOREWORD

While the term Intimate Partner Violence (IPV) is gaining use in academia and international circles to describe the violence women face from the fathers of their children, I have chosen to use the term “domestic violence” in place of intimate partner violence for two primary reasons. First, domestic violence is the term that the public, police and certain government departments still use and understand to include the characteristics attributed to IPV. It is the term most commonly reflected in media and it conjures an understandable situation of power imbalance, as well as violence, in most people’s minds.

Secondly, I am also writing about how children are affected by violence against their mothers. IPV may limit people’s attention to the violence and its effects between the parents without including the effects on their children. I feel that the term domestic violence is more encompassing of the fact that violence and abuse in a family or home affects not only the person being directly abused but every member of the family/home as well.

DEFINITIONS

Violence Against Women - The United Nations defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life" (WHO, nd).

Intimate partner violence (IPV) - Violence experienced from a dating or spousal mate. As well as physical violence, IPV includes sexual, psychological, financial and emotional abuse. IPV may or may not result in physical injury. The Canadian Justice Department's website defines IPV as violence or abuse that happens: within a marriage, common-law or dating relationship in an opposite-sex or same-sex relationship at any time during a relationship, including while it is breaking down, or after it has ended.

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Psychological abuse - "the systemic destruction of a person's self-esteem and/or sense of safety, often occurring in relationships where there are differences in power and control" (Follingstand & Dehart 2000). It is also commonly referred to as

verbal abuse, emotional abuse or gas lighting. Though we cannot see the wounds, psychological abuse is recognized as a common and damaging form of abuse (Dutton, Goodman & Bennett 2001, 180).

Battering - a pattern of abusive behaviours that occurs over a period of time.

Battering is defined as “a process whereby one member of an intimate relationship experiences psychological vulnerability, loss of power and control, and entrapment as a consequence of the other member’s exercise of power through the patterned use of physical, sexual, psychological and/or moral force” (Coker et al., 2000. p. 2). Battering and psychological abuse are recognized as being more traumatic than intermittent physical abuse (Davis and Frieze 2002; Duncan 1999, 45-55; Guthrie 2001; Hildyard and Wolfe 2002, 679; Martin and Mohr 2002, 472-495; Sackett and Saunders 1999, 105).

Cognitive dissonance - coined by psychologist Leon Festinger in 1957 to describe an internal tension that results from the introduction of a new thought that conflicts with an already held belief or previous actions. Humans are sensitive to internal consistency between our beliefs, thoughts and actions. So when faced with conflicting thoughts, the discomfort feels too unbearable, and people often react defensively.

CHAPTER 1 INTRODUCTION

If you discovered an exposure that was changing the development of our children's brains and bodies increasing their risk for developing nine out of ten of the leading causes of death in Canada, wouldn't you want to do something about it? An exposure that is changing our neurology, our immune and hormonal systems and how our DNA functions and is passed on. When exposed in high doses people's risk of developing heart and lung disease, cancer (Felitti, 1998; Dong, Giles, Felitti, et. al. 2004; Anda, Brown, Dube, et. al. 2008) or use of mood altering drugs as an adult triples (Anda, 2007). An exposure that contributes to one half to two third of heavy drug use (Dube, 2003). An exposure affecting more than half the population, including the middle class and university educated (Felitti, 1998).

Wouldn't you want to share this information with others in the hopes of precautionary actions to decrease such alarming statistics?

Evidence shows that childhood trauma and toxic stress causes neurological, endocrine and immune system changes setting a child up for a multitude of risky behaviours and adverse health outcomes over their lifetime, including reducing life expectancy by up to 20 years (Felitti, 1998; Anda, 2002; Brown, 2009; Teicher, 2012).

Since first published in 1998 (Felitti 1998) the study of Adverse Childhood Experiences (ACEs) there is increasing recognition of ACEs as a public health crisis affecting not

only our health but also education, public safety and the economy. Dr. Richard W. Block, former president of the American Academy of Pediatrics, has said: “Children’s exposure to Adverse Childhood Experiences is the greatest unaddressed public health threat of our time” (Centre for Youth Wellness, n. d. p. 1). Adverse Childhood Experiences are traumatic experiences over which a child has no control. Toxic stress is the “extreme, frequent or extended activation of the body’s stress response without the buffering presence of a supportive adult” (Johnson, 2013. p. 320).

Adverse childhood experiences (ACEs) negatively impact health. ACEs include three categories, abuse (physical, emotional and sexual), neglect (emotional and physical) and household dysfunction (growing up in a home with domestic violence, divorce/separation, parental addictions, mental health issues or incarceration). People who experienced more than four of these childhood adverse effects were at higher risk for disease, specifically: 2.2 times more likely to have heart disease; 2.4 times as likely to have a stroke; 1.9 times as likely to get cancer; and 1.6 times more likely to have diabetes; 7.4 times as likely to be an alcoholic; 10.3 times as likely to use injection drugs; and 12.2 times more likely to attempt suicide than those who did not experience any childhood adverse effects (Felitti, 1998; Centre for Youth Wellness, n. d.).

Violence against mothers is one of the primary adverse experiences for children. The American Association of Pediatricians has called for heightened attention to early childhood trauma and toxic stress, such as exposure to domestic violence, in primary care. While violence can be perpetrated by either gender, statistics show that in homes

where children witness domestic violence, 70% of the time they are witnessing their mothers being abused (Dauvergne & Johnson, 2001). Even if not physically or sexually assaulted themselves, children exposed to domestic violence are more aggressive, hyper, emotionally challenged, and prone to vandalism (Dauvergne & Johnson, 2001). Children who have witnessed or experienced domestic violence have an increased risk of later involvement in a violent relationship themselves (Statistics Canada, 2016). Women with three or more violent ACEs are 3.5 times more likely to experience domestic violence, while men with three or more ACEs are 3.8 more times likely to perpetuate domestic violence (Whitford, Anda, Dube, & Felitti, 2003)

According to the RCMP (2012), a child who witnesses spousal violence is experiencing a form of child abuse noting “witnessing family violence is as harmful as experiencing it directly.” While not all children who witness violence suffer direct physical abuse, they often develop lasting behavioural and psychological problems (Jaffe, Wolfe & Wilson, 1990; Fantuzzo, et al., 1991; Graham-Bermann & Levendosky, 1998; Moore & Pepler, 1998; Edleson, 1999; Dauvergne & Johnson, 2001).

After falling for many years, domestic violence rates have plateaued with 2009 domestic violence rates similar to 2004 rates (Statistics Canada, 2011). Women are now less likely to report to police (Statistic Canada, 2010) and more women suffer increasing violence after escaping the home (Statistic Canada, 2011). In fact, the most dangerous time for a woman is the period following escape from an abusive home (Jaffe, Zewer, Poisson,

2002; RCMP Report from Domestic Violence Review Committee 2008; Brennan, 2011; Track 2014; Statistics Canada, 2016).

The statistics show that our society is becoming more dangerous for women. While overall murder rates by domestic partners remained relatively unchanged for 2009-2010 gendered differences increased. The rate of domestic partner violence increased by 19% for women (the third increase in four years), while the rates for men murdered by domestic partners dropped by almost half. The rates of men being murdered by their partners are at the lowest since data collection began in 1961 (Perreault, 2012).

The impacts of domestic violence extend beyond physical consequences for women who often suffer psychologically, socially and financially as well. Women who experience domestic violence are seven times more likely than male victims to be fearful, three times more likely to be depressed or anxious and twice as likely to be angry (Statistics Canada, 2013). Women who escape to raise children on their own are more than five times likely to be poor than if they stayed with their abuser (Townson, 2009).

With alarming science and statistics pointing to a significant public health issue from adverse childhood effects you'd think that a support system to assist women and children escaping domestic violence would be well established. However, the discrepancy between telling women that's it better for her and her children to leave abusive homes to the lived reality when women escape these homes is massive. A web and government search for shelters shows that in Manitoba, there are more shelters for animals than for

women.

Although the research is unequivocal in recognizing the trauma and serious health consequences of domestic violence on women and children, practical supports arising from such an understanding are sorely lacking at all levels of society. Women who escape violent homes not only face a lack of affordable housing, financial and legal supports, they face police, family courts, service providers, court “experts”, public schools, employers and a general public that, for the most part, fails to understand domestic violence and the trauma and threats to safety that can continue after escape from the home.

These are not cracks that some women and children fall through; they are systemic biases that revictimize women and children attempting to escape domestic violence. Most women (and the public) believe that the court system will up-hold their rights and provide protection from their abuser once they’re out of the home. Sadly, the reality is that family courts do not provide access to justice for many domestic violence survivors. Instead family courts often exasperate inequalities rather than reducing them (Action Committee on Access to Justice in Civil and Family Matters, 2013).

Women who have fled abusive homes are more likely to have less financial and material supports; their living conditions may be unstable and they often cannot afford legal counsel. The high costs of legal assistance, coupled with the narrow allowance of Legal Aid, means many are unable to get the legal assistance they need (Track, 2014). If they

cannot borrow the money they need, they're faced with the choice of representing themselves in court or dropping their case all together. In an April 2013 report, the Supreme Court of Canada noted that,

Canadians do not have adequate access to family justice. For many years now reports have been telling us that cost, delay, complexity and other barriers are making it impossible for many Canadians to exercise their legal rights (Family Justice Working Group of the Action Committee on Access to Justice in Civil and Family Matters, 2015 p.1)

Family courts are creating “Kafkaesque” situations that are abusive in and of themselves. Contrary to the myth that family courts are biased towards mothers research shows that abusive men who seek custody of their children are often granted primary or joint custody (Supreme Judicial Court of Massachusetts, 1990; Silverman et al., 2004; Chesler, 2013). A review for the Supreme Judicial Court of Massachusetts (1990) found that mothers were systemically held to higher standards than fathers during custody cases.

Another strongly held misconception is that mothers commonly lie about domestic violence in order to gain an advantage in custody cases. I was even told this by a supervisor with Manitoba's Family Conciliation Services; the department intended to help separating families! At a Status of Women sponsored event on domestic violence and family courts I questioned parts of the female supervisor's presentation. Afterwards she approached me and said, “well you know most women are lying about domestic violence.” I asked her what evidence she was basing her comments as that was the same myth used for decades against rape victims who came forward. She agreed with me and

quickly left the room before further discussion could take place.

In stark contrast to the myth that mothers commonly lie about abuse to gain an advantage, researchers from the University of Toronto showed that false accusations are relatively rare in custody cases (12%) and when they are made fathers falsely accuse mothers (15%) much more frequently than mothers lie about fathers (2%) (Trocme´ & Bala, 2004).

Similarly, a review of judicial outcomes involving domestic violence in Australian family courts found that most fathers alleging to be victims of domestic violence failed to provide any evidence to back their claims, while more than half the mothers alleging domestic violence did. However, when fathers did provide information regarding allegations of domestic violence, it was given more credence than evidence provided by mothers (Moloney et al, 2007). A family evaluator himself, Stark (2009) reflects on the failure of the family court system to understand and consider domestic violence in child custody cases. He notes a reluctance of evaluators, social workers or other court “experts” to document or support domestic violence allegations as their financial livelihoods are dependant on being “useful” to family courts which emphasize joint custody. He relates how the judicial push for what is perceived as an equitable custody arrangement between parents means that even when abuse is severe, happening in front of children and confirmed by police, judges are prone to redefine the abuser as “the good enough father.” He also confirms what many mothers, including myself, have been saying, “In criminal court, a victim’s testimony about abuse is highly valued. But if the same woman presses claims of abuse during a custody dispute, she is likely to be labeled

uncooperative, selfish or even vindictive” (Stark, 2009 p.4)

Just recently in Manitoba we’ve mourned the deaths of two young women at the hands of former partners. In both cases the women did what all women are told to do and the only option available to us, they went to the police and asked for protection. In the first case, Selena Keeper, a young Indigenous mother, who stated she feared for her life and had records of previous physical assaults including one requiring a hospital stay, was denied police protection with no explanation. Five months later she was beaten and left to die in the street by her former partner (Beaudette, 2015).

Camille Runke, did obtain a protection order and still went to the police 22 times between July and October 2015 until she was shot dead on her way to work October 30, 2015 (Barghout, 2015). The police say she wasn’t really worried for her safety yet neighbours and her home paint a different story (CBC Manitoba News, 2015). Her neighbours tell of a woman who was extremely frightened for her safety, had installed hidden cameras around her home, told them of a “secret” cell phone and set up safety plans with them. Three days later she was shot dead (Carreiro, 2015).

While these recent cases ended with the most terrible outcomes, they exemplify the lack of protection and the dismissal of women’s safety concerns women face every day.

Many more women don’t make the news but are forced to live in fear from angry and vindictive ex- partners.

It's not like we don't know how dangerous it is for women leaving abusive homes. Statistics and women's dead bodies have been telling us for years that the most dangerous time for an abused woman is in the first twelve months after separation, highlighting the need for legal support and assistance at this critical time. Almost half (49%) of women killed by their spouses are killed within two months of separation, and another 32% are killed within 2-12 months after separation (Track 2014). Post-separation, women report physical abuse, stalking, and harassment at significant rates and that violence is more severe than before separating. (RCMP, 2008 p29; Jaffe, Zewer & Poisson, 2002; Track, 2014; Statistics Canada, 2016).

It's important to note that many men are not abusive to the mothers of their children. Just as when women speak up about rape they are not calling all men rapists, by speaking up about domestic violence I am not calling all fathers abusive. I am talking about violence committed by certain men.

The issue of murdered and missing women is finally being addressed at a federal level. While this issue may be new to many Canadians it is not a new issue for Indigenous peoples. The steps we are seeing on a national scale today come from a journey of over four decades of families refusing to be silent, of coming together supporting each other in their demands for attention and action.

Along with better investigations and support for families, we for need preventative supports *before* women and children go missing or are murdered. We need education

and action on domestic violence, systemic biases and lack of supports for women and children that force them into vulnerable situations thereby increasing their and their children's risk of going missing, being murdered or committing suicide.

1.1 Why Autoethnography as an Indigenous research paradigm?

I started my graduate studies eager to embark on a project that focused on food as medicine and the production of that food as a healing modality. I was learning about the rich historical knowledge of North American Indigenous peoples using food as medicine and its cultivation before contact. These cultivation techniques and plant knowledge, originally widespread among Indigenous peoples, wasn't commonly known and was actually being appropriated by many non-Indigenous food "experts". What was actually Indigenous knowledge was being repackaged as "new" Eurocentric ideas and models of food cultivation. Any critical look at the history of colonization as the reason for the poor eating habits, high dis-ease rates or loss of plant knowledge was being almost completely ignored. The push for self-government and sovereignty will never be successful without communities having the ability to feed themselves. People who are dependent on another group, especially one who benefits from their oppression, for their food supply will never have autonomy. In recognizing the breadth and wealth of historical knowledge I hoped to contribute to the resurgence of Indigenous food sovereignty, educate mainstream society on the expertise of Indigenous wisdom and help expand the knowledge of healing with food.

At the same time that I was in the graduate program and working in my community, I was also going to family court in two separate custody cases for my children. In 2003, I had left an abusive home only to find out that supports for mothers and children in my situation don't exist in Manitoba. On top of that, inside the family court room the abuse my children and I experienced was dismissed as irrelevant. I was completely shaken. Not only did the abuse increase after I left the home, once I was out of the home no one in authority would address the abuse, and my children and I were denied any protections. Any time I raised the issue of abuse in court, it was my behaviour that was scrutinized. Not once was the abuser held to account for his behaviour, even after "stealing" our child and caught lying in front of the judge. I repeatedly asked how I could go forward in negotiations when the other person showed little concern for the well-being of a child by "stealing" him from his mother and sister, was obstructive to my efforts to co-parent and had no qualms about lying to get his way. The judge refused to acknowledge the theft of our child, the effects it was having on both of our children or the father's lies. Instead I was pressured to continue to negotiate with the man who was using his own children to continue his abuse against me. When agreements were breached or abuse occurred it was always my behaviour that was questioned. The onus always on me to "get along" without ever questioning the father as to why he couldn't "get along" with me or the fact that his behaviour was adversely impacting the children. Because I refused to stop raising abuse as an issue I was branded as the difficult parent.

Witnessing my children being traumatized over and over and being prevented from protecting or helping them is the most excruciating experience, as any parent can

imagine. I saw my children's behaviour alter in unhealthy ways before my eyes and yet no one would believe me or provide help to my children. Counselors refused to work with my children unless the father consented. Of course he didn't and when asked the courts refused to order it saying counseling wasn't necessary. Most family and friends discounted my concerns telling me my children were fine and/or that I shouldn't worry because "they'll come back." Obviously, I cannot be trusted to have any expertise of my own situation or my kids.

When I began to research the issue on my own, forced to represent myself in court for most of the nine years I had to attend, I found study after study that supported what I was witnessing and experiencing. Armed with this evidence I thought for sure I could find someone to help my children, if not myself. How wrong I was. I've met other mothers facing the same biased public and patriarchal legal walls. Mothers and children also being separated and abused by the system in place to help us.

While almost everyone will say they are against domestic violence rarely does this translate to meaningful societal supports or compassion for victims of domestic violence. If you're a survivor caught in a custody dispute with your abuser there is nowhere to turn in Manitoba. Myths about domestic violence, the court system and women in general are entrenched in people's beliefs systems creating a barrier to safety and justice for mothers and children escaping abusive homes.

My experience has taught me how many people have absolutely no understanding of

domestic violence or the crisis of justice in our legal system, including the myriad of professionals who work with women and children. Anne Morris (2004) introduced the term, maternal alienation, to describe a crusade of verbal violence and actions abusive fathers use to undermine the child-mother relationship. The children are manipulated and taught to mistrust and despise their mothers who are portrayed as crazy, selfish, unloving, stupid and malicious while the fathers portrays himself as good, caring, rational, victimized and heroic. Societal stereotypes and bias against mothers are used to the fathers advantage, often eliciting the support of family, friends and professionals. He becomes the “poor” man while the mother is “the bitch” we love to hate.

The values that the legal system forces onto parents are recognized by child development experts to be the antithesis to healthy child development. For example, talking to your child about any major decision in their lives was frowned upon. I and other mothers were told that the parent is to make the decisions for the child and then enforce them. As with many other systems in western society I saw how a clash of worldviews was wounding children. Indigenous cultures around the world see children as gifts and autonomous beings, not the property of parents. The role of the parent is to help guide the child to their full potential through love, kindness, praise, reward, and recognition of their achievements. Ceremonies, storytelling and actual lived experiences are prized as teaching tools that involve relatives and other community members. Physical or punitive punishment are eschewed in favour of stories or stern lectures to impress the importance of unacceptable behaviour (Little Bear, 2000).

Protective and responsive measures towards my children were deemed “permissive parenting” at best or plain “bad” parenting or an attempt to alienate the father. For example, after witnessing bouts of rage or threats from their father the children were highly anxious and wanted nothing more than to stay in our home and recover. At the beginning I allowed them the time at home they needed. Traumatized children don’t learn well. It doesn’t help to push an anxious child out the door into an environment filled with strangers and a lot of unknowns. My daughter in particular is a sensitive child and was quite distraught at all the changes and new pressures in her life. I also brought my children to cultural ceremonies to help them ground and release stress they carried. In court, the father presented a list of all the days my children missed or were late to school as proof that I did not respect their education and was a deadbeat mom who couldn’t bother to get her kids to school. It didn’t matter that my daughter wasn’t suffering academically. If I wanted to maintain custody of my daughter I would have to ignore her mental distress and force her to school even when she wasn’t well. When she turned 12 I decided I couldn’t do it anymore. I couldn’t continue to ignore her tears and pleas and what I could see was creating a lot of unnecessary stress for her. Her father had been lying to her and refused to answer her questions when she called him on it. This had occurred many times over the years and she decided she didn’t want to speak or visit with him until he addressed her concerns. I communicated this through email, suggested he attend counseling with her and even lined up a free counselor who would be willing to meet with them both. He refused. At the same time she asked to be homeschooled similarly to when she was younger. We joined a group of homeschoolers whose parents included, teachers, social workers, university professors, and a former

CBC producer amongst others. She flourished. Friends who didn't know she had returned to homeschooling commented on how mature and balanced she seemed, better able to carry on a conversation where once she was anxious and reluctant to speak. The father took me back to court for homeschooling and his missed visits with our daughter. I explained the situation and submitted correspondence via emails that offered the father a chance to see our daughter with a counselor (she didn't trust him on her own) and his refusal to accept this offer to see his daughter in counseling. In court I stressed that I was respecting my daughter's wishes and attending counseling didn't seem too much to ask. However the judge ruled against me and thus my daughter. My refusal to go against my daughter's wishes was the basis for the judge to transfer custody to the father. I pleaded with both the father and the judge to speak to our daughter about what she wanted and why, both refused.

I warned that they were putting her at risk by forcing her to live with her father. Instead of investigating whether my concerns were warranted, I was threatened with jail and charged \$15 000 for the father's lawyer, even though I couldn't afford my own. Two years later my daughter attempted suicide.

For the most part the public has no idea how dysfunctional our court system is. People hold so many myths about women, domestic violence, healthy child development and access to justice that we seem light years away from creating safe spaces for women and children.

How will there be positive changes in the system when these myths are held to so tightly? Society's lack of action allows domestic violence to flourish and another generation to be psychologically, physically and socially damaged. For all our technological advances we are a society that is traumatizing our children and their mothers at the most basic levels.

I believe that autoethnography, as an indigenous research paradigm, is the best way for me to address domestic violence and the harm inflicted on children from societal lack of action on these issues. Autoethnography is in line with many principals of an Indigenous research paradigm. Wilson (2008 p. 16) notes, "of special significance is the way relational theory examines the power relationships and hierarchical structure of male-dominated Euroamerican ethnocentricity that is prevalent in most social science theory."

I have experienced the family court system to be steeped in sexism, racism, male privilege and acting in ways that directly oppose the "best interests of the child(ren)."

Many people say they understand that psychological/verbal/emotional abuse can be worse than physical violence. However, without physical wounds most people, certainly our police and court system, still discount the toxic stress and trauma of verbal, psychological and financial abuse on the day-to-day lives of mothers and children and the serious long-term consequences.

Domestic violence rates are holding steady while many other crimes are decreasing. We have a wealth of science and literature regarding the damaging public health impacts

from domestic violence yet supports are almost non-existent and our family court system revictimizes children and their mothers who escape.

In a recent conversation (January 2016) with a shelter worker outside of Winnipeg she told me that after working with women escaping domestic violence for 30 years nothing has changed. She explained how the issues she saw back then – women not being believed, victim blaming rather than investigating allegations or holding the perpetrator accountable, courts handing custody over to abusive fathers – are the same issues women are dealing with today.

Even with highly respected professionals like the American Pediatrics Association and decades of medical research echoing mother's concerns of violence they experience, society continues to blame female victims of violence and ignores the harm being done to children.

Social epidemiologist from Emory University, Kristin Dunkle, (as cited in Baker, M. 2013 Nature) has stated:

Violence should be considered alongside 'mainstream' health risks such as smoking and alcohol use.... This is the moment where we say 'no one is allowed to have their head in the sand, and no one is addressing women's health if they aren't addressing violence'.

Although I attempted to move on with my life after leaving an abusive home, the on-going violence post-separation, first from the children's father and then the courts began to eclipse everything else. Now that I was out of the home there was no escaping the

abuse. I felt shackled to my abuser. Armed with evidence of threats and abuse, I could not find any community, government or legal remedy to help my family. At the same time my children, when they needed it the most, were denied mental health supports. No one in authority, not even social workers or counselors, seemed to understand the trauma of on-going abuse and what it was doing to children. I began to meet more and more mothers with similar experiences and similarly nowhere to turn. I started a Facebook page (called Family Court Hurts) to raise awareness and provide support to mothers surviving domestic violence and legal abuse by family courts. In the first two years there were close to 300 page members. Two years later Family Court Hurts has grown to more than 1 000 page members. It's clear that the broader society is not listening to how ubiquitous and damaging domestic violence continues to be. It's clear that too many mothers and children are unnecessarily suffering allowing the cycle of violence to continue.

When it became clear that the only thing going to family court did was rob me of my rights as a mother while ignoring my and my children's voice, I wanted to stop going. Unfortunately, I had no choice but to attend. I wrote emails asking to meet and negotiate outside of court with any authority figure the father agreed to. Instead the father went to court. As the father realized he had all the advantages in court he refused outright to speak to me, never mind negotiate. He'd demand things he knew I couldn't or wouldn't agree to. To our case conference judge I likened the court process to a sporting game. In our case one side had the equipment and knowledge of all the rules, while I was left without either. That I showed a willingness to negotiate in a more level playing field and

the father refused didn't matter. Because he choose to take me to court, and I couldn't afford a lawyer, meant that it was I who was punished for showing up without the equipment to play and I who would be punished if I refused to play in his arena (show up for court). She agreed with me saying, "yes, but that is the system we have."

In my final court appearances I realized all I had was my voice and I spoke about the unfairness and injustices done to my children and myself. I told the court that they were putting my daughter at risk by refusing to hear her voice and forcing her to live with her father. I compared the judge and the court system to the residential school system that allowed foreigners to enter into people's homes and walk away with their children, for no better reason than they could. I wanted there to be a court transcript of what had transpired in our court appearances over the years. So I was shocked when I bought a copy of my court transcript only to find out that someone before me (they wouldn't tell me who) had gotten a copy of the transcript and deleted all of my comments on injustice to my children and comparisons with residential schools. The family court took my safety, my money, my children and then even my voice.

So I decided to tell my story for my children and myself. I refuse to let a biased and damaging legal system steal my voice. The education, health and legal systems completely failed my children and myself. Statistics, medical science and abused women tell us that we need a meaningful coordinated public and policy response to domestic violence NOW. Yet actions are scant. Why are we telling women to leave abusive homes and then doing almost nothing to help them when they have the courage to do so?

It's like telling a toddler to take its first step when they're at the top of a staircase, watching them tumble down and then blaming them for falling. Encouraging women to leave abusive relationships and then not offering supports, instead telling them that domestic violence is irrelevant, or that they're over reacting or that they need to learn to "cooperate" and "co-parent" with their abuser leaves them exposed to further abuse and supports the abuser. I'm confident that I and many other mothers have tried for years to "cooperate" and "get along" with the men who abuse us before walking out the door to poverty.

Blaming mothers for difficulties with the legal system fails to hold the perpetrators of violence accountable, ignores the lack of access to justice and is creating another generation of traumatized children. I have witnessed the trauma my children have experienced by domestic violence and the family court system. Their voices have been denied and they have continuously been placed in harmful situations. They have had their childhoods turned upside down with no regard to their safety or what they wanted or needed. I want them (and other children in their situation) to know that someone sees and understands the trauma they've experienced. I want them to know it was never their fault and that they can overcome the failures of the adults around them.

While the father has instigated the bulk of abusive actions, many people were, and continue to be, persuaded by the father to join in his abuse and mission to alienate me from my children. At one point I had teachers, a principal, and an assistant superintendent of a school division slandering me to my children, his friends and teachers and refusing to let me see my son while he attended their school. While I can

understand the father's desire for vengeance, I do not understand why so many other adults willingly and unquestionably took a role to assist him in denigrating and denying my children a relationship with their mother. The fact that this happened at the school I had graduated from only reinforced my belief that the racist treatment I received as a student is still alive and thriving.

No one wants to think of himself or herself as abetting the abuse of children but the advice to leave abusive homes while ignoring the lack of supports or services contributes to violence and trauma of women and children. I hope my story will help people reflect on their biases and responses to mothers who have the courage to disclose their experiences with domestic violence. So many educated people were quick to take the side of the abuser even after he was caught in multiple lies, manipulating co-workers to breach court orders, and even after one of our children was hospitalized for a suicide attempt. I feel violence to my children has been swept under the rug, sugar coated with expensive toys and platitudes, outright ignored because the abuser is white, has social status and volunteers in the community and has money for the legal system.

My personal experience with an abuser in family court exemplifies the intersectoral nature of oppression from gender, race and economic status. Being a woman people have an easier time believing I am a liar rather than the father; because I am brown and he is white education and health workers took his word over mine without requiring evidence if what he was telling them was true; because he had the financial means to hire an expensive lawyer and I didn't the legal system worked for him.

I considered myself an aware, independent woman so when I found myself in an abusive relationship I didn't want to admit it to myself. I knew there was something desperately wrong with the relationship I was in, however, my children's father held a high status position in the small town we lived in; he was popular and charming; and he wasn't leaving "broken bones or bruises". Like many women for years I struggled with deciding whether I should stay or leave.

The turning point came when I thought about what I would say to my daughter if she asked me what to do and described the relationship I had with her father. Without a second thought, I knew I would tell her to leave immediately. Right then I knew I had to leave. How could I tell her one thing yet model another? How could I talk to her about healthy relationships when her parent's relationship was unhappy and abusive? My main impetus in leaving was never wanting my daughter, or my son, to experience a relationship like the one I had with their father. Ironically, the ensuing results of my leaving their father means they're more likely to be in just such a relationship.

Family members played down the abuse and questioned my leaving. I found little help or support from any women's organization. I was completely thrown when the courts entirely dismissed the ongoing abuse and turned it's focus to my behaviour for the domestic violence while the perpetrator was never questioned or held accountable. Family court simply emboldened the abuser. I have never had my mental capacities tested as much as I have with surviving family court.

Most people believe that once the mother is out of the home the violence stops or if it does happen it's infrequent and/or both parents are responsible for it. This really perplexes me. What makes so many believe that domestic violence ends once the woman is out of the home? Evidence clearly says otherwise yet the public allows itself to be placated with beliefs that aren't based in reality.

When I came across the Power and Control Wheel on line I broke down and cried. Finally I felt understood. It validated all of ways I was experiencing domestic violence that were being ignored, minimized or dismissed by the courts and almost everyone else around me.

1.2 Power and Control Wheel

The Power and Control Wheel provides a visual representation of the primary ways women experience abuse (Appendix 1). Designed by the Domestic Abuse Intervention Project (DAIP) in Duluth, Minnesota in 1984, it presents the most common behaviours experienced by “battered” women.

Power and control are at the center of the wheel illustrating that the primary motivation of abusive behaviours is to exert power over and dominate another person. The “spokes” of the wheel are divided into eight different behaviour patterns identified as the most common and most devastating abuse tactics used to exert and maintain power and control. Physical and/or sexual abuse surround the outer rim of the wheel illustrating that

once an abusive relationship is established physical violence becomes less necessary to maintain control.

Table 1: Power and Control Wheel List of Abusive Behaviours

Source: Modified from: Domestic Abuse Intervention Project (DAIP)

Abusive behavior	Description of abusive behavior
Intimidation	Making her afraid by using looks, actions, gestures; smashing things; destroying her property; abusing pets; displaying weapons
Psychological/Emotional Abuse	Putting her down; making her feel bad about herself; calling her names; making her think she's crazy; playing mind games; humiliating her; making her feel guilty.
Isolation	Controlling what she does, who she sees and talks to, what she reads, where she goes; limiting her outside involvement; using jealousy; to justify actions.
Minimizing, Denying and Blaming	Making light of the abuse and not taking her concerns about it seriously; saying the abuse didn't happen; shifting responsibility for abusive behaviour; saying she caused it.
Using Children	Making her feel guilty about the children; using the children to relay messages; using visitation to harass her; threatening to take the children away.
Male privilege	Treating her like a servant; making all the big decisions; acting like the "master of the castle"; being the one to define men's and women's roles.
Financial/Economic Abuse	Preventing her from getting or keeping a job; making her ask for money; giving her an allowance; taking her money; not letting her know about or have access to family income.
Coercion and Threats	Making and/or carrying out threats to do something to hurt her; threatening to leave her, to commit suicide, to report her to welfare; making her drop charges; making her do illegal things.

The Power and Control Wheel is not gender neutral recognizing that the traumatic

impacts women experience are greater due to increased societal and systemic oppression across the broader society. The intersectoral nature of gender and racial bias in society compounds the impacts of domestic violence for already marginalized women.

1.3 Summary

Domestic violence continues to remain a serious issue affecting many families in Canada. Yet the response from society is underwhelming and often acts in direct opposition to the medical science warning us of the damage domestic violence is having on our children. Instead of safety and support we are setting mothers and children up for intensified toxic stress and trauma. Mothers escaping domestic violence need quick and decisive action to protect them and their children at the time of separation. They need a place to go and legal assistance immediately. Without supports at the time of separation problems easily cumulate, intensify and spread to other areas of a woman's life.

Unfortunately, many mothers find out too late that there is no place to go, and the family court system, along with the broader society, are not prepared to address domestic violence in a way that keeps women and children safe. Mothers who have worked up the courage to leave a violent home discover that the father's right to access the child(ren) trumps her and the children's right to safety. Custody arrangements become opportunities for abusive men to continue their control over women and their children (Stark, 2009; Bancroft & Silverman, 2002; Lemon 2000; Butts 1999).

The American Pediatrics Association (APA) alarm call regarding both the immediate and life long harm from domestic violence should be a wake up call for us all. Domestic

violence is not a single victim crime. When mothers escape and seek help from courts, police, women's groups, or the public, instead of finding support and protection they are left on their own and told they should be thinking of the children. Yet that is exactly what mothers are doing by leaving and seeking protection; they are attempting to protect their children from further biological, physiological and/or psychological harm.

Protective mothers see first hand the trauma and behaviour changes that abuse causes to their children. Yet in their attempts to protect their children and provide a more stable and stress free home, protective mothers are vilified and punished and children are removed from the only parent that is providing safe and responsive support they so desperately need.

Canada has ratified both the UN Convention on the Rights of the Child (in 1991), the UN Declaration on the Elimination of Violence Against Women, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) requiring the government to recognize the rights of children and women to be protected from violence and take all appropriate steps to end violence against women and children.

Thus it can be argued that by granting abusive men custody of their children over the protests of protective mothers family courts are directly endangering women and children and are violations of international human rights law (Silverman et al, 2004).

Families of missing and murdered Indigenous women have been telling us that justice in Canada is not colour or gender blind. Until recently almost no one in mainstream Canada

listened. Decades of advocacy by family members and a self-created database of their loved ones provided data that couldn't be easily ignored. However even then the former conservative government demanded the families stop collecting data and forbid them from using the name, Sisters in Spirit (Barrera, 2010). It appears that domestic violence survivors are facing the same wall of denial and silence.

Most people do not understand how profoundly unequal our access to family justice is in Canada. By the time people do realize they, or someone they love, are usually caught in the machinery of the legal system and surviving the system consumes almost all of one's energy, resources and spirit. Until the public understands the enormous discrepancies between our vision of justice in Canada and the insurmountable barriers and impediments to making this a reality for all Canadians nothing will change. Denial of justice costs us all but impacts its worst on the most vulnerable in our communities. We cannot shy away from the drastic change required: in a very fundamental sense we live in "a world thick in law but thin in legal resources" (Hadfield, 2009, p. 6).

Violence against women and children impacts us on a personal and community level. For all our technology and medical knowledge our society is created in a way that continues to traumatize children. Understanding the subjective nature of how women and children experience abuse is necessary if we are to address these negative impacts in a meaningful way. By sharing my story in this thesis I hope to contribute to trauma informed discussions and actions that improve the lives of not only the women and children who escape abusive homes, but also the men who abuse them.

CHAPTER 2 – LITERATURE REVIEW

This literature review discusses many important areas related to domestic abuse and child trauma: 1) gender bias; 2) violence against women and children; 3) trauma; and 4) the family court system.

2.1 Gender Bias

Gender inequality can be found at almost every level in society. Women get held to higher standards in politics, workplaces, religious institutions and the media with the underlying message that it's natural for men to hold power over women and that men are more capable than women.

A recent study from Arizona State University on emotional interpretations corroborates what women have said for decades; that they're often dismissed as too emotional while feeling they would be taken more seriously if they were a man. The study found that angry men were perceived as strong and forceful, while women displaying similar emotions were considered emotional and less trustworthy (Salerno, 2015 p. 589). In fact, people were more likely to question their own sense of reality when confronted by an angry man, while becoming more confident in their own views when confronted by an angry woman.

This follows on a 2008 Yale study that found both men and women judged women more harshly than men when they expressed anger regardless of their social status. Whether in management or trainee positions, if a woman expressed anger she lost social status and

her emotional expressions were attributed to an internal weakness (being an angry person, out of control). Men who displayed anger gained status and their anger was considered to be based on external circumstances (Brescoll & Uhlmann, 2008 p.273).

A bias against women is found in many professional circles. When presented with identical *curriculum vitae* (C.V.) for jobs, applicants with a male name were more likely to be offered the job and have their skills rated higher than if a female name was attached to the C.V. (Steinpreis, 1999 p.522-523). A wage gap between men and women has been well established (Altonji and Blank, 1999; Blau and Kahn, 2003; Drolet & Mumford, 2009). When women actually do the same work as men they tend to make 84% - 89% of their male colleagues (Drolet, 2001).

In science male undergraduate students consistently assessed and rated their male peers as more knowledgeable than their female peers even when the female students were higher achieving (Grunspan, Eddy, Brownell, 2016). Male students tended to over rate their male peers grades by 0.57 points on a four-point scale, even when accounting for class performance and outspokenness. Female students were more likely to rate students on performance rather than gender. This effect was found to increase over the term.

Identical papers submitted to science journals were rated higher when they had a male name attached versus if a female's name was listed as the author (Moss-Racusina, 2012 p. 5). A bias towards male undergraduates was found in both genders of reviewers. Reviewing identical papers, "female" undergraduates were more likely to be considered

incompetent and less likely to be offered a position. If offered a position they were offered a lower starting salary and were less likely to be offered mentorship. Regardless of the gender of the reviewers, men were consistently given higher merits than women.

Milkman, Akinola, & Chugh (2014) also found discrimination in gender and race for prospective academics seeking mentoring at an early career juncture. Researchers contacted over 6 500 professors from 89 disciplines and 259 institutions in the United States as students seeking to apply to doctoral programs. The researchers applied different names to the “prospective” students to infer gender and race (Caucasian, Black, Chinese, Hispanic or Indian). Overwhelmingly professors were more responsive to Caucasian males than to all other categories combined, in all disciplines except the fine arts. The greatest gender and race gap was seen in higher paying disciplines and private institutions. In business, white males were 2.2 times more likely to receive a response over any other group, while public institutions were more likely to respond to prospective students who were not white men. Surprisingly, the largest discriminatory gap was found between female Asian students and white males.

In the medical profession, a bias against women is known as the “Yentl Syndrome.” This bias results in women being taken less seriously about their symptoms on initial contact with the healthcare system. The study found women were offered less pain medication than men and needed to “prove” they were as sick as male patients for them to get the same treatment as men (Hoffmann & Tarzian, 2001 p. 17).

Sarah L. DeJean, and colleagues (2012 p. 131) found a gender bias in attitudes towards parenting. They found single mothers were more severely critiqued than single fathers. When provided identical narratives with only names and pronouns being different people judged, “single mothers” as “less secure, less fortunate, less responsible, less satisfied with life, less moral, less reputable, less of a good parent, and less economically advantaged” than if the stories indicated the parent was a single father (DeJean et al., 2012 p. 131). In fact, single mothers were rated as significantly less competent than single fathers in seven out of eight measures, including as people, parents, partners and employees. The only measure where single mothers rated higher than single fathers was in caring for other people’s children. Ironically, while single mothers were rated as less capable of caring for their own children they were considered better at caring for children that were not their own (Ibid, p. 133).

Although the public believes the courts and its officers can operate in an unbiased manner, women’s experiences of bias within the legal system has been noted by the legal profession itself. Like everyone else, judges, lawyers, court “experts”, social workers, and mediators are influenced by the societal messages around them and bring their personal biases to their workplace (Martinson, 2014). Unfortunately, these biases can wreck havoc for mothers and children escaping domestic violence.

A review of Australian family court cases involving domestic violence found that despite greater financial distress women who reported domestic violence were more likely to receive less in property settlements. In fact the more severe the reports of domestic violence the more likelihood that mothers would receive less in the division of

marital and domestic assets (Moloney et al., 2007).

The Supreme Court of Massachusetts (1990) found that contrary to popular belief there was no bias towards mothers in family court. In fact mothers faced double standards especially in the areas of, “work outside the home, temporary relinquishment of custody, and dating and cohabitation”. They noted that the courts tendency to “ignore the unequal role many women play in raising their children, and the unequal sacrifice of earning potential these women make in order to be primary caretakers, is not "neutrality," but gender bias against women” (Supreme Court of Massachusetts, 1990 p. 829; Bala & Schuman, 2000).

2.2 Violence Against Women And Children

In addition to the World Health Organization (WHO) domestic violence as a public health issue has been recognized by organizations such as the Inter-American Commission of Women of the Organization of American States (OAS). “Health systems should be the main door for detection, treatment and support for victims of violence against women,” states Carmen Barroso, Director of the International Planned Parenthood Federation’s Western Hemisphere. The response, however, continues to be incredibly inadequate.

Domestic violence is the most common form of violence against women (Statistics Canada, 2013) and in 2010 the majority (81%) of domestic violence victims were women (Statistics Canada, 2012). On an average day, more than 3,300 women

(including 3,000 children) use emergency shelters to escape domestic violence in Canada. While each night another 200 women are turned away due to a lack of space. In 2011, the rates of violence against women in Saskatchewan and Manitoba were double the national rate of police-reported violent crimes (Burczycka & Cotter, 2011).

Research shows that 80% of victims of intimate partner violence are women (Beaupré, 2015). In 2014, females were victims of intimate partner homicide at a rate four times greater than their male counterparts (Miladinovic & Mulligan, 2015). Aboriginal women experience violence from intimate partners three times more often than their non-Aboriginal sisters (Statistics Canada, 2016). Aboriginal people are more than twice as likely as non-Aboriginal people to experience abuse in their relationships. And Aboriginal women are more than three times (10% compared to 3%) likely to be victims of current or former partners (Statistics Canada, 2016).

The experiences of violence by men and women are gender distinct. While men are also victims of domestic violence, women are at greater risk of violence from their intimate partner (45%) than are men (12%). In fact, men's intimate partners are the least likely to be the perpetrator of violence against them. Instead most men experience violence from male strangers or friends (39% and 40%, respectively) (Sinha, 2013). Women suffer significantly higher rates of sexual violence (eleven times more likely), stalking (three times more likely), and threats and harassment (twice as likely) from their male partners. While men experience more extreme forms of violence - homicide, attempted murder, serious physical assault, robbery and threats, the violence is overwhelmingly from other

men. While homicides against men have fallen, over the past decade, the rate of homicide against women remains relatively stable (Sinha, 2013). 70% of self-reported spousal violence did not come to the attention of the police (Statistics Canada, 2016).

After remaining stable for many years, 2014 statistics say that self-reported domestic violence was similar for men and woman in Manitoba and had fallen from previous years (Statistics Canada, 2014). However, people who work in domestic violence shelters and programs say this is not the reality they see. A Winnipeg shelter reported a 25% increase in women accessing shelters in the past two years. Other organizations say they are also seeing an increased need for support services (CBC article 2016).

The time of separation and post-separation poses one of the greatest threats of violence from intimate partners for women. Forty-one percent of domestic violence occurred after the relationship ended. For half of the women escaping domestic violence the severity of the abuse greatly increased after leaving (RCMP, 2012; Statistics Canada, 2014, Track, 2014). Though domestic violence is often thought of as a “private matter” the social and financial costs of domestic violence are high. In 2009 it was estimated that violence against women costs Canada \$4.8 billion per year (Statistics Canada, 2013 p. 89).

Both men and women who experienced childhood physical or sexual abuse were more likely to have future relationships with spousal violence. One in five victims (21%) of spousal abuse reported having witnessed abuse in the home as a child, compared to 11%

of those in relationships without violence (Statistics Canada, 2016).

Contrary to popular thinking, men who abuse their children's mother are not good parents themselves and their behaviours undermine the mother's role while modeling dysfunctional and harmful reactions to normal life events. Custody can be used as a proxy to continue abuse of the mother, often with the children caught in the middle (Butts, 1999; Lemon, 1999; Bancroft & Silverman, 2002). Instead of protecting children from conflict and abuse, the legal system allows children to become pawns used to hurt the woman who dared to leave. Legal custody arrangements often prohibit the mother from taking protective actions for her children. Escaping mothers become legally shackled to their abusers told to "cooperate" and "get along" "for the sake of the children" while abusive behaviour towards her and/or the children goes unaddressed or is dismissed outright.

As a family evaluator himself, Stark (2009) describes how many in the family court system fail to understand the full dimension of domestic violence in custody cases. He affirms that most judges and the court "experts" they rely on too often dismiss violence against the mother as having any adverse consequences for the children.

Even if not directly abused themselves, Stark (2009 p.292) recognized that children are indirectly harmed by violence against their mother due to the problems abuse can cause for their mother (e.g., depression, substance abuse, suicide) or "because nonviolent abusive tactics may extend to the child through neglect, manipulation, or undermining a

victim's ability to parent, a pattern I term "child abuse as tangential spouse abuse." The consequences for these children may mimic those of directly experiencing child abuse and include depression, suicide, aggression, delinquency, anxiety, developmental delay, substance use, and inappropriate behavior at school (Stark, 2002; Edleson, 1999; as cited in Stark, 2009).

He notes that focusing on physical violence ignores that "abuse involves a spectrum of harmful tactics that extends far beyond the assaults and psychological degradation most evaluators, judges and attorneys identify with domestic violence" (p. 289). Tools like the Power and Control Wheel confirm that physical violence is just one of many tactics abusive men use to control women.

Reviewing the literature and studies he states:

"There is no evidence that children benefit in the longer term from having regular face-to-face contact with a violent parent and considerable suggestive evidence that the real and potential harms to children of being exposed to domestic violence or other forms of abuse of their mother outweighs any harms experienced by not seeing an abusive parent" (p. 289).

2.3 Trauma

Occasional stress in childhood can be healthy, immune boosting and necessary for building a capacity for resilience. Overcoming challenges provides opportunities for a sense of accomplishment and resourcefulness. It teaches us to persevere in the face of

obstacles and overcome what we perceive to be our limits. However, chronic stress and trauma in the early years can set a person's emotional and physiological triggers points too high weakening a child's developing brain and organs. Over a period of time, chronic stress, or repetitive unpredictable acute stressors, such as exposure to abuse or violence, can damage parts of the developing brain critical for memory, learning, impulse control, planning and judgment (Perry & Pollard, 1998; Bremne & Vermetten, 2001; Perry, 2001, 2002; Anda et al., 2007). These children become more vulnerable to future addictions, anxiety, depression, suicide, eating disorders, heart disease, diabetes, respiratory disorders and cancer (Anda et al, 2006; Yang, et al, 2013); greater challenges with literacy and academic success, and display more behaviour problems in kindergarten (Jimenez, 2016).

Medical research shows that our social environment plays a much more important role in later health outcomes than has traditionally been recognized (Felitti, et. al, 1998). Early childhood trauma can be as toxic to a child's developing brain as exposure to poisonous chemicals. Epigenetics has shown us that while our sensitivities are laid out in our genetics, it is our environment that turns the genes on/off. Environmental exposures and our lived experiences, especially in the early years, have the potential to alter brain development affecting our behaviour, disease rates, life expectancy, addictions and mental health across our life span.

Children are increasingly witnessing violence against their mothers. Being in a home with domestic violence increases the risk that children will experience an abusive

relationship themselves (Statistics Canada, 2016). Children who witness violence in their home express a great deal of anger at their abused mothers. Identifying with the abuser is a common defense mechanism in children who are either abused or who witness abuse at home. Children will often align themselves with the abuser in order to keep themselves safe. This type of “traumatic bonding” is particularly true for children who have been forced to live with the abuser (Lieberman, cited in Bender, 2004; Jaffe, Johnston, Crooks, & Bala, 2008).

Lieberman, Zeanah, & McIntosh (2011) noted how parents in high-conflict relationships often recruit children into the conflict to make the parent feel better, and to make the child more like them. The child’s sense of self becomes mixed with the parent’s as they become an emotional support for the parent. This bond is maladaptive in many ways and can be overwhelming for the child on the one hand, yet make them feel special on the other. Treatment is very challenging with strong resistance from both the child and parent as the child has learned that this is how their attachment needs are met.

Recent research has found that litigation following separation presents risks to children. A sample of separating families undergoing litigation revealed that 50% of the children scored in the clinical symptomatology range on the SDQ (McIntosh, 2006). Clearly there is an elevated risk of poor outcomes for children subjected to prolonged exposure to stress and conflict related to litigation (Burke, McIntosh & Gridley, 2009).

2.4 Post Traumatic Stress Disorder (PTSD)

Post Traumatic Stress Disorder (PTSD) is a condition some people develop after experiencing shocking, dangerous or traumatic events. Victims of domestic violence report psychological effects consistent with PTSD. Results from Statistic Canada's 2014 General Social Survey found 16% of spousal violence victims describing three or more long-term effects, including "nightmares, avoidance of trigger situations, feeling constantly on guard and feeling detached from others". PTSD effects showed a graded response from repetition or severity of violence experienced with women reported higher PTSD rates when there were multiple victimizations or more severe levels of violence (Statistics Canada, 2016).

The Anxiety and Depression Association of America characterized PTSD by four main types of symptoms:

1. Re-experiencing a traumatic event through intrusive distressing recollections, flashbacks, and nightmares.
2. Emotional numbness and avoidance of places, people, and activities that are reminders of the trauma.
3. Feeling cut off from others and other negative alterations in cognitions (ways of thinking, understanding, learning, and remembering) and mood.
4. Marked changes in arousal and reactivity, including difficulty sleeping and concentrating, feeling jumpy, easily irritated, and angered.

Children who witness domestic violence suffer higher rates of behavioural problems related to PTSD than children who grow up without violence (Kilpatrick, & Williams, 1997; Lehmann, 1997; Scott, 2010; Levendosk, Bogat, & Martinez-Torteya, 2013).

2.5 Adverse Childhood Experiences Study

As with many advances in science, medical awareness of the effects of childhood trauma on disease and mortality were discovered by surprise. While researching obesity, Dr. Vincent J. Felitti, found many of his patients used obesity as a tool to mask much deeper issues of childhood sexual or physical abuse. His clinical observations led him to Dr. Robert Anda, at the Centre for Disease Control (CDC), whose research on smoking had him questioning the psychosocial origins of disease. Together they created the largest epidemiological study (more than 17 000 patients) to determine the role of childhood toxic stress and trauma exposures to later health outcomes. The ACE study was the first medical study to measure the cumulative impacts of traumatic experiences in the early years and compare them to adult health and behaviour outcomes.

Adverse childhood experiences (ACEs), in the study, were defined as physical, emotional and/or sexual abuse, emotional or social neglect, and types of household dysfunction, such as growing up in homes with domestic violence, divorce/separation, substance abuse, mental illness, and/or incarceration of a family member.

Due to the stigma and shame attached to many of these toxic stresses, e.g. alcoholic parent, domestic violence, sexual abuse, etc., most patients had never disclosed their

experiences. The researchers were shocked by the prevalence of childhood traumas and found that a person's ACE Score (how many of the ACE markers, out of nine, they experienced before the age of 18) could be directly and positively correlated to the most common adult diseases and deaths in the United States. These patients were not from disadvantage groups as one might expect. Instead ACE patients were primarily white (75%), middle- and upper-middle class with high school educations (93%). Yet the greater their ACE Score the greater their chances of being obese, smoking, attempting suicide, injecting drugs, and being diagnosed with diabetes, heart and/or liver disease, emphysema and cancer later in life (Anda & Felitti, 2003).

Physician, Dr. Falcone's research found that patients exposed to emotional trauma in childhood had protein markers in the blood as if they suffered severe physical head trauma (Falcone et al., 2015). Similar to the ACE Study, the correlation between emotional trauma and physical brain injury markers was stronger as the emotional trauma worsened, and/or if more than one trauma was identified. Three characteristics determined the intensity of the emotional trauma:

1. how early the exposure occurred (especially before 8 years old);
2. the trauma's severity;
- and 3. whether the trauma lasted longer than six months.

Knowledge from the ACE Study has resulted in the American Association of Pediatricians call for a paradigm shift in how exposure to domestic violence is addressed in primary care of patients. As one of the prime ACEs, domestic violence, can result in

changes in brain, hormonal and immune system development, impacting a child's biology and behaviour both short-term and well into adulthood.

Exposure to violence affects children's brain development and ability to learn, leading to a wide range of behavioural and emotional issues such as anxiety, aggression, bullying, phobias, and insomnia (Alberta Children and Youth Services, 2008). Growing up in a physically violent home increases children's chances of suffering from physical abuse later in life or are more likely to grow up to become victims or abusers (Royal Canadian Mounted Police, 2012).

In the United States, 90% of juvenile offenders have experienced some sort of traumatic event in their childhood (Dierkhising et al., 2013), and up to 30% of youth involved in the justice system have post-traumatic stress disorder due to early childhood trauma (Dierkhising et al., 2013; Fox, et al. 2015). This is similar to what Dr. Gabor Mate found in Vancouver's Downtown Eastside community, known as Canada's poorest postal code. When he began asking, he found all of his female patients there had been sexually abused as children and 80-90% of the men (pers. communication). Witnessing domestic violence increases a child's chances of being physically injured themselves. Research shows men who abuse their partners are more likely to abuse their children (Dauvergne & Johnson, 2001).

Several researchers have argued that victims experience greater trauma from ongoing, severe psychological abuse than from experiencing infrequent physical assault (Davis &

Frieze, 2002; Duncan, 1999; Guthrie, 2001; Hildyard & Wolfe, 2002; Martin & Mohr, 2002; Sackett & Saunders, 1999). Doherty & Berglund (2008) found double the rate of psychiatric disorders in children from violent homes compared to children from non-violent homes. Childhood abuse is a risk factor for many psychiatric disorders including depression (Anda, 2002), PTSD (Scott, 2010), borderline personality disorders (Zanarini, 2000; Sansone, 2011) and schizophrenia (Read, 2005). High ACE scores were associated with a 10.3-fold and 17.3-fold increase in prescriptions for anti-psychotic drug and mood stabilizers (Anda et. al, 2007).

Domestic violence experienced in the early years changes a child's neuro- and physiological circuitry similarly as if they had been exposed to toxic chemicals. If the environment is safe the brain and physiology develop accordingly. Developing brains are formed by feedback it receives from its environment. A child's brain is most vulnerable to childhood abuse between 3 and 5 years of age, although the neurological impacts on the hippocampus do not appear until after puberty. Further, Rao et al. reports that the degree of parental nurturance at 4 years of age, but not at 8 years of age, predicted hippocampal volume for the age of 14 years (as cited in Teichera, 2012). If a child is raised with terror their brain becomes wired to sense fear, terror, and anger. A child's brain and biology become hypersensitive and always on-guard for signs of anger, danger and fear.

While research clearly shows adverse brain changes from early trauma experiences, epigenetics and neuroplasticity advances tell us there is still hope. If traumas are addressed

early enough then children's brains can repair and adapt in healthier ways. Neural pathways strengthening resiliency can be laid down; areas of the brain once underdeveloped can be trained to flourish, according to a Harvard study (Center on the Developing Child, Harvard University n.d.)

Studies from McGill University found that maternal nurturing behaviour lessens the impacts of trauma on developing brains through “environmental programming” that supports resiliency rather than causing a heightened fear reaction. "The first primate study found distinct differences in DNA-methylation patterns between nurtured monkeys and those separated from their mothers" (Provençal, 2012 p. 2).

Parents who abuse their partners and resolve conflict with force are poor role models for children. Whether or not children are directly abused themselves, when they see one parent assaulting the other and using threats of violence to maintain control, it influences their own expectations about how relationships should be (Jaffe, et al., 2008). Boys more commonly express external reactions, such as hostility and aggression, whereas girls tend to show more internalized behaviours such as depression, fear and physical ailments (Carlson, 1991; Kerig, 1999). Younger children are more likely to express complaints of physical ailments, anxiety and aggressive behaviour, and to regress to earlier stages of developmental functioning. Older children are more likely to use aggression as a means of problem solving, accept excuses for violent behaviour, project blame onto others, and display symptoms of anxiety (Alessi & Hern, 1984; Dauvergne, 2001).

Where there is a pattern of abuse erratic role reversals, swings from permissive to rigid, authoritarian parenting, and periodic abandonment are also common. Children of such abusers are subjected to emotional abuse such as name-calling, cruel put-downs, and distortion of their reality by telling false and frightening stories. At times they are made the favorite at the expense of siblings who are isolated or outright rejected. At other times they may be encouraged in morally corrupt and criminal behavior (Bancroft & Silverman, 2002; Johnston & Campbell, 1993). Boundary violations between abusers and children are more common, especially if substance abuse is an issue (Wilson, 2001; Jaffe et al., 2008)

According to the RCMP, a child who witnesses spousal violence is experiencing a form of child abuse, since research shows that “witnessing family violence is as harmful as experiencing it directly” (Royal Canadian Mounted Police, 2012).

The Executive Director, National Coalition Against Domestic Violence (NCADV) says witnessing domestic violence as a child is the largest risk factor for being involved in it later in life.

The single best predictor as to whether or not a person will be involved in domestic violence later in life is whether or not they grew up living with it in their childhood home. Studies from various countries support the findings that rates of abuse are higher among women whose husbands were abused as children or who saw their mothers being abused. (as cited in UNICEF n.d.)

So, if we not addressing childhood domestic violence, how can we solve the generational problem of domestic violence?”

A 1995 study (Amato, Loomis & Booth) found that when there was high conflict between parents, children had “higher levels of well being as young adults if their parents divorced than if they stayed together.” When high conflict families separate it has a “benign or beneficial effect” with researchers concluding, “that children from high conflict families are better off, in the long run, if their parents divorce than if their parents remain married” (Booth & Amato, 2001 p. 211). If conflict was low, children fared better when the parents remained together (Jekielek, 1998; Shaffer, 2007). However, separating in a high-conflict relationship only works if mothers and children are safe once they separate and not as is happening in Manitoba (and it appears across Canada) they are left to situations of heightened violence where children become separated and alienated from protective mothers.

2.6 Family court

The justice system in Canada is divided into two main branches, criminal (public) and civil (private). In criminal cases a crime is considered to be committed against society as a whole so is usually started by the state against the accused. Family law, on the other hand, is a branch of private law (known as civil law) regulating the rights and responsibilities of family members when families break down. The Department of Justice (2015) describes its focus as dispute resolution between parents, which are initiated by the parents rather than by the state.

The family justice system encompasses all laws, programs and services involved in resolving family law issues. It includes both public and private entities such as the courts, government ministries, legal aid service providers, non-government agencies,

lawyers, mediators and other private professionals (psychologists, family assessors, social workers) involved with families during the separation process. (Action Committee on Access to Justice in Civil and Family Matters, 2013). While the federal *Divorce Act* covers all of Canada, other issues of divorce/separation, fall under provincial or territorial courts (e.g. child support, custody and division of property). Each province has a superior court with jurisdiction over most legal issues and the rules can vary from province to province. For family law these courts are known as the Court of Queen's Bench and judges are appointed and paid by the provincial government, according to the Canadian Judicial Council (2016).

Attempting to streamline and address issues of family justice, many provinces have introduced programs and services whose goal is to help parents resolve their family disputes as an alternative of proceeding to court. These services may include mediation and conciliation, as well as parent education programs and family law information centres that provide support and guidance for parents (Statistics Canada, 2015).

Manitoba has a "unified family court" which means all aspects of family law are dealt with in one court rather than the need to go before different courts to settle matters (Department of Justice, 2005). In Manitoba, Family Conciliation Services is responsible for helping families to resolve custody, access and private guardianship issues. They manage a range of services and information for separating families (e.g. parenting information courses, mediation, conciliation counseling, children and teen education, grandparent support, family assessments), according to Family Conciliation Services

(https://www.gov.mb.ca/fs/childfam/family_conciliation.html). Unfortunately, many of these services require both parent's approval so if one parent is unwilling to cooperate or give approval, access to these services is denied.

In April 2013, the Action Committee on Access to Justice in Civil and Family Matters released a report highlighting how a growing number of Canadians do not have access to family justice. In particular they noted that increasing legal costs, complexity and procedural delays are overwhelming barriers to a parent's ability to exercise their legal rights. Action Committee on Access to Justice in Civil and Family Matters' Report (2013) noted that there have been many previous reports articulating the failures of the family court system and have offered many recommendations towards resolving them over the years. Though some attempts at implementing past recommendations have been made they fall far short of what's needed. Numerous reports and inquiries have called for "drastic change", a "fundamental overhaul" and a "paradigm shift" in family law, including "a more dramatic shift to non-adversarial approaches" (Action Committee on Access to Justice in Civil and Family Matters, 2013 p. 3). The Canadian Bar Association (2013 p. 56) noted "injustice is too deeply woven into the system's very structure for piecemeal reforms to make much of a dent."

On the international stage Canada's civil justice system is known to be dismal, ranking ninth out of 16 North American and Western European nations and 13th, just above Estonia, out of the world's high-income countries. The two factors contributing to Canada's low ranking were, delays in the resolution of civil matters and inadequate

access to legal counsel. In access to justice, Canada ranked 54th out of 66 (as cited in Canadian Bar Association, 2013 p 46).

The World Justice report for 2015 shows civil justice in Canada has not improved and is actually getting worse. Canada's ranking fell to 11th out of 24 North American and Western European nations and 18th out of the world's high-income countries. In measures of access to legal assistance Canada (2012-2013 measures) ranked on par with Columbia for access to legal assistance and ranked on par with Chile and Croatia regarding discrimination in the system. As well as continuing to rate low in areas of access and delays, the 2015 measures saw concerns over discrimination in the Canadian legal system rise (World Justice Report, 2015 p. 174).

Women, especially those fleeing abusive relationships, are particularly vulnerable to the failures of the family court system. Track (2014) argues that access to family justice is a women's equality issue and needs to be addressed from a gendered perspective, stating:

The economic disadvantage experienced by many women after a divorce; high rates of spousal violence and the danger some women face upon separation; marginalization of women within families and women's disproportionate responsibility for child care and domestic tasks; and discrimination against single mothers are all part of what makes family law a women's equality issue. Current approaches to the delivery of family law legal services are falling far short of ensuring women's equality rights and are failing to meet women's diverse needs (Track, 2014 p. 6).

In contrast to the widespread belief that courts are biased towards mothers the reality is quite different. A former lawyer and judge, Martinson (2010) surveyed family law and criminal law lawyers who said that:

Some lawyers and judges are not well-informed about family violence and its impact generally, and about "red flags" for future risk, so can miss both the significance of the violence generally and the important indicators of future risk (Martinson, 2010 p. 8).

Even if family violence is considered, it is often dismissed as not being relevant to the children's safety, security and well-being. An overemphasis on the importance of maintaining contact with an abusive father at the expense of the safety and security of women and children means claims of violence are minimized, especially non-physical violence (Martinson, 2010).

As far back as 1990 the Supreme Judicial Court of Massachusetts noted there was no bias towards mothers and that mothers most commonly received custody because fathers didn't ask for it. As is the reality today, mothers are often the primary caregivers before and after break up and the majority of fathers agree for her to retain custody. However, when fathers did seek custody through the courts they were successful more than 70% of the time (Supreme Judicial Court of Massachusetts, 1990). In 1977, a review of custody decisions in Los Angeles County, California, found that fathers who sought sole custody obtained it in 63% of the cases (up from a success rate of 37% in 1972) (Weitzman, 1985 p. 233). A U. S. nationwide survey of reported decisions in child custody cases from 1982 found that fathers successfully gained custody in 51% of the cases, up from an estimated 10% in 1980 (Atkinson, 1984).

The Supreme Judicial Court of Massachusetts (1990) review of custody cases found obvious contradictions in what the judiciary said and what actually happened. While

judges said they gave great importance to maintaining the children's primary caregiver before separation, in practice when physical custody was contested, any consideration to the history of care giving was dismissed. The Supreme Judicial Court of Massachusetts (1990) noted, "mothers who have been the primary caretakers throughout the child's life are subjected to differential and stricter scrutiny and may lose custody if the role of primary caretaker has been assumed, however briefly, and for whatever reason by someone else (p. 748)." In 1990 they highlighted their concern that abuse of the mother was not seen as relevant to child custody and visitation decisions, in direct opposition to research showing that children were seriously harmed by witnessing or being present in a home where their mothers were being abused (Supreme Judicial Court of Massachusetts, 1990).

Their review found three areas of family law that "consistently and negatively affect women." The first being a lack of access to legal representation; secondly, failure to accurately examine financial resources; and thirdly, a pressure to go through mediation where the presumption is that both parents have equal power in the relationship. The Supreme Judicial Court of Massachusetts (1990) reported that even though the courts had tools available to punish abusive men for violating orders, and send a clear message that abusive behaviour would not be tolerated, they failed to do so.

Family court judges often rely on court "experts" to assist them in evaluating the merits of parent's concerns regarding each other, especially where allegations of abuse or violence arise. In cases involving allegations of domestic violence, Martinson &

Jackson (2015) heard that judges and lawyers in British Columbia felt:

- Many experts do not have the necessary qualifications to assess domestic violence allegations;
- There is often no “screening” for violence, although it should be a requirement; and
- Women’s concerns about violence and abuse are too frequently ignored or minimized, or rejected completely by psychologists; often with no or inadequate analysis done to explain this result.

In their report for the UK National Action Plan on Social Inclusion, Bradshaw & Bennett (2004) prioritized access to justice as equally important as access to health-care and education recognizing access to justice as a basic right and vital to address social exclusion. The Canadian Bar Association (2013) also noted that rather than mitigating inequality the justice system further entrenches the social exclusion of particular groups, by denying people legal help when they need it thereby exacerbating their problems and causing them to cumulate.

When legal issues are not resolved people’s personal safety may be compromised and the resulting damage may be irreparable. People face ongoing difficulties and problems often spread to other areas of their lives, causing significant individual and social stress and costs. The Canadian Bar Association report (2013) use the failure of a mother and children to receive timely child support as an example. While support payments may

eventually arrive after a long and protracted legal process, meanwhile, her and her children will suffer stress, deprivations and repercussions of withheld support payments.

Denied “adequate legal representation, women are losing custody of their children, giving up valid legal rights to support and fair division of property, and being victimized by litigation harassment”, according to Alison Brewin (as cited in Track, 2014 p. 12).

Once an anomaly, unrepresented people in the courtroom are now so common that the legal profession refers to them as ‘SRLs’ (self-represented litigants). The majority of SRLs say they would prefer to have legal counsel but are unable to afford it. Gender differences exist with SRLs, with more males choosing to self-represent because they don’t want to spend money on a lawyer and feel they can handle the case on their own, while most women who self-represent do so because they cannot afford legal assistance (The Canadian Bar Association, 2013; Track, 2014). However, most SRLs feel a lack of legal assistance negatively impacts their cases and studies confirm this. More than 200 US studies of legal proceedings show that unrepresented people lose significantly more often – and in a bigger way – than those with legal representation (The Canadian Bar Association, 2013 P. 43). Robert Brun, President of The Canadian Bar Association stated:

If people don't have the economic resources to retain lawyers to protect their interests and to get their cases before judges to decide them on the facts and law, then they don't have access to justice (CBC News, 2013)

The rule of law, a fundamental concept underpinning Canada’s constitutional democracy, requires that all citizens have access to justice so that laws can be applied

fairly and equally to all citizens. The Supreme Court of Canada has affirmed that: “there cannot be a rule of law without access, otherwise the rule of law is replaced by the rule of men and women who decide who shall and who shall not have access to justice...We have no doubt that the right to access to the courts under the rule of law is one of the foundational pillars protecting the rights and freedoms of our citizens” (Track, 2014 p. 16).

Though believed a cornerstone of our democracy it seems justice is devalued in Canada. Not including police and corrections, spending on the justice system (prosecutions, courts, victim and other justice services, and legal aid) is approximately 1% of government budgets. This 1% includes services such as legal aid and law reform (Canadian Bar Association, 2013 p. 48). Federal government spending on prisons and policing has increased significantly, while crime rates decline. At the federal level, police services account for more than half the justice budget (57.2%), corrections (32.2%), courts (4.5%), prosecutions (3.5%) and legal aid (2.5%). In 2008, the total costs borne by victims, their families (taking time off work), and government (providing victim services, running shelters and operating national crime prevention strategies, etc.) was estimated to be 2.1 billion (Zhang, 2008 p. 5).

When people are prevented from asserting their legal rights or are forced to walk away from cases because of the cost of accessing the legal representation they need, can we really claim to have a system of justice? Supreme Court of Canada Chief Justice Beverley McLachlin has repeatedly stated, there is no justice without access to justice.

The knowledge and ability to assert one's legal rights are the starting point for a justice system based on equality and fairness. Without the advice and support of a lawyer, people's ability to know and assert their legal rights is seriously hampered. Without this foundation, the notion of "justice" in family law is practically meaningless (Track, 2014 p. 9). Dr. Patricia Hughes (2014) states:

Can therefore a country be said to be governed by the rule of law if some of its populace is excluded from accessing the law or is faced with significant challenges in doing so, cannot benefit from using the legal process or is disadvantaged in proceedings brought against them by the state?

Studies demonstrate how unresolved legal problems and inadequate access to justice are costly for both the individual and to society at large. For example, Macfarlane's (2013) report called the "National Self-Represented Litigants Project" notes that the costs of inaccessibility include: stress and health effects, loss of income and loss of employment. Children can be secondarily affected if parents are not afforded the fair outcomes that they need. This may be obvious in child support or parenting cases, but is equally true when families with dependent children are at risk because of other unmet legal needs, such as those impacting housing or income issues. The Action Committee on Access to Justice in Civil and Family Matters (2013) notes how the current family law system with its adversarial nature tends to further polarize parents and enflame conflict rather than help; that conflict can severely impact children; and the legal process interferes with what parents perceive as justice by being highly complex, lengthy, expensive and unpredictable (p. 5).

An accessible legal aid system is not just about individuals in need gaining access to a *lawyer*; rather it is about gaining access to the benefit of the *law* (Track, 2014). While there are some competent lawyers who deal with domestic violence cases, and a few clinics that specialize in these cases, many of the lawyers who represent women in these cases lack the training and resources to deal adequately with them (Shaffer & Bala, 2003). When community members were asked whether the law would protect them from abuses of power, or hold a person in authority accountable for breaking the rules, the most common response was to *laugh out loud*. Many people felt that when lawyers were paid more money, they were more likely to fight for and do a better job for clients (Canadian Bar Association, 2013).

2.7 Survey of legal aid lawyers

A survey of legal aid lawyers, paralegals and community legal workers about family court services found many complaints that people were not getting access to justice (Canadian Bar Association, 2013 p. 110). I list five quotes from different people in the survey below:

“Many clients are left with the prospect of no legal assistance with their divorce or spousal support claims and with their criminal charge, and so on.”

“Why do we even talk about “clients” if they aren’t getting services? And these are in the two chief areas where legal aid actually does provide service, family and criminal. Confused.”

“Current Legal Aid Services are inadequate to meet the needs of today’s clients and communities, let alone those of the future.”

“Even though Legal Aid is supposed to fund family and criminal law matters, very limited matters in each are actually covered.”

“Those not able to get spousal or child support or a fair divorce settlement can end up in poverty.”

An Australia study (PricewaterhouseCoopers, 2013) found that for every dollar spent on family law legal aid there was a \$1.60 to \$2.25 benefit to the overall justice system. The value of providing legal aid went beyond the person receiving it:

Legal aid demonstrably benefits those receiving legal aid support, those people and businesses they have contact with, the community more broadly and the efficiency of the legal system as a whole. Therefore there is a strong economic case for appropriately and adequately funded legal aid services, based on the magnitude of the quantitative and qualitative benefits that this funding can return to individuals, society and the government.” (PricewaterhouseCoopers, 2009. P. xi).

Canada lacks comprehensive data regarding the return on investment for investments in legal aid. However reports from Australia, the United Kingdom and the U. S. show “the average demonstrated social return on investment is that for every \$1 of legal aid spending, about \$6 of public funds are saved elsewhere” (Canadian Bar Association, 2013 p. 53). Returns on investment ranged from a low of \$2 benefit for every \$1 spent on legal aid to a high of \$18 savings for every \$1 spent on legal aid.

Studies find that the most highly disputed child custody cases are reported to involve a history of domestic violence (Silverman, Mesh, Cuthbert, Slote & Bancroft, 2004; Stark 2009). However, the legal aid funding allotted per case is inadequate to provide representation for the demands of domestic abuse cases (Doucette, 2001). Many women

are legally advised not to raise abuse issues in the courts (Neilson, 2001). Some lawyers advise this as they consider domestic violence irrelevant to custody and access issues if there is no direct physical or sexual abuse of the children. In other cases, there's a concern that if domestic violence is raised but not proven the mother will be branded an "unfriendly parent" with the intention to limit the father's access to the children for selfish reasons.

Despite the fact that Canadian legislation states that the "best interests" of the child be used in determining custody and access, in practice it's left to the discretion of judges and many judges, lawyers, and mediators presume that fathers, even if they are abusive, have a right to have access to their children (Neilson, 2000; Stark, 2009). Abusive men demand the "right" to regular access, threatening violence, or at least protracted litigation, if they do not get what they want. Without "broken bones or bruises" on the children, lawyers, judges and mediators pressure domestic violence victims into agreeing to on-going access to a child (Neilson, 2001). Even with proven physical violence witnessed by children, judges are more likely to grant joint custody to men who perpetrate violence against the mother of their children with the justification that they are "good enough fathers" (Stark, 2009).

Financial and psychological pressures are used on mothers who've been abused to settle even if they have on-going concerns about inadequate care, possible child abuse, or high risk behavior by the non-custodial parent during visits. The poor handling of domestic violence by the courts leaves many victims feeling abused by the legal system itself,

including a domestic violence survivor from Calgary who stated: “I feel intimidated and bullied by the legal system;” while an Indigenous women from Saskatoon shared, “If you believe in the system and think it will help you, you’ll get burned” (Canadian Bar Association, 2013 p. 16).

Judges and lawyers often refer parental disputes to mediation, especially those involving custody disputes, even with allegations of spousal abuse (Neilson, 2001).

While the guidelines for mediators require that cases involving domestic violence be screened out, Landau (1995), found mediators do take cases with spousal abuse issues. Mediators can pressure abused women to agree to access terms, without adequately addressing their fears and safety concerns. Many mothers reported feeling pressured by mediators or lawyers to agree to “joint custody,” despite on-going abuse issues. Where violence is not an issue, joint custody may be totally appropriate, however, abusive men often use joint custody as a means of maintaining contact and control over former partners. Pressured by the legal system, a lack of resources, and a lack of effective advocacy mothers feel they have no choice but to accept conditions that leave them and their children vulnerable to further abuse (DeVoe & Smith, 2003).

Many family law systems across Canada are based on a 1998 report, *For the Sake of the Children* released by a Special Parliamentary Committee even though concerns were raised about how domestic violence issues were addressed, both in the hearings and the final Report. The Committee heard from a variety of professionals and academics, and both victims of abuse and workers, yet appeared much more sympathetic to fathers who

raised the issue of false allegations of abuse than towards victims of domestic violence (Bala, 1999). The most concerning aspects of the *Report* are its treatment of domestic violence issues, which reflect the “pro-father” attitude of the hearings, and the sympathies of some key Committee members. The *Report* focuses extensively on the issue of false allegations by mothers and abuse perpetrated by women rather than the more prevalent and serious problem of male abuse of women and children. The report completely ignores evidence that non-custodial fathers were found responsible for 43% of all intentionally false allegations, while custodial mothers were responsible for 14% of false allegations in custody or access disputes (Knott, Trocmé & Bala, 2004).

Recommendations addressing abuse concerns are especially problematic. One recommendation for determining the test for best interests of the children include only “proven family violence” as a factor. Demanding a criminal conviction before abuse be taken into account is not reasonable or protective for women and children and clearly reflects a pro-father slant to the Committee, as the qualifier “proven” was not used to modify any other best interests factor. It appears the Committee’s approach was influenced by its Co-Chair, Roger Gallaway, MP, (Gallaway, 2001 p. 2) who quite inaccurately said:

“Women are statistically about as violent as men. But violence is for the criminal courts: it has no place in our divorce or family courts in terms of culpability . . . [the] philosophy of violence being overwhelmingly a men’s trait is . . . in itself discriminatory in that it leads to contempt for . . . men”.

Unfortunately, these bogus comments dominate the Committee’s *Report* and family law systems across Canada today. In fact the Manitoba Government provides a parenting

workshop required by both parents before proceeding to court by the same name as the pro-father report, *For the Sake of the Children*.

CHAPTER 3 – METHODOLOGY

3.1 Indigenous Research Paradigm

According to Wilson (2008) an Indigenous research paradigm's importance is it allows Indigenous researchers to judge the research methods and forms of expression that are valid for themselves. It allows the development of criteria for judging the usefulness, validity and worth of research and writing with our lived experiences.

The belief that researcher and methodology are unbiased in a dominate research approach is challenged by an Indigenous research paradigm. Wilson (2008) comments that "from an Indigenous worldview it's clear that researchers often impose their own Eurocentric definition of reality on the rest of the world". This belief that mainstream researchers are unbiased crosses over to Canada's police and legal systems. Canada's justice system holds itself up as a bastion of impartiality and fairness when the reality is that it imposes a very patriarchal imperialist Eurocentric version of reality.

The dominant approach also tends to focuses on problems and enforce outside solutions rather than appreciating and expanding upon the expertise contained within those being studied. In this way the power lies with the decisions and interpretations of "outsiders".

Telling ones story is also recognized around the world as a healing modality and many healing traditions understand that healing involves a person feeling that their humanity is honoured. We can do this by recognizing, without needing to solve, a person's traumatic experiences.

I believe that an Indigenous research paradigm lends itself to understanding the subjective nature of how women and children experience abuse and is vital if we are to address negative impacts in a meaningful way. By sharing my story in this thesis I hope to contribute to trauma informed discussions and actions that improve the lives of not only the women and children who escape abusive homes, but also the men who abuse them.

3.2 Autoethnography

Autoethnography appears to be the dominant society's version of approaching research from an Indigenous research paradigm. Autoethnography has three elements: auto, ethno and graphy (Clarke 2014). "Auto", refers to a self- critical analysis of my personal role as an active agent in a situation while the "ethno" part brings my personal reflections into a larger social and cultural dimension (Clarke, 2014). "Graphy" considers examining culture and society through the art of writing personal experiences (Clarke, 2014; Ellis, 2009; Ellis, Adams and Bochner, 2010; Ellis, Adams and Bochner, 2011; Bright et al., 2008; Doloriert and Sambrook, 2011; Chang, 2008a; Chang, 2008b).

Autoethnography is qualitative social science research (Clarke, 2014). This field of inquiry started within sociology to study human group dynamics with the “Chicago school” in the 1920s and 1930s. Labelled ‘soft’ and ‘journalistic’ by quantitative researchers as it minimized measuring and considered processes and meaning (Denizen and Lincoln, 2000). In this way this research method shows “reality” is socially constructed with the constraints of place and bias shaping inquiry. Research thus is always “value-laden” and biased by the researcher.

Ethnography considers how the researcher shapes and defines the research process (Clarke, 2014; Reeves, Kuper & Hodges, 2008). In contrast, autoethnography is defined as “an approach to research and writing that seeks to describe and systematically analyze personal experience in order to understand cultural experience” (Clarke, 2014: Ellis, Adams & Bochner, 2011 p. 273). Thus, autoethnography requires more analysis by focusing on seeing the cultural and social knowledge in line with the personal story.

Ethnography is a research inquiry (Lockford, 2002) regarding “the study of social interactions, behaviours, and perceptions that occur within groups, teams, organisations, and communities” (Gergen and Gergen, 2002 p. 12) and “into a matrix of relationships” (Gergen and Gergen, 2002 p. 12). My experiences within family court and domestic violence is research into my personal knowledge (Clarke, 2014; Haynes, 2011), related to the larger societal culture of women and child violence and trauma research (Clarke, 2014; Dyson, 2007; Vickers, 2007). In this way reflecting on my experience explores the broader issues of society (Haynes, 2011). The process of revelation of my deeply

personal story is the research product (Ellis, Adams & Bochner, 2011), which hopefully will engender empathy, connection and solidarity (Clarke, 2014; Sparkes, 2002).

My biographical experiences with domestic violence and the family court system are the raw data for analysis and my autobiographical content (Clarke, 2014; Denzin, 2014, as cited in Clarke, 2014; Chang, 2008b). This way my own interpretations of my story echoes as more than just my story. Statistics are provided to back up my story. Through autoethnography I explain my life within a larger social realm, (Clarke, 2014; Schwandt, 2007) with myself, as both subject and object (Haynes, 2011; Aitken, 2006; Gerger and Gerger, 2002; Reed-Danahay, 1997a; Taber, 2012; Ellis, Adams and Bochner, 2011; Ellis, 2009).

Autoethnography is not a neutral process (Clarke, 2014; Gerger and Gerger, 2002).

Autoethnography is clearly not value-free and does not pretend to be a measure of truth (Clarke, 2014; Denzin, 2014; Ellis, 2009). I have a position and I use my values and personal experiences to consciously exert my views in this research process (Clarke, 2014; Ellis, Adams and Bochner, 2011; Haynes, 2011; Aitken, 2006; Dyson, 2007; Hayano, 1979). My predetermined agenda is transparent, unlike other research methods while claiming objectivity, contain subjective elements (Ellis, Adams and Bochner, 2011).

Similarly, Indigenous peoples place high importance on storytellers imparting their own life experiences and background into their stories. It is understood that the listener will

filter what they hear/read through their own personal experiences and thus adapt the information to make it relevant and specific to their own lives (Wilson, 2008).

My experiences are meant to provide insights into family court, domestic violence and the consequences to children. Denzin (2014, p. 19) describes autoethnography as using “personal experience and personal writing to (1) purposefully comment on/critique cultural practices; (2) make contributions to existing research; (3) embrace vulnerability with purpose; and (4) create a reciprocal relationship with audiences in order to compel a response”. That is my intent by my personal accounts.

Autoethnography does not focus on a “snapshot in time” but is an ongoing process, rather than a product (Clarke, 2014). The process of self-examining my experience is ongoing (Clarke, 2014). Introspection as part of autoethnography is accepted as a viable academic method of gaining knowledge (Clarke, 2014; Ellis, 2009; Jones, 2002; Taber, 2010a). The story unfolds within a collective public dialogue (Clarke, 2014). My feelings are not denied as part of this but accepted, applied and required to make this thesis genuine (Clarke, 2014; Ellis, 2009; Haynes, 2011).

Reliability with autoethnography refers to the credibility of the writer (Clarke, 2014; Bochner, 2002, 86; Ellis, Adams & Bochner, 2011; Bright et al. 2008). Similarly, Indigenous research methods rely on this relationship-based credibility (Clarke, 2014; Smith, 1999; Wilson, 2008; Chilisa, 2011; Kovacs, 2009). Statistical and literature data are enhanced by stories to enrich understanding and empathy.

Validity is a significant issue in autoethnography (Blenkinsopp, 2007; Plummer, 2001; Ellis, 2004; Bochner, 2002; Ellis, Adams & Bochner, 2011; Ellis & Bochner, 2000; Dyson, 2007; Denzin, 2014). “Rather than relying on questions of truth and validity, autoethnographical researchers are responsible for selecting, representing and interpreting experiences to inform meanings and shared understandings” (Haynes, 2011 p. 142). My story of domestic abuse and family court carries its own unique details but may relate to the experiences of others (Clarke, 2014; Ellis and Bochner, 2000; Ellingson and Ellis, 2008; Ellis, Adams & Bochner, 2011; personal communication).

In contrast to standard social science research methodologies and similar to an Indigenous research paradigm, autoethnography makes no claim of neutrality, and states that there is no need to do so (Clarke, 2014; Ellis, 2009; Gerger and Gerger, 2002). My choice of topic is clearly not neutral. My pre-conceived agenda is to examine my personal experiences in order to bring social and political illumination to this area (Clarke, 2014). This is in line with other Indigenous research. Indigenous research methods are not neutral identifying the role that colonization and anti-colonization plays within their research (Smith, 1999; Wilson, 2008; Clarke, 2014; Chilisa, 2011).

Indigenous is a term embedded in colonization as they were simply “The People” prior to conquest (Alfred, 1999; 2009a; Chrisjohn, 1997; Clarke, 2014). However, I use the term “Indigenous” to refer not only to the first peoples of what is called Turtle Island (North America) but to express the commonalities of worldviews and relationship approach to life that is shared among earth based people across the globe.

My identity is complex. I was adopted into an Ojibway family when my Chinese mom came to teach in Manitoba and married when I was a small child. I grew up on Sagkeeng First Nation and this has become a part of my identity. Paul (2006) relates how adoption is an ancient practice of many Indigenous cultures that survives to modern times.

Custom adoption procedures were simple. With the consent of the chief a family would simply take the child into their home and family and the child was then treated by the community as if the child was the family's natural born. As a small child used to living alone with my mother being accepted into a family with many relatives was heart warming. When I first stepped foot into at my father's home it was filled with people. I was introduced to the adults, grandparents, aunts, uncles and then the swarm of kids who were introduced as simply, "my cousins". I was told that all these people were my family now and that I was one of them. The freedom to roam and my inclusion by adults into many life experiences was especially exciting. Paul (2006) notes that contrary to popular belief settlers who were captured by Indigenous nations were not anxious to return to their settler life and many choose to stay with their captors, preferring what for many was "their first taste of real freedom within a just and caring society" (p. 29). This is also why it is important that autoethnography follows the tradition of Indigenous research methods (Ellis, Adams and Bochner, 2011; Hart, 2004; Smith, 1999; Wilson, 2008) using the art of storytelling and narrative. My autoethnography has its basis in stories and narration from a tradition I grew up with.

3.3 Organizational Autoethnography

Organizational autoethnography is applying autoethnography to micro systems such as family (Clarke, 2014; Doloriert & Sambrook, 2011) or macro systems such as education (Clarke, 2014; Roth, 2005), government structures such as the military (Taber, 2010a; 2013). The sociocultural context of the organization is analyzed considering the self within existing theory (Clarke, 2014; Haynes, 2011, 139; Taber, 2010a). Boyle and Parry (2007) describe the purpose of organizational autoethnography, stating:

The prime focus of an organizational autoethnographic study is to illuminate the relationship between the individual and the organization in a way that crystallizes the key conceptual and theoretical contributions to understanding the relationship between culture and organization” (p. 186).

Gerger and Gerger (2002 p. 13) discuss the “politics of representation” in autoethnography considering how these topics cannot be assessed through standard social science research methods (Aitken, 2006; Clarke, 2014). In this way, one person can open a discussion involving others immersed in these issues, encouraging their consideration and response (Denzin, 2014; Clarke, 2014).

Organizational autoethnography is an academically recognized form of ethnographic research (Ellis, 2004; 2009; Ellis & Bochner, 2002; Clarke, 2014; Gergen & Gergen, 2002; Taber, 2010; Roth, 2007) despite its detractors. The use of my own stories based on my lived experiences within Family Court provides authenticity (Ellis, 2004; 2009; Ellis & Bochner, 2002; Gergen & Gergen, 2002; Taber, 2010; Roth, 2007) by providing lived experience within studies of systemic information. It may be the only ethical and legal way for any details within the Family Court system to be brought forward to the

public (Taber, 2010) since the stories of the others, particularly children, within the system are confidential. Through storytelling I can speak for and about myself and can be confidential about others.

My methodology to examine, analyze and interpret research has checks and balances as Chang (2008) states is needed for autoethnography. My data does not only come from me but from the experiences of others through documentary research and other mothers I've met through my experience in the system (Clarke, 2014). This balances the autoethnographic method and prevents over-reliance on self, which Chang's (2008) says can be one of the pitfalls of autoethnography (Clarke, 2014). If I were to only speak of my own personal experiences domestic violence and family court without providing other references, then it would be pure autobiography without rooting itself in the larger socio-cultural story. To firmly situate my own experiences in a larger body of research I make reference to other research.

My personal analysis of domestic violence and family court provides depth and context that quantitative studies cannot. Autoethnography is anti-oppressive research for it does not hold power over others (Roth, 2005; Buzzard, 2003; Adams & Jones 2008; Spry, 2001; McLelland, 2012).

Clarke (2014) argues that autoethnography provides more depth than other research by including our emotions. The notion of objectivity in western research expects the researcher to separate themselves from their subject. Emotions are to be removed if the

research is to be valid. However, an Indigenous research paradigm integrates our senses and intuition. Indigenous scholar Eber Hampton (1995) describes this difference as such,

“One thing I want to say about research is that there *is* a motive. I believe the reason is emotional because we feel...we do what we do for reasons, emotional reasons. That is the engine that drives us. That is the gift the Creator of Life. Life feels...feeling is connected to our intellect and we ignore, hide from, disguise and suppress that feeling at our peril and at the peril of those around us. Emotionless, passionless, abstract, intellectual research is a goddam lie, it does not exist. It is a lie to ourselves and a lie to other people. Humans – feeling, living, breathing, thinking humans – do research. When we try to cut ourselves off at the neck and pretend an objectivity that does not exist in the human world, we become dangerous, to ourselves first, and then to the people around us” (p52).

There is limited meaning to the numbers, which are often disconnected from humanity so that they do not allow us to relate to or even connect and empathize.

3.4 Summary

Autoethnography appears to be the dominant society’s version of approaching research from an Indigenous perspective. As such it offers the opportunity for human empathy in research and the possibility for transformation of our understandings of situations in ways that other research rarely can (Clarke, 2014; Chang, 2008a and 2008b).

While I in no way claim to be an expert in Indigenous research paradigms I believe that approaching research in this way offers value for everyone, not just Indigenous scholars. Many of the problems facing our world (from climate change to domestic violence to child welfare) have been studied for many many years and yet not much is improving, in fact in many ways conditions seem to be getting worse.

CHAPTER 4: MY STORY

“The process of forgiving ...begins with telling the story, so you can’t get to forgiveness without confronting the reality of what happened. And you must name the hurt. You can’t get to forgiveness without saying, “This is how I have been injured.”~ Mpho Tutu, daughter of Rev. Desmond Tutu

This is my story.

After high school, I graduated from university with honours in wildlife biology, travelled around the world on my own, lobbied at the United Nations in New York City when I was 25 and gave birth to two children alone at home.

I’m the last person to think I would be in the place I found myself after leaving an abusive home and getting caught in family court. I never imagined that I would lose custody of my children, be treated like a criminal by school and health authorities, the RCMP, and the courts while never being charged or convicted of a crime. I never imagined that family courts would excuse abuse against me, blame me for the actions of the perpetrator of violence and treat my children like the property of a man. I never imagined that the public, including some friends and family would so easily dismiss

abuse perpetrated on my children and myself.

I naively thought that leaving the home would free me and the children from the violence and control of their father. I thought the father would eventually calm down and do the right thing. He's an educated man after all, a respected "leader" in his community. But I was so very wrong.

Instead I was blindsided.

First by the increased intensity of the abuse after leaving; then, by the complete dismissal of domestic violence evidence by the police, courts and their "experts" - social workers, mediators, educators, mental health workers, psychologists, nurses, a psychiatrist, family and friends; thirdly, by the abuse inflicted by the family court system itself; and fourthly, the lack of community supports, or even compassion and understanding, for mothers and children in our situation.

Unfortunately, my children and I learned this the hard way. Soon after I left my children's abusive father he began threatening to go to court and take the children away from me. I was terrified. As a member of a First Nation community I didn't expect the court system to be welcoming towards me. However, I did expect it to protect my children and myself from abuse. It was 2004 after all and the messaging to women to leave abusive homes permeated my consciousness. I expected that our rights to live free of abuse and harassment would be upheld. I expected court rulings to be based on

evidence and an understanding of the harmful effects of domestic violence and toxic stress against healthy child development principals. I couldn't have been more wrong.

Feeling broken and battered, beaten and torn

Sliced down the middle, ripped opened,

laid bare at your feet

My chest is heavy, its tight, I can't breath

There's pain deep inside me

I struggle, I weep

Threats, intimidations seep into my bones

Alone and exhausted

I just want to sleep

06 October 2004

4.1 Growing Up Brown In Manitoba

Growing up on a reserve next to a non-Indigenous community, you learn quickly that people, especially those in authority - police, courts, businesses, health workers, and teachers - are not friendly or kind towards brown people. You learn all about being labeled a "problem" and how anything you do is viewed through a lens of racism against "Indians".

My first days attending the "town" school involved "white" kids acting like they were afraid to touch those of us from the rez, like we had some kind of contagious disease.

The “white” kids taunted us with verbal slurs, like “dirty Indian” and “dirty squaw”. On the bus back to the reserve I asked my cousin what a “squaw” was as I had never heard the word before. She told me it meant an Indian woman. ‘Oh, so its ok we are squaws’ I exclaimed. She laughed at me and told me it wasn’t a word we would use and that the other kids were using it to hurt us. I was confused. Why would kids we never met before want to hurt us? Why they didn’t want to get to know us and play with us? We were all kids after all. I recalled when I had first come to the reserve as a small child with my mother. My first days at the reserve school were markedly different. There kids lined up to play with me. They wanted to get to know me and treated me like I was special. Before that I recalled seeing a picture of me in daycare in North Preston, Nova Scotia, when I was four. In the picture I obviously stand out as the only non-black child in the photo. Yet at the time I didn’t know any difference. No one had ever made me feel different from the other kids, not the adults and not the kids. Now here were these “white” kids being so mean to people who had showed me such kindness and acceptance. They seemed to hate us just because of where we came from. I couldn’t make sense of it in my nine year old brain but I remember telling myself, “if this is the way “white” kids are I want nothing to do with them.”

And it wasn’t just the kids. Teachers also made openly racist remarks and there was definitely a racial bias in marks and support given out to “white” verses “brown” kids. I first noticed the differential treatment in grade five when I got slapped in the head by our teacher (a nun) for not putting my books away quick enough. Wanting to avoid the physical punishment the next time I was sure to put my books away more quickly. To

my surprise I was slapped again, this time for putting my books away too quickly. I was very conscious that I was the only child being singled out and slapped by the teacher. I was also the only “brown” child in our classroom. I realized then that it didn’t matter what I did but to save myself I should do all I could to avoid her and become invisible.

In grade seven (at a different school) the teacher regularly made comments about me to the rest of the class beginning with, “oh those people....” Students in the class regularly made racist comments that the teacher would laugh at. Two older boys from grade nine threatened to ‘kick my ass’ if they caught me alone. I decided to quit school rather than face the constant harassment and threats.

In Manitoba, beginning in grade seven and each year thereafter, on some random day (at least to us) we came to school and were told to write an essay consisting of a certain number of words. Each year the number increased by 50 words. On those particular mornings, ten topics were listed on the chalkboard and we had to pick one and write our essay. There was no way to prepare and we were not to attach our name to the paper. Instead we were given a number to assign to our paper and our papers would be sent to another school to be graded, making them anonymous to the marker. Every year I received the highest or second highest mark for my essay. Yet in my own school, where I was known, I never reached more than a “B” average. In grade 10 math class, the teacher (another nun) gave us an assignment with bonus questions for extra points. I found the assignment quite easy and was the first one finished, including the bonus questions. When I handed in my paper the teacher was incredulous that I could have

finished before the top student in the class all but accusing me of cheating. I explained that I couldn't have cheated as I had been sitting in front of her the entire time. I never received the bonus points. Our grade 12 English teacher, also our principal, refused to help me when I was ahead of the other kids, telling me to wait until everyone caught up. When the popular white girl was unhappy with her grade on her paper she literally broke down in tears until he agreed to remark her paper. I protested that it wasn't fair for her to receive a higher mark (which she did) just because she cried. How was I supposed to respect education when it was doled out so unfairly? I learned again that race trumped effort or ability.

At the local hospital in Pine Falls there was a waiting room for "brown" people and another for "white" people. The waiting room for brown people was often packed while the "white" waiting room was almost always empty. Being a kid I frequently had to give up my chair for an elder so I spent what felt like endless hours sitting on the waiting room floor looking out across the hall to the "white" waiting room and its rows of shiny empty chairs, longingly. How I wanted one of those chairs.

I often wondered why we couldn't use the chairs in the "other" waiting room and if white people ever got sick. Our room always so full and the "white" waiting room always so empty. Then one day an elderly "white" couple came and sat in the room across the hall. It was the first time I saw anyone in that room so I took notice. I also took notice when at the next turn to see the doctor this same couple was escorted into the doctor's office even though they had just arrived.

I looked around the room at the rows of *kokums*, *mishooms*, and mothers with babies on their knees filling the chairs in our “brown” waiting room, all of whom had been waiting much longer than this couple. I was impatient at having to sit on the floor while across the hall all those chairs sat empty. Now this couple was ushered into see the doctor before all these *kokums* and babies?

I asked my mom aloud why they were cutting the line. Why did they get to go next when so many others were clearly before them? The couple heard me and I saw the elderly woman glance at me with a guilty look. Right then I knew that she knew that their cutting to the front of the line was wrong...but that’s just the way it was. My mother told me to hush but an older woman in our waiting spoke up and told her I was right to ask.

However, no one answered my question. The room fell silent again. The “white” waiting room remained empty as ours slowly emptied out. That day I learned that “white” people move to the front of the line and that there’s no use in protesting it. Fairness didn’t come into play.

I was seven the first time I went to the movie theatre in Pine Falls. My cousin and I got our popcorn and drinks and eagerly headed into the theatre. As we turned towards the left aisle, our uncle grabbed us and yanked both of us backwards. We’re not allowed to sit on that side of the theatre he told us. He pointed to the rows of chairs on the right side. “This is where we have to sit,” he said. I don’t remember the movie we saw that day, all I could

think of was, what's so great about the left side of the theatre?

Years later in my final year of university, after a summer spent working on my honour thesis, I told my advisor that I would have to quit school. Surprised he asked why? I couldn't secure a student loan. For four months I spent hours on the phone between Manitoba and Nova Scotia student aid departments, each one bouncing me back and forth to the other. Neither would commit to giving me the loan I needed to finish my final year of studies.

After my disclosure, my advisor immediately dropped the work we were doing and marched me across campus to the university president's office. He explained to him the situation. The university president picked up the telephone and made one phone call while we waited in his office. After he hung up he told me not to worry, my student loan had been approved.

I remember being astounded at how easy it seemed. After copious phone calls to both Manitoba and Nova Scotia student aid departments without resolution, this white man could pick up a telephone and have it done just like that. The power of white privilege.

On the way back to the biology building my advisor asked me why I hadn't come to him sooner. It never occurred to me to ask him for help. I had been taught that injustice against people like me were just par for the course, we struggled more for

everything. Growing up no one cared what happened to me and asking for help was futile and a sign of weakness. In my experience asking for help, especially from an authority figure, just wasn't an option.

It was the first time someone told me that it was ok to ask for help. I remember being amazed with how easy it had been for a white man to gain the support that I could not. Four months of stress, tears and despair lifted in one phone call from a man I had never seen before. Someone who knew almost nothing about my situation or me had more power to advance my concerns than I who was intimately tied to it.

Like the white patients at the Pine Falls hospital and the teachers with their racist slurs and grading, it reinforced the existence of white privilege and two-tiered justice.



Given my experiences growing up I didn't hold much faith in police or the courts however, not even those experiences prepared me for what would happen through the family court system with an abuser.

Instead I had come to believe the messages that tell women to leave an abusive relationship; that it would be better for my children and I.

But no one told me that after leaving I'd be on my own.

No one told me that abusers often fight for and successfully gain custody of children in family court.

No one told me that the abuse I was fleeing is not only considered irrelevant in deciding custody in Manitoba, but would be used against me, as if I were lying to gain an advantage in court.

No one told me that “justice” cost hundreds of thousands of dollars and without money it’s as though my or my children’s rights don’t exist.

No one told me to prepare to lose my children completely.

As noted by Statistics Canada (2011) once I left the home, the abuse escalated.

Shelters refused to help us since we were already out of the home. Women’s groups told me there was nothing they could do for my children or me. Without criminal charges Victim Services wouldn’t help. I feared that attempting to press criminal charges would heighten the abuse. One time I did call the police. After putting the children into the father’s car for what I thought was a weekend visit, he locked the doors and told me he would not be returning them. He closed his window and began to reverse out of the parking stall. I stood behind his car but he continued to back up so I had to move or be run over. When I stepped aside so as to not be run over he drove past me ensuring his side mirror hit my stomach before speeding off. It hit me hard enough to knock it off its post. Later my daughter would tell me that as they drove away he told the children their mother was “crazy”.

I noticed a man standing in the parking lot watching what had just played out. I called out to him and walked over to ask if he would be a witness for me. Before I reached him he jumped into his vehicle and locked his door. He refused to speak to me and motioned for me to go away.

I called Winnipeg Police and when I told the two officers who showed up what happened they accused me of lying to get the father in trouble. He told them I vandalized his car and knocked the mirror off its hinge. When he kept his word and refused to return our children to my care, the police told me they couldn't help unless I had a court order. Later when I did have a court order the police (both the RCMP and the Winnipeg Police Service) still refused to enforce it when the father was in breach. Instead they told me to go back to court. When I explained in court that the police were not enforcing the court orders the judge became incensed at me.

Family court proceedings started when the father, true to his word, refused to return my son – though he let our daughter return. I thought it was a pretty clear matter. I had left my career to be a stay at home mom for six years and was still their primary caregiver. The father worked in a management position and often had to travel for business. To my shock and dismay the judge we appeared before refused to grant the return of my son even though he had been “stolen” from his home, sister and mother without explanation.

How do you negotiate with someone who has stolen your child and faced no consequences?

Dr. Peter Jaffa et al. (2002, p.502) notes, “in the worst cases...terrorizing control of an ex-spouse is achieved by refusing to return the child after visits, abducting the child, or threatening to do so”. This statement is supported by other research (Greif & Hegar, 1993; Johnston & Girdner, 2001). Stark (2009) uses the term “coercive control” to describe tactics intended to intimidate, humiliate, degrade, exploit, isolate and control another and notes that “well over 90% of all domestic violence incidents are relatively minor from a medical or criminal justice perspective (p. 294).

In reality the absence of bruises and broken bones means women’s allegations of domestic violence are dismissed as not real or not that bad. The gap between how we think of ourselves as a caring society and how it plays out for mothers leaving abusive men is massive. The legal system not only doesn’t help in any meaningful way, it inflames conflicts and can be used as a proxy to continue abuse on spouses who dared to leave.

On the second case conference, with a different judge, the father was caught lying. Great I thought, now authority figures will see what I have to deal with. Instead, the female judge refused to even acknowledge his lie and insisted I negotiate in good faith with the man who stole our child and was lying about co-parenting issues. It was absurd in the most terrible way.

It took three years to get a custody trial date to argue to have my son returned to live with his sister and me. Once in court the trial judge angrily questioned why it took me so long to get to court after my son had been stolen, insinuating that I didn't really care. He became angrier when I relayed how I did try to go to court immediately but was blocked by the legal process. My initial application to legal Aid was denied because my name was on the deed of the house that the father continued to live in but refused to pay me for (paying me for my share of the family home would have allowed me to hire a private lawyer but when I raised this fact in court I was told it was a property matter and had to be addressed in a different trial). I appealed successfully to Legal Aid but it took months. When it became apparent that the case would go to a trial the first Legal Aid lawyer quit on me. I had to find another lawyer willing to take a Legal Aid client, which took several weeks. I asked the second lawyer to take the case to court immediately. Instead he stalled, "advising" me to try mediation and get a family assessment all of which meant many more months of delay. When I argued that I wanted to go straight to court he suggested I find another lawyer if I did not want to take his "advice". I cried at every visit to his office. Finding a lawyer willing to take on a Legal Aid cases is not easy. All of these delays were out of my control and excruciatingly frustrating to me but I was told I needed to trust the lawyer who had experience with these cases. Eventually I realized the lawyer's delays were not in my son's best interest. We agreed I'd lost faith in him and he stopped representing me. The lengthy and protracted nature of legal cases has been well documented by many legal experts including the Canadian Bar Association and the Supreme Court yet here was the trial judge blaming me for taking too long to get there. I'm not sure of anything more crazy making as a protective mother than being

prevented from helping her child by authority figures and then blamed by the same authority figures for not helping her child.

When I showed up in court on my own, I was repeatedly told by the judge to get legal help I couldn't afford. I felt like I was Alice and had fallen down a rabbit's hole and stepping back in time where women and children were considered possessions of men. How can this be happening? I asked myself over and over through the years. How can this be Canada's justice system? Surely at some point, someone would come along and tell me it was all a sick joke and reason and justice would prevail.

It never did. Because I didn't have the funds to hire a private lawyer and immediately go to court once my son had been stolen the judge refused to allow my son to return and live with his sister and me, his mother. Instead I was expected to co-parent with the man who just learned that he could lie, harass, and threaten me and the children without accountability. Not only that, but the judge would grill me regarding his lies. By taking me to court the father discovered he could amplify the consequences of his abuse.

All the court experience did was remove my rights as a mother and emboldened the father in his abusive behaviour. He became more threatening and less cooperative with every court appearance. Once the father realized his behaviour was safe from scrutiny or account, it was impossible to co-parent. Yet because the court refused to accept domestic violence even existed, I was prohibited by from taking actions I needed to protect my children or myself because "the father has rights".

After returning from a weekend visit with her dad when my daughter was 10 she broke down in tears and told me she was afraid to drive with her dad. She told me how they were driving a friend home when their father crossed the lane directly into the path of an on coming vehicle. The children screamed at their father and the other truck drove into the ditch to avoid a head on collision. Their dad stopped. The other driver came over to talk with their father. She heard him say, “your too juiced to drive, let me take the kids home.” Their father refused and drove off towards their childhood friend’s home. The other vehicle followed and when they stopped to let the other child out the driver of the other vehicle approached and again tried to talk their father into letting him drive the children home. Again their father refused. Then the other driver looked directly at my daughter and asked her, “do you kids want to come with me? I’ll drive you home, it will be safer.” She told me she was terrified to go off in the night with a strange man but she was also scared to drive with her father. She told me she didn’t want to drive with him the next weekend she was to visit with him. I confronted her father with this revelation and he flatly denied it. I suggested he have his girlfriend or neighbours pick up our daughter as he had on various occasions previously. He refused, adamant that he was going to pick up our daughter.

I contacted a lawyer who told me that I had no choice but to make my daughter go with her dad. How could that be? This was a life or death situation and what would I be teaching my daughter if I told her that regardless of the real danger she was in she had to

go anyway? What would she be learning about trusting her instincts and keeping herself safe?

I called women's organizations and other lawyers no one could help. I called Manitoba's Family Conciliation Department and spoke to a woman there who said to take my daughter to ANCR – a Winnipeg branch of Child and Family Services. I was reluctant but she assured me it was not only the right thing to do but the only thing I could do. I took my daughter to ANCR. After interviewing her alone the social worker told me there was nothing they could do as they don't get involved with families who are in custody disputes. Why hadn't they told me that as we waited for almost an hour and before they took my daughter into a room alone? After we left she told me the two social workers never asked her anything about the near head on collision or anything else. Instead they talked to her about how to cross the street safely. My daughter had been told that these were people who would help instead they ignored her concerns.

A friend who heard my daughter talk about her fears suggested the only other option was for my daughter to disclose to a teacher at school, as they were required by law to report child endangerment issues. My daughter was scared. She didn't like talking to others about our private lives and she was scared to say "bad" things about her dad. The trip to the ANCR office didn't help things. She had mustered up a lot of courage to be able to go into the ANCR office and nothing came of it. Through a lot of tears I convinced her that telling her teacher was the only way to ensure that her father's behaviour didn't endanger her again. She went to school and when I went to pick her up later that day, no

one at the school said anything to me. When we got home my daughter told me she did tell her teacher about the experience and her fears. She had broken down in tears and had been allowed to spend time on the couch in the principal's office – yet I had seen the principal and she had said nothing to me. I called the school and asked the principal about it. She confirmed what my daughter had revealed but said she would do nothing about it. I was worried about my daughter's safety but also saddened and frustrated that my daughter was learning that she couldn't trust the things I told her. She had placed a lot of faith in me to help her and I was letting her down.

The next weekend was my visit with my son. When it was time for him to go back with his father I felt like I couldn't do it as a mother. Both children had disclosed that their father regularly drove while drinking in the vehicle. This was something he did when I was living with him and it disturbed me then. I didn't know what to do and instead of allowing my son to return to his fathers on the Sunday evening I went into hiding at a local hotel, then later to a home of someone we knew so the children's father wouldn't find us. I still didn't know what to do. How can I turn my children over to a man who almost killed them and refused to address it? What would I be teaching my children? I had a private lawyer at the time and when I contacted him he told me that if I didn't return my son to his dad he would be required by law to turn me into the police, I would go to jail and lose custody of my daughter. It was excruciating. A friend offered money, saying my only options were to turn over my son (and force my daughter to drive with their father) or go on the lam. What kind of choice is that?

Every now and then there is a story in the news about a mother who ran off with her child(ren). It always reads the same; the reporters and commenters always blame the mother for attempting to rob the father of his child(ren). They never find out the reason why the mother fled.

In the end my lawyer said he secured a deal where the father would stop drinking, go to Alcohol Anonymous meetings, provide me a letter saying if he breached those conditions I would get custody of both children. In tears and against my heart I allowed my son to be returned to his father's care. Turned out my lawyer had lied to me and none of the so-called "conditions" he promised me were fulfilled. I'm not sure what happened to my son when he returned to his father's home but there was a noticeable shift in his temperament after that day. I felt emotional walls go up and sensed that he was told or led to believe that I had given up on him, that I had chosen his sister over him. Our relationship has never been quite the same afterwards. He was eight years old.

I pushed hard to get counseling for my children especially after the near head on collision incident but due to an unwritten policy in Manitoba children whose parents are involved in a custody dispute are denied counseling unless both parents are in agreement. The father refused to agree to counseling for our children. If parents are in a high conflict separation aren't these the children who need counseling the most? Shouldn't a parent's denial of counseling for their children be a red flag? How is refusing children basic mental health support acting in the best interest of the children? I am disgusted by this position taken by people whose job it is to help children.

When most people hear my story of losing my son they tell me, “don’t worry, he’ll come back.” He’ll come back? What does that even mean? Does it mean that when he’s 18 (30, 40?). That he’ll wake up one day and the lies he’s absorbed as truths will suddenly be cast aside? That the father he has maladaptively bonded to and whose approval is like air to him will be questioned? That he’ll want to be with the mother he’s been told is crazy, a threat to his safety, and didn’t want or love him? Will his brain that’s been environmentally manipulated to shut down emotions suddenly grow new neural pathways for healthy emotions?

What about the years and opportunities for memories we’ve lost and continue to lose? The birthdays, holidays, special events, personal milestones gone by? The times of illness I never got to nurse him through; the meals made especially for him never eaten; the rainy days we never got to cuddle; life stories never shared. Memories that don’t exist and never will. We’ve lost so much together. You can’t get back time. As he goes through life and finds himself reflecting back on his life his memory bank will be filled with a life without his mother.

In April 2014 I took a writing workshop for survivors of gendered violence called, "The Stories We Tell". One of our homework assignments was to write a short piece about what it’s like living an average day after experiencing trauma. This is my piece:

4.2 A day like any other day.

I wake to blue sky and bird song; a warm bed dappled with sun drops. Nestled in a pile of pillows, I stretch out across flannel sheets. My movements signal to the cat that he may begin his morning mantra.

A long, sleek black feline who squeaks more than meows. The runt of the litter; a kitten I midwived into the world, pulling him gently from his mother's small panting body; she overwhelmed by the tiny miracles moving through her. Three years later he's grown into a very loud and proud adult male. How quickly they grow.

As I turn to rise from my bed, thoughts and questions come in quick succession, like punches to my gut, knocking the wind out of me,

'How is he, my son? How did he sleep last night? Did he have any dreams and if he did, what were they?'

Dreams. Dreams are important to me. They tell you a lot about a person and what they are living on the inside. Dreams have magic to guide and ground us. They help us learn about ourselves and our place in the world. It may be insignificant to many but the fact that I don't know my son's dreams *haunts* me through my days. A part of his spirit kept hidden from me and even from himself. How will he know his way in the world if he doesn't know his dreams?

As a show of loyalty to his dad, who he was forced to live with since the age of five, my son refuses to visit or talk with me. The last time we spent any time together he was 10 years old; he turned 14 a few days ago. How quickly the gulf between us grows.

Incessant meows call me back to the morning and its onward and upward. There are things to do, places to be and people to see.

So I go through the motions of the day never knowing when the waves will come. Waves of sadness, anger, frustration, pain, love. Waves rushing in, flooding my body, knocking me off balance, taking my breath away. It can happen anytime or anywhere without warning. Like when I saw two boys my son's age board the bus and wondered,

'Does my son do that? Does he laugh at those things too? What are his favorite foods/his favorite song/his favorite anything?'

Or when I watch him play hockey, so close, yet so far. My eyes peering through Plexiglas attempting to gain something, anything to feed the hunger gnawing at my heart. Trying to pull my son into my heart through my eyes. My body, heart and soul yearning for the smell and touch of my baby boy. The baby I birthed into this world on my own in the quiet of my home. A baby who used to find safety and sustenance at my breast.

I'm reminded of stories I heard about parents who left the northern woods to search for their children who had been kidnapped and sent south to residential schools.

A time 60 years or so ago where instead of Plexiglas, it's a fence.

I'm standing at a wooden fence, eyes hurriedly scanning the children scattered across the playground. Body sore and feet aching from the long journey, I have finally arrived. Eyes search anxiously, then lock onto my children. They don't see me and if the priests or nuns catch me, we may all be punished. I want to cry out to my children but do not. Fear grabs my voice before it exits my mouth, pulling it back down to the hole in my heart. There it stays, rattling and shaking me at my core.

I stand there, fingers gripping the fence, longing and loving for my children. Not understanding how these foreign people could come into my home and simply walk away with my children.

The sound of the whistle calls me back to the frosty arena. Back to longing and loving my son through the Plexiglas.

April 2014

4.3 Trauma

“Our childhoods are stored in our bodies”

~ Psychologist and author Alice Miller (1984).

“Repeated trauma in adult life erodes the structure of the personality already formed, but repeated trauma in childhood forms and deforms the personality”

~ Judith Herman, MD. *Trauma and Recovery* (1997).

So many times I felt myself on the verge of self-implosion. Time and time again I'd have thoughts of how could this be happening? And why won't anyone help? How can I keep sane when I can't even help my children? The pain seemed too much to bear and there seemed no escape. I wasn't just going to forget I had children, or the pain of losing contact children knowing that they were suffering and needing their mother.

One of the greatest overlooked traumas for mothers who have lost their children to abusers through family courts is the heartbreak of having your children stolen from your life and be brainwashed against you while you watch them assume the behaviours of the abuser. Early on I could see my son struggle between the different messages he was getting from me and his father. By the time he was eight I could feel an emotional wall being built. There were times during visits when we were having fun doing an activity, laughing and carrying on when suddenly he'd catch himself, toning down any joy or excitement he had just displayed.

In my experience when people hear that you're a mother who has lost custody, they immediately shift in their thinking about you, it's almost palpable, certainly visible in their face and body language. Since everyone believes the myth that mothers have an easier time in family court, most people conclude that if a mother loses custody of her children the courts found something very wrong with you. You become a social leper, someone to avoid.

While referring to the state's action to take over care of a child, Justice LaForest's words ring true for custodial mothers who've had family courts remove their rights of custody in favor of the men who abuse them:

“An individual interest of fundamental importance in our society. Besides the obvious distress arising from the loss of companionship of the child, direct state interference with the parent-child relationship, through a procedure in which the relationship is subject to state inspection and review, is a gross intrusion into a private and intimate sphere. Further, the parent is often stigmatized as “unfit” when relieved of custody. As an individual's status as a parent is often fundamental to personal identity, the stigma and distress resulting from a loss of parental status is a particularly serious consequence of the state's conduct” (Chipeur, 2016).

Such is the bias against women that even people who are critical of systemic oppression, poverty, and racism in our society seem to believe that it's me and not the system that has failed my children. I've been told that I haven't said the right things, or shown the proper evidence or I am too emotional. Always the focus is on my behaviour and how I've failed. I'm told I shouldn't be so emotional; I shouldn't be sad or worry about the well being of my children; I'm told that watching my children be traumatized and being

separated from my son shouldn't bother me because "he'll come back".

I have difficulty stepping foot into my son's school or being around any of the staff members. Their completely unnecessary yet intentional actions to slandered me and alienate me from my children is nothing short of cruel and criminal, going way beyond any professional boundaries.

When the father first stole our son he placed him into the school close to where he lived. The school I had attended and graduated from. From the beginning of contact with the school staff I suspected their historical racism would be used against me. Some of the staff were the same as when I was a student; many were people I went to school with. They proved my concerns were founded when time and time again without any evidence they were more than willing to trample on my and my children's rights. The first time I went to visit my son at the school, the principal (who also happened to be my former gym teacher) showed me to my son's class and then told my son he had to watch over our visit in order to keep him safe. His comment threw me but the school was busy and my daughter was waiting in the vehicle so I didn't ask him about it then. However, I couldn't get his comment and how it would make my son feel out of my head so the next morning I returned to the school with the intention of clearing things with the principal. When I arrived the principal was speaking to the father's best friend (who also happened to be the assistant superintendent) of the school division. Not wanting to interrupt I walked to my son's class to say good morning. Soon after the principal showed up and told my son to go back to his class. I said that I hadn't finished my conversation with my

son and the principal began to raise his voice. He told me that I was not to have any contact with my son while he was at school. When I asked him to show me the document he claimed proved this he got louder, ordered me out of the school immediately and told me I was barred from school property. I attempted to argue with him as there was no such order barring me from contact with my son. He continued to yell at me to leave. I was sensitive to the fact that my son, his entire class, his teacher and others were witnessing this scene as we were in the hallway in full view of my son's classroom. I was horrified that my son (as well as his classmates) were witnessing his principal treating his mother this way.

It took all my strength to bite my tongue. To calmly tell the principal that he was wrong, legally and morally, and then walk away. I knew I was in the right but having grown up and gone to school there I knew being right had nothing to do with it. I knew that no matter how horrible their behaviour, how many lies they told, how badly they treated me, I could not respond in kind or even defend myself. I had to go above and beyond any level of decency, even when being screamed at in front of my child. It hurt that my son was going to have the image of the principal of his school berating and criminalizing his mother. What would he be left to think?

After being denied visits with my son by his father for more than a month, on Halloween 2008, I took my court order to the RCMP detachment where my son lived with his father. Years earlier I had filed a complaint against an officer at this particular detachment for her refusal to enforce the court order after the father admitted to the

officer that it was my scheduled weekend visit but he had no plans to let my son visit me. My complaint went nowhere of course. I was interviewed once, received a letter a month for a year from the RCMP saying they were still investigating and after the year was over, I received another letter excusing the officer of any wrongdoing. So here I was again this time talking to the Sergeant directly face to face. I laid out my papers and mentioned that I wanted to fulfill the court order by spending the weekend with my son. I fully expected that school staff or the father would call the detachment to say I couldn't and I wanted to know what he would do if that happened. I stressed that I didn't want a scene in front of my son. He assured me he knew who I was and knew about the custody arrangement. He told me to pick up my son and if I had any problems I could tell the school staff to call him and he would explain. He wished me a well as I left. It was a beautiful sunny afternoon and I was thrilled that my son would be able to go trick or treating with his sister and former school friends. I walked out into the sunshine thinking that going to the RCMP detachment had been the right thing to do and it was all working out. I had hesitated about going. There was a lot of racism from the RCMP when I was growing up and my experiences with them since leaving my children's father was not positive. He played hockey and was friends with some of the officers.

I went to my son's school and sat with him in his class until school was over. When we tried to leave the principal stood in front of the doors and refused to let us leave. I suggested he call the police. He refused to move and grabbed onto my son's arm as I was attempting to get past him. I had to tell him three times to release my son's arm as his grasp was making my son wince in pain. Finally he released my son and I had to

physically wrestle with the principal to get us out. All of this occurred at the end of the school day so the hallway was full of kids, parents, teachers and others who watched this all happen. Once we were in the vehicle I assured my son that everything was going to be ok. Half way to the city the father passed me on the highway going the other way. I was in a friend's vehicle but he had obviously been told what I was driving and he turned around on the highway and began following us. I sped up and when I got to Selkirk, just 30 minutes from Winnipeg I was pulled over by an RCMP officer. I figured I must have been speeding due to being followed. However when I got out of the car the officer told me I was being pulled over because of my son. It's ok I told him I was just at the Powerview RCMP detachment and had spoken to the Sergeant there. "He's the one who told us to stop you" he told me. My whole body dropped. That can't be, I argued, I was just there. Get him on the radio I asked. He refused. Before I knew it three other RCMP vehicles arrived with their lights flashing. By this time the father had arrived. He parked nearby but stayed in the vehicle. I kept asking for the officers to call the Sergeant I had been speaking to just a couple of hours ago. The Sergeant who wished me a good weekend with my son. Instead one officer was particularly aggressive and yelled in my face, we argued until he ordered another officer to take my son from the car. They handed my son over to his dad, who drove away. I asked for the all the officer's badge numbers and names. None of the officers provided them. The overly aggressive officer sneered and laughed in my face, "call the detachment" he said, "they'll have them for you." Then all four got back into their vehicles and drove off. I was left standing in the ditch, holding my court order and legal papers wondering how things could have gone so terribly wrong? How did the one thing I wanted to avoid most of all, a scene with my

son witnessing me again being yelled at and criminalized by an authority figure happen when I thought I had done all I could to avoid it? What was my son thinking?

I accepted this treatment as a child. Most people did. Who were you going to complain to? The segregated hospital waiting rooms and movie theatre, the different standards of treatment from teachers, police officers and business owners were par for the course. Today it's no longer politically correct to be overtly racist but scratch beneath the surface and it's there.

This time these racist habits were hurting my children. Alienating them from me, their mother just because they could get away with it. Without money the legal system worked against me. I felt like a caged animal. Wanting to roar and rail against the oppressors yet knowing the futility of such actions. Not only the futility but how it would exhaust me and provide greater pleasure by those with such sickness.

This is the harm that disturbs me most. How my children, especially my son, have been taught to disrespect me to see me as a person without power in society. If my son doesn't respect his own mother how will he treat the women in his life? Who will teach him what it means to love a woman? If he acts abusively towards women in the ways he's seen modeled by his father will anyone show compassion for him? Will they understand that it's not his fault, that he's just a little boy who's been hurt? This is the harm that almost no one will validate or help protect him from.

CHAPTER 5 – DISCUSSION

In this chapter I confront many prevailing myths that I experienced as contaminating a mother's struggle for justice in the family court system and society in general. These myths create an unfair playing field that has to be challenged to allow mothers justice in family court. The myths are many and this section highlights my own experiences, to reveal some obvious wrongs, and the literature to fight these myths. I discuss seven myths below and show how opposite to the truth they are.

5.1 Myth: Courts Are Biased Towards Mothers

When it comes to finding justice in the family court system the biggest challenge mother victims of violence face is the myth that the courts are biased in favour of mothers. Many point to the fact that mothers often end up with custody as proof that courts are biased towards mothers. What they fail to understand is that most mothers end up with custody because most fathers do not ask for custody. Most family break ups are resolved outside a courtroom with fathers agreeing for the mother to retain primary custody. However when fathers do ask the courts for custody they are overwhelmingly successful (Atkinson, 1984; Weitzman, 1985; Supreme Court of Mass, 1990). This myth of the court against the father, when in reality the court is strongly on his side is summed up by the following quote: "Yet contrary to the image of hard-done fathers who find themselves undermined by the legal system, the study found that contact applications by fathers were in most cases "overwhelmingly successful" (Dutta, 2015). Cases labeled "high conflict" are primarily abusive men using the court system to punish and further control the mother of his children who has dared to leave him (Dutta, 2015).

Non-abusive men don't drag their children's mother through a legal nightmare. The fact that some non-abusive men are treated unfairly by the mothers of their children should only highlight how the current family law system is not working for anyone but those who make a lucrative financial living from it.

I was not against my children's father having contact and being a part of the children's lives. In fact I wanted it. Before I left the home the father had little to do with the children, spending most of his time at work or playing sports. I didn't think he really wanted the children. I fully believe the best interest of a child lie with two healthy parents being involved in their lives. I allowed the father to take our youngest child to Ontario shortly after I left the home so that our son would be weaned and thus the father could have extended visits with the children. For me this was a sacrifice but I did it to facilitate a stronger relationship between the father and our son. Yet the judge never acknowledged or gave any weight to my willingness to do so.

When testifying about the violence I experienced, violence witnessed by my children, the judge rolled his eyes at me and said, "we're here to talk about the children, not you." I stressed that this was about the children as they were witnesses and traumatized by what was happening; that behaving this way and threatening me in front of them was child abuse. The judge refused to consider it. Evidence I provided of the father's abusive behaviour via emails and tape recordings were dismissed. Horrible threats and verbal abuse, including threats that were being acted upon, were excused because the father had been "angry" then.

5.2 Myth: Most Mothers are Lying About Domestic Violence

Contrary to the myth that women lie about domestic violence studies show that women rarely make up false accusations in court. A review by law professors at Queen's university found that, "fathers were more likely to fabricate accusations than mothers. Of female-initiated allegations, just 1.3% were deemed intentionally false by civil courts, compared with 21% when the man in the failed relationship brought similar allegations" (Bala & Schuman, 2000).

Every time I've attempted to raise the issue of domestic violence with the public, media or government ministers and representatives, I am dismissed as a woman lying for selfish reasons. Because I was in a custody dispute people automatically assumed I was lying and that the father was telling the truth. The bias against believing survivors of domestic violence, especially mothers in court, is overwhelming and crosses both genders.

According to Lord Hale, rape and abuse are the only crimes where, "It is the victim, not the defendant, who is on trial." Because most cases involve a "he said, she said" element and the bias against women is so strong, most people assume the man is innocent and woman is lying – "because that's what women do". Our society almost always assumes men are more credible than women, unless the woman is white and the man is not (Penny, 2014).

That a supervisor with Manitoba's Family Conciliation Department believes and is

publically stating that most women alleging domestic violence are lying is especially disturbing. This is the department in charge of assisting families during separation and if those at the top believe abused mothers are lying then it filters down to the many services, programs and staff in the department. In fact the name of the provincial program offered to separating families, one all parents are required to take if they want to access any of their other services, is called, *For the Sake of the Children*. The same name of the pro-father report from the Federal government's Special Committee that despite being presented with overwhelming evidence to the contrary, also believes that most women lie about domestic violence.

At no point in my contact with the court, education or medical systems have my concerns been taken seriously or investigated. Even after the father has been caught in numerous lies, manipulating colleagues and the police to act against court orders, admitted to financial abuse and put his children in physical danger, people and the legal system continue to support him.

Women's organizations have told me and other mothers that they hear similar stories on a regular basis yet you'd be hard pressed to find one women's organization in Manitoba publically supporting mothers abused by the legal system. Their silence leaves women to stand-alone and be beaten up by a desperately flawed family law system. In ways the silence of the women organizations, lawyers, and social workers is worse than the abuser. Not only is the minimization of the violence personally hurtful and dangerous for mothers and children, it validates the abuser's narrative that the problem is with the

mother. Since mothers in my situation have no organization or lawyer speaking out with us, no repetitive public education exposure to the issue, people end up blaming mothers for their challenges with systemic and biased legal oppression.

5.3 Myth: Equal Parenting Is In The Best Interest Of The Children

Child development and early childhood trauma studies counter the myth that the best interests of the children is always equal time between parents. An American Psychological Association (APA) reported that domestic violence that fathers who abuse their children's mothers will likely use abusive power and control techniques to control the children as well (APA, 1996). Separation from their primary caregiver when young and/or witnessing domestic violence are among the worse experiences for children and carry long-term adverse health impacts. Sparks (2009, p289) notes that what he has called “tangential child abuse” tactics are harder to identify than physical violence but “account for many of the problems evaluators now mistakenly attribute to behavioral or psychological deficits in victims and often threaten both the parent and the children’s social, psychological, behavioral and physical well-being as or even more fundamentally than threats to their physical safety”.

While family courts maintain to be operating in consideration of “the best interest of the child” what their decisions show is that their primary concern seems to be the “father’s rights”. Time and time again when mothers raise allegations of abuse and ask for protection the courts respond with “but the father has rights”. Boyd (2004, pp. 54-55) notes that supporting contact between abusive fathers and children in the assumption that

“kids need both parents” fails to take into account that a “well- functioning parent” and “avoidance of conflict” are actually in the best interest of the children.

5.4 Myth: Domestic Violence Does Not Affect The Children

One night when my daughter was seven, after finishing our bedtime stories, she broke down in tears. It seemed to come out of nowhere and I asked her why she was crying. Between sobs she began repeating, “I’m only seven and I have no one to trust.” I tried to soothe her distress and asked why she would say such a thing. Her reply was that in her recent visit with her dad he had told her that I was a liar and that she shouldn’t believe anything I said. He also told her that I left the family because I wanted to date other men. I rocked her to sleep that night as she cried, angry and powerless that I couldn’t stop this man from wounding his daughter like this.

Another time when she was nine and on a scheduled visit with her father, I received a phone call. At first I had trouble making out who was on the other end, it was garbled and there was crying. As I realized it was my daughter the phone was cut off. I tried to call back but no one picked up the phone. Within minutes my phone rang again and my daughter sobbing asked me to “come quick” to pick her up. When I got to the father’s home my daughter was crying at the window wanting to come out but not being allowed. Eventually she forced her way out and I held her in her in the front yard, afraid to leave and be charged with breaking the court order that allowed him the weekend with the kids. I was able to call the police on a cell phone and when the police arrived my daughter expressed her wish to stay with me for the weekend. With the police present

the father relented. I started to tell the police about the on-going abuse that the children and I were experiencing. He cut me off and asked, “do the children have bruises.” When I replied there were no physical bruises he refused to discuss it further. I explained to him that there was a wealth of literature confirming what we were experiencing and suggested he go online to read about it. Again he cut me off, becoming angry that I would suggest such a thing to him. “We have training” he exclaimed. “Then surely you understand that this behaviour is abuse?” I asked. He refused to discuss it with me further.

When we were alone my daughter explained how her father had started verbally degrading me to her and her brother. She told him to stop but he continued and her brother joined in. She told me she felt like they were “ganging up” on her.

When we were in court I provided the judge with a tape recording of my distraught daughter’s pleas for me to “come quick”. In his written decision, the judge never commented on the tape recording or the police report that confirmed that my daughter requested to be with me. His only mention of the “incident” was to call me in breach of the court order by taking my daughter on the father’s scheduled weekend.

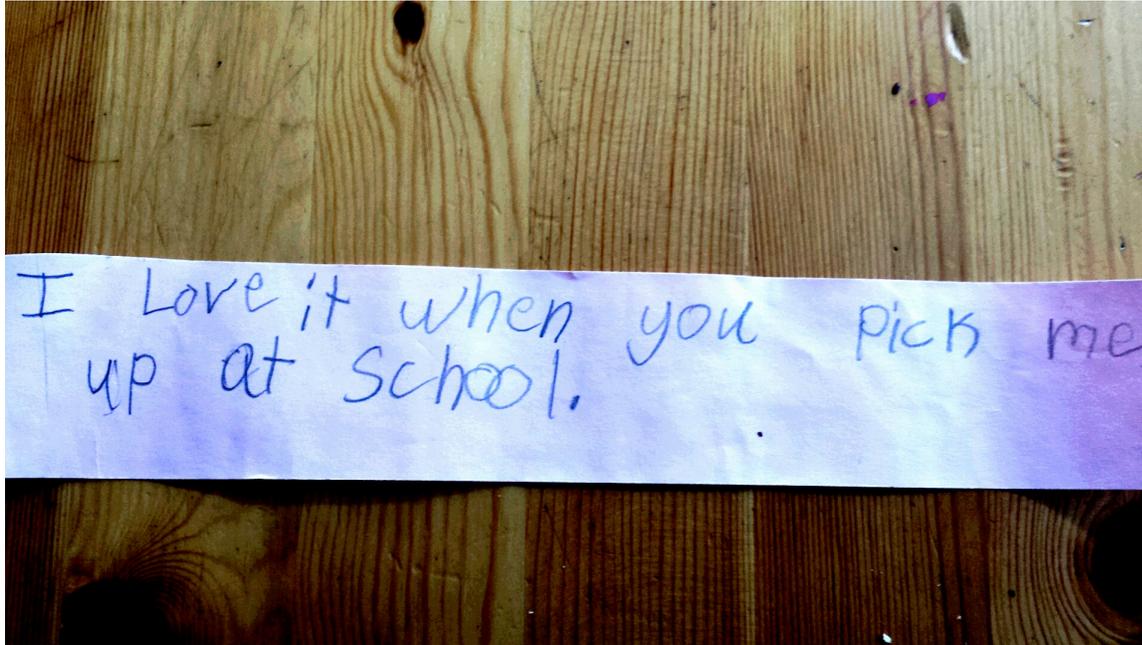
Women whose fathers were physically or emotionally abusive towards their mothers are significantly more likely to be victims of domestic violence in their future relationships (Coker et al., 2000). This is consistent with existing literature on the multigenerational effect of violence. Women who experience violence in their family of origin learn that violence is a normal part of intimate relationships. These results highlight the need for

earlier identification of domestic violence and intervention for the entire family to reduce the generational cycle of violence (Coker et al., 2000, p. 559).

The dominant thinking both inside and outside the courtroom lacks understanding on domestic violent relationships. The belief is that both parents share responsibility for an abusive relationship, that both parents have the best interest of the children in mind and that the power balance between both mother and father is equal. Although the literature and mother's lived experiences offers a wealth of evidence to the contrary little has improved for mothers or their children escaping domestic violence. Domestic violent relationships are based on a power imbalance where the abuse is driven by one parent, who shows little concern for how their behaviour impacts the children (Bancroft 2002).

For a mother's day project, the kids in school made notes for their mothers. This was one of my son's notes,

Photograph 1: My son's Mother's Day note to me



One afternoon I showed up at the school to pick up my son as I had been doing for months. When I entered the school my son was standing in the hall with the principal and a home daycare worker. As I approached the principal asked to speak to me privately. Once we were alone she told me that the father's lawyer had sent a fax that day saying no one but the daycare worker was allowed to take my son from the school. The principal informed me that she could not let me leave with my son. I went back out into the hall. My son looked scared and confused. We had made special plans for that particular afternoon. He looked up at me, "I'm going with you, right mom? You promised." I told him I couldn't take him. Both he and I began to cry. "But you promised mom" he sobbed. How do you repair the disappointment, the sense of failure, and the sense that his mother didn't keep her promises?

There were no grounds for the father to prohibit me from picking up my son that day,

other than he could. The day before the father had gotten mad at me so to punish me he had his lawyer fax the letter to the school. It was supposed to teach me a lesson. After numerous back and forth with lawyers, days later the father relented and the school was informed that once again I was allowed to collect our son from school. But the damage had been done. My son was learning that his mother couldn't be trusted and that only his father had power over his life.

This was just one of many instances where father used the court order to undermine my voice and authority with the children and set me up to disappoint my children.

5.5 Myth: We have a Justice System in Canada

No one told me that "justice" costs hundreds of thousands of dollars and without money my or my children's rights don't exist. Family law lawyers in Winnipeg charge between \$250/hour and upwards. If you own property (e.g. if your name is on the deed of the family home whether you live in/gain benefit from it or not) you're not eligible for legal aid.

Any legal case can quickly add up to many thousands of dollars. Another mother I've met has never been to trial but has spent over \$245 000 and counting in legal fees over seven years. Luckily her parents were able to help. Many don't have that option. Still her ex-husband continually breaks orders, demands changes to agreements, lies and uses their daughter to emotionally harass the mother. Regardless of how outlandish his behaviour this mother has to legally respond or risks having his lies remain unchallenged. The on-going legal abuse is a weekly (daily) stress that limits her ability to fully "move

on” with her life.

In the legal system the more affluent parent has the advantage. Without access to money for a private lawyer when my son was unilaterally taken from my home I had almost no options. I could have "stolen" him back from his father but then what? Any time the children were at school the father could come and “steal” him (and his sister this time) again. I refused to treat my children as pawns in the conflict the father was creating. I was certain that common sense would rule in the courtroom. I had been the primary caretaker of our children and the father had just stolen one of our children, separating him from his sister as well as his mother without any reason. Clearly this was not acting in the best interest of the children. If I was a bad mother, why take just one child? I expected the courts would quickly return my son to live with his sister and I. I was so wrong.

This also placed tremendous stress on our daughter who became extremely fearful of being taken by her father as well. She began to refuse to go to school or be separated from me. ‘What if he comes for me?’ she’d ask. The school, police and lawyers told me that without a court order granting me legal custody of our daughter there was nothing anyone could do should the father decide to unilaterally take possession of our daughter as well. What could I tell my daughter to reassure her?

My personal experience is not uncommon in the justice system for mothers without money. In April 2013 report, the Supreme Court of Canada noted that,

Canadians do not have adequate access to family justice. For many years now reports have been telling us that cost, delay, complexity and other barriers are making it impossible for many Canadians to exercise their legal rights. More recently, a growing body of research has begun to quantify the extent of

unmet legal need in our communities and to describe the disquieting individual and social consequences of failing to respond adequately to family legal problems (Family Justice Working Group of the Action Committee on Access to Justice in Civil and Family Matters, 2015 p.1).

I realized too late that the Canadian family law system is not the place to find justice or protection from violence. Each time I went to court hoping to find protection, justice, or accountability for heinous behaviour I was greeted with the refrain, “well, the father has rights.” As if my asking for safety and accountability was attempting to claim that the father didn’t have rights. The courts, police and social workers didn’t care about how the kids were being emotionally manipulated, and witnessing violence, they only asked about bruises and broken bones.

5.6 Myth: “Good” People Don’t Commit Violence

The prevailing idea that rape and abuse are uncommon sets up a situation where victims are not readily believed. Although the myth is that only a few evil people commit violence, including rape and abuse, these crimes are so ubiquitous that they are in fact common. However, this

We are beginning, on a cultural level, to challenge the delusion that only evil men rape, that it is impossible for a man to be a rapist or an abuser of children and also an epoch-defining filmmaker. Or a skilled politician. Or a beloved pop icon. Or a respected family man. Or a treasured friend. We are beginning to reassess the idea that if a man is any of these things, the people he hurts must stay silent, because that’s how power works” (Penny, 2014).

If the abuser has money or status in society it is even more difficult for women to find support or protection from him. When someone presents us with information that goes

against a belief we are attached to it creates a psychologically uncomfortable situation. The cognitive dissonance between what we want to believe and the new information we've just been exposed to can feel overwhelming. Instead of acknowledging our own biases or challenges in believing contrasting information, It's easier to make person presenting us with the uncomfortable thought 'wrong'. In this way we don't have to do the psychological work of reconciling how the person we "like" could be so horrible to someone else.

In the small town where we had lived the father was a manager at the largest employer; therefore, he was most people's boss. He also played hockey and after I left began to coach minor hockey. When I found out someone I knew was playing hockey with my children's dad I asked him to ask the father why he wouldn't let our son visit his mother? My friend said he couldn't do that, 'how many white guys come to the reserve to coach hockey?' he asked me. In his eyes the father was a saint and it didn't matter that I was being abused, my kids traumatized and my son denied his mother. If a man holds social power it's rare, if not impossible, to find anyone who will hold him socially accountable. I truly believe that if he had friends and family who could have kindly and lovingly held him to account the world would have been safer for the children and I and maybe he would have gotten the help he needed. Instead people's refusal to hold him to account supported his narrative that I was the problem.

5.7 Myth: Unless There Are Broken Bones Or Bruises, Abuse Doesn't Exist Or Isn't That Bad

The literature is rich of the many different forms domestic violence can take and the traumatic effects these have on women and children, there are terms like maternal alienation, coercive control and tangential spousal abuse yet there remains strong societal bias against taking these seriously and men are consistently excused for “being angry” at former partners. Even though women continue to die at the hands of former ex-partners on a regular basis, men are allowed to stalk and threaten former partners with little to stand in their way.

As stated earlier in this paper, it was not until I came across the Power and Control Wheel that I felt like my concerns were validated and taken seriously. The main point of the wheel is to demonstrate how domestic violence is primarily about power and control and that the different behaviour types are ways to re-assert or maintain power and control over another. I offer some examples of how the father's behaviours fall under the different forms of abuse. Unfortunately, having this information didn't help inform the court to the horror my children and I lived with.

5.8 Power And Control Wheel

Under the Duluth's women's model of abuse as power and control over another, eight types of abusive behaviour patterns are used to assert domination over another, including:

* **Using Intimidation** – making her afraid by using looks, actions, gestures; smashing things; destroying her property; abusing pets; displaying weapons

For years after I left, whenever we were alone with the children the father would physically clench his fist and pull back his arm like he was going to hit me. When I stopped responding, he upped the threat by throwing his fist towards my face stopping just inches away. Most times this happened while he held our son in his arms and our young daughter was standing at our feet. Many childhood mementos and baby items my family had made or given our children were destroyed after I left the home. Sentimental items that connected my children to their extended family on my side and can never be replaced.

* **Using Psychological/Emotional Abuse** – putting her down; making her feel bad about herself; calling her names; making her think she's crazy; playing mind games; humiliating her; making her feel guilty.

After leaving the verbal abuse escalated a thousand fold. While I had grown a thicker skin to his verbal lashes the children were not so lucky. I watched my children's terrorized and confused faces while their dad spit hateful accusations at me. Saying things in front of the children, like I didn't love the children; that I was selfish and didn't deserve to be around the children; that the best thing for them was for me to be out of their lives completely; that he was calling the police to have me taken away; that people we knew called me a bad mother and supported him.

He'd often accuse me of things he had done; he'd deny actions he'd taken even if I had emails or witnesses to prove otherwise; he'd consistently tell me how other people thought I was a bad person or supported him; he knew I wasn't close with my mother and he told me that if we ever went to court my mother was going to testify on his behalf. He would set me up to look bad or disappoint the children. He lied to other people to isolate me and enlist them into his vendetta. He lied to our children.

My biggest fear was being alienated from the children. So he submitted a parenting plan to the court requesting sole custody. His plan included putting the children in a private school and hiring a nanny to watch them in early mornings and after school when he had to work. He would allow me visits every second weekend and alternating holidays with the children.

His sole custody plan was obviously meant to hurt me and not in the best interests of the children. I couldn't understand why the judge didn't recognize how a plan to remove children from their primary caregiver, severely restricting contact, plus taking them away from their school and friends, after they've already going through the stress of a family break up, moving to the city and enduring conflict between the parents was not only not in the "best interests of the children" but a vindictive attempt to hurt me. It seemed pretty clear that this man had no intention of respectfully co-parenting with me.

* **Using Isolation** – controlling what she does, who she sees and talks to, what she reads, where she goes; limiting her outside involvement; using jealousy to justify actions.

My children's father was extremely jealous, flying into verbal rages that shook me to my core and left me feeling raw. Usually he would keep me in a room with him refusing to let me leave as he lashed out ugly words. I learned there was nothing I could say to defuse the situation but had to weather the assault and hope that it would pass quickly.

Soon after we began dating, I was cut off from friends close and far. His friends became our social circle. After the children were born my only "outings" became weekly grocery trips to Winnipeg. I would load the kids into the vehicle, drive to the city, eat, shop and come home. Sometimes we'd stop at a bookstore. Upon arriving home I was often grilled for details about trip and the times I was at each place even though he knew I eschewed watches and unless I had an appointment I rarely considered the time. At one point I did keep track of the times knowing I'd be asked, but even that wasn't good enough and he'd find something else to be angry about. Upon returning from the city I never knew what kind of mood I would find him in. I began to notice that as I approached our driveway a sense of walking on eggshells would come over me and my entire body would tighten. I felt sick.

When I left he accused me of having an affair even telling the children this; he'd ply the children for information about me and male friends, making them cry in the process; he called me many horrible names in front of the children and left nasty messages on our

answering machine, one of which said, “go see a psychologist you sick bitch.” The man who did our family assessment heard the message and though I shared many others and accounts of the verbal violence with him he only put a note about that message in his report and told the father to stop. As if one line in a report was going to make him stop.

* **Minimizing, Denying and Blaming** – making light of the abuse and not taking her concerns about it seriously; saying the abuse didn’t happen; shifting responsibility for abusive behaviour; saying she caused it.

For years I attempted to have a rational conversation about the state of our relationship with the father. This was the father of my children after all. To me the commitment to my children involved a commitment to their father....for better or for worse. So I figured I needed to try and make the relationship work. Each and every time I broached the subject of our relationship I’d get the response, “you’re not trying hard enough” and he’d leave the room barring any further conversation. For a while I reflected and tried harder where I thought I needed to. Our relationship didn’t improve and the abuse didn’t stop. Eventually, exhausted I stopped trying. .

Times when his behaviour would cross boundaries (like reading my personal journal or refusing to attend family events but staying out until dawn at drinking parties) he would fly into rages and accuse me of different things. Most times before I knew what was happening I was apologizing to him. At first the feminist in me reared up telling me not to apologize when I had nothing to apologize for. But the force of his onslaughts was too

much and in the hopes that it would end the assault, I began apologizing more often.

After I left the relationship almost all communication with him was horrendous. He would call multiple times a day to rage at me through the phone. I didn't realize how much it was affecting me until I was visiting friends out of town for the weekend. I was walking across the kitchen when the phone rang. My body tensed and froze. I felt my shoulders stiffen. 'Oh god no' I thought. Then I realized I wasn't at home. This was a friend's home therefore the phone call was for them; it wasn't him. I sighed in relief, my body relaxed and I realized that even though I had left the relationship I still didn't feel safe in my own home.

* **Using Children** – making her feel guilty about the children; using the children to relay messages; using visitation to harass her; threatening to take the children away.

Because the father was angry with me and did not want to talk to me, he began going directly to the children to make and change plans with them. Our daughter was only six years old when she was being made responsible to coordinate visits with her dad. The stress of having to relay messages between parents was too much for her and she often cried about not wanting to be in this role. The father acknowledged in emails that our daughter was distraught but he blamed me and refused to stop using her as a messenger. It was also an attempt to undermine my authority with the children. The children soon realized that if they wanted an affirmative answer about a change in schedule (so they could attend birthday parties of their friends for example) the only way to achieve it was

to go directly to their father as any attempt I made to coordinate changes to the schedule were consistently denied.

Yet when I raised these incidents in court or tried to access mental health services my concerns were dismissed . My children were not acting out in obvious ways in school or public, other than they wanted to spend more time at home with me where they felt safe. Thus I was treated like I was over reacting and attempting to create dysfunction where none existed all for my own self-interested purposes.

Male Privilege – treating her like a servant; making all the big decisions; acting like the “master of the castle”; being the one to define men’s and women’s roles.

Women are still the primary caretakers of children (whether they are employed outside the home or not), they have a more challenging time finding employment returning to the workforce after a hiatus and even when they secure paid employment, are more likely to earn less than man. However, I found the worse part of male privilege is how almost everyone believes men over women. When people are faced with a choice to believe whether a woman is lying about violence she’s experienced or that a man is lying about his violent actions, most people consistently choose to believe men over women.

Somehow it’s easier to think that women lie about abuse but that men don’t.

Single fathers also have an advantage over women. Both men and women are prone to believe that single mothers are at fault for their marital status but show great compassion

for single fathers. How many smile and think warm thoughts when they see a father out in public with his children? Now how many think similar warm thoughts when seeing a mother out with her children?

One of the arguments consistently used against me when seeking protection and custody of our children was that children need to be in contact with their fathers. No one seems to see the hypocrisy or be concerned that my children were and are denied access to their mother. Instead I'm told not to worry, "they'll come back".

Whether it was male privilege or racism or a combination of both it did surprise me how many "professionals" were willing to deny my children access to me, their mother or refuse to involve me in their health care on only the word of a white man.

*** Using Financial/Economic Abuse** – preventing her from getting or keeping a job; making her ask for money; giving her an allowance; taking her money; not letting her know about or have access to family income.

After an intense and short dating stint I moved in with the man whom I would have children with. At the beginning things seemed great and he supported my leave from work. In fact he encouraged me to leave my job, saying he could support us while I could cared for a family member's chronic illness. I took up his offer and didn't return to my job.

Once established in the relationship things changed. He often flew into rages over money even though he made a good salary and we certainly were not hurting financially.

Whenever we went out for dinner with his friends he would pick up the tab for everyone, gaining much praise and loyalty from his friends. Whenever we were in the city he'd stop and spend hundreds of dollars for sporting equipment for himself on impulse. Every year he bought a new winter coat while I used an old one of his. One time I was about to return a video rental that was overdue. As I turned to leave he charged at me, face red, body shaking, spit coming out of his mouth. He raged at me for wasting money by not returning the movie sooner and accruing late fees. That he was on the verge of physical violence over a video late fee was so utterly surreal to me that I didn't feel fear at the time. I was too stunned that the guy who spent hundreds of dollars on food and drinks for his friends was threatening to hit me over a few dollars for a late fee?! As he was raging at me I could see the kids over his shoulder watching us.

After I left the relationship he agree to pay \$700 per month in child support. However, over a three year period he withheld \$12 000 of that support for no reason other than he could. At the time he was making \$100 000-150 000/year while I was living on less than \$10 000 per year. It also meant that he had money to woo and bribe the kids with while I was economically disadvantaged. While with holding money from me he bought a trampoline, a paddleboat, a speed boat, a kayak, video game consoles, sporting equipment, shopping trips....while keeping the family home in the country, he also bought a house in the city.

At one point he called me told me I should be buying a house as it would be better for the kids. A week later I noticed a for sale sign go up on his Winnipeg house. I called and asked if he would work out a deal with me as he still owed me money for the family home. He reply was I could make an offer to the agent like any other buyer. He refused to discuss paying me out of the country home he was moving back into.

When I raised the financial withholding during our first custody trial the father agreed that he owed me that amount and would pay me then. There was no explanation and the judge never asked. When I asked the judge to apply some consequences to deter future financial withholding, he refused. Instead the judge told me I should be happy that I was getting it now.

Child support was the primary source of our income. When a support cheque was not forthcoming certain bills were not able to be paid. The father learned that by withholding money, he could wreak havoc in my life and nothing would happen as long as he offered to pay when/if he got caught.

*** Using Coercion and Threats** – making and/or carrying out threats to do something

When I became serious about leaving, the father told me that I could leave but he would not let me take the kids. After I left he constantly threatened to call the police on me and take me to court. I didn't realize how much this affected my daughter. She was five years old when I left her dad. One sunny afternoon when she was eight she stopped her

colouring and asked me if the police were going to come to our door? At first, I didn't know what she was talking about and asked her why she thought the police were going to come to our door. Looking down she was silent. Then I realized, this is what her dad yelled at me for years – "I'm calling the police on you. Expect to see the police at your door." Initially I too had been frightened that the police would show up at my door. Growing up brown in Manitoba leaves you wary of any interaction with police. I had witnessed, heard or been part of a number of what appeared to be racially motivated police behaviour. I asked her if this is why she asked and she replied, 'yes'. I began to appreciate then just how much the verbal abuse hurled at me was hurting my children. I felt terrible that she had been carrying this fear of the police coming to the door and taking her mother away for years. This disclosure made me realize that the children **were** involved in the conflict. They were also experiencing the verbal abuse and it was stressing them out. They needed me to talk about what they were experiencing, to provide a context they could understand and tools on how to ground themselves in the crazy making chaos.

One day after witnessing one of the dad's verbal assaults, I asked my children if their dad's behaviour would be acceptable at their school? Immediately, a look of horror came on their faces and their eyes grew large, they shook their heads. They clearly understood it wouldn't be acceptable behaviour at their school. "It's not acceptable when we're alone either," I told them. However, because the father was on his best behaviour in front of other people no one seemed to believe me or understand the terror my kids felt so no one was there to reinforce my messages. Instead the kids heard most people talking about

how great their father was and telling me to learn to get along.

5.9 Systemic Barriers To Justice

While my children's father is only one man he was able to enlist many people in his vendetta against me. It seems most professionals don't need evidence when a man is accusing women of abusive tactics, yet even in spite of evidence many professionals will down play violence against women and children if the man has money or status.

At the age of 12 our daughter was legally ordered (and police enforced) to live with her father. This change in custody was against her wishes and no one offered to listen to what she wanted before the change in custody.

Within a year she began self-harming and two years later she attempted suicide. Her father, school and health professionals decided to administer heavy psychotropic drugs not even recommended for minors, instead of addressing the living situation she said was causing her stress and depression.

Only with the threat of a malpractice lawsuit (from a Toronto lawyer as I couldn't find a Winnipeg lawyer to help) did the father and "professionals" back off and my daughter was able to return to live with me. Two years later without drugs she graduated high school and was accepted into university. However, we have no legal rights, the father has not paid child support and continued to withhold money he owed me for the house we co-owned and he continues to live in.

My son, stolen from me when he was five, was pressured to stop visits with me when he was ten. Now at 16 he barely speaks to me. Emotionally abused and taught to mistrust and disrespect his mother, my son has had no one to help guide him through these turbulent years. His emotional health has been completely ignored because he's a boy.

Real life accounts and neuroscience are clear about the adverse long-term effects of early neglect and maltreatment on young brains. Therapy and/or counseling can help mitigate and reverse some of these effects but my children have been denied therapeutic help since the father refuses to consent. Why is a parent's refusal to accept therapeutic help for children suffering in a high conflict separation not questioned? I asked the judge many times to grant an order to allow me to access counseling for my children without needing their father's consent, the judge refused. It was not only the courts preventing access to mental health services. Even at the age of 17 after my daughter disclosed feelings of depression and suicidal thoughts a local Winnipeg counseling agency refused to provide my daughter counseling without her father's consent.

This is results of the courts, counselors, educators, family and friends ignoring my daughter's voice, denying her mental health services and removing her from our home:

Photograph 2: A photo my daughter took of herself



While I was thwarted by the father, the judge and even counsellors themselves from accessing basic counseling for my children, when our daughter was 14 years old and living with her father a school guidance counselor (from the school the father worked at) talked to my daughter about taking antidepressants, without my knowledge or consent and against policy rules. At no time did this school guidance counselor attempt to speak to me, the mother of a student she determined was depressed. My daughter was subsequently administered Prozac – a heavy pharmaceutical drug not recommended for anyone under 18 in Canada. A legal loophole allows doctors to prescribe it to minors but only with the risks made known to the child and the caregivers and with strict monitoring. None of this was done in my daughter's case. In fact, against the law, I, as her mother and legal co-parent was not even notified that she was being administered this drug.

I found out from a friend, who found out through Facebook, that my daughter had tried to take her own life and was in the hospital. When I arrived at the hospital I was treated like a criminal by the staff I had never met before.

In separate meetings my daughter and I both raised her living conditions as the source of her stress and depression. Any adult would be suffering if they had to live under the conditions she had to, it wasn't surprising that a child would struggle. Over the phone a mental health worker for the regional health authority where the father lives, related how multiple calls to the father before the suicide attempt went unanswered. At the meeting in the hospital the father was openly hostile towards me and refused my offer of joint or family counseling. He refused to speak directly to me at all during the meeting, telling others in the room, through clenched teeth, that he would only communicate with me via email. No one seemed concerned by the palatable disrespect and hostility displayed by the father towards me, or by his unwillingness to put the interest of his daughter above his own. And these were the "professionals".

The hospital staff along with the father decided my daughter's plan of care would be to double her dose of Prozac and give the bottle to her father so she didn't have direct access. I couldn't believe my ears. No one was going to address the father's hostility and lack of willingness to cooperate with me, the mother, in the best interest of our daughter, even when my daughter disclosed that was what was contributing to her depression?! Counseling was not going to be the first step in addressing the depression? When I

objected and denied my consent for their plan to increasingly drug my daughter, the nurse smirked and told me that they didn't need my consent. The father had told them so and they accepted it. Later in the lobby she called me a bad mother for not wanting my daughter to be put on drugs. I had emails that showed that the father's behaviour of putting his daughter in the middle of our co-parenting attempts had been causing her stress for more than six years. The psychiatrist and nurse refused to accept them into her file saying they were not medical documents. They were directly related to her mental health I argued to no avail.

Even after ending up in the children's emergency wing after a suicide attempt my daughter was being denied basic counseling services.

Why are mental health professionals flatly ignoring aggressive and hostile behaviour from a father towards a child's mother? Even when children are being obviously harmed? Why is the onus on the mother to get a hostile father to cooperate while no one will address his antagonistic behaviour? When I use to walk into my children's schools and see anti-bullying posters on the wall I wanted to rip them off. They are lying, I'd think. My children know they are lying, I'm sure other kids do as well. Bullying is fully acceptable with adults as long as the bully has more money or social power.

While the majority of families that break up are able to reach agreements on custody and access on their own, these types of high conflict cases being dragged for years through family courts are not being recognized as a continuation of domestic violence by legal

abuse? The intent is to destroy the other parent; nothing less will suffice (Dutta, 2015). Thus the abuser will consistently break court orders, draw out legal matters, and use children to hurt the other parent. They are not above setting their child(ren) up for hurt and disappointment if it will make the other parent look bad. What is referred to as, “high conflict” cases are usually domestic violence (Dutta, 2015).

Police, courts, social workers, family assessment consultations and the public in do not appear to understand the dynamics of domestic violence and ignore the multiple ways men can exert their control over women without laying a finger on her or her children.

Every instance I alerted authorities to, be they the police, lawyers, judges, social workers, reporters or family assessment consultant, about abuse my children and I were experiencing only one question was asked, “do the children have bruises?” “do you have bruises?” When I explained the abuse was not purely physical every single person then ignored my concerns. None of the lawyers I had (over eight years) raised domestic violence as a factor impacting my ability to constructively co-parent. However I wonder if even if there had been bruises whether anything would have been done to protect my children or myself?

A particularly horrific and heartbreaking story from Alberta highlights many of the failures of our society towards victims of male violence, especially its failure to children. A 13-year-old boy hearing his mother being brutally attacked by his father, yet again, shoots his father in the leg in an attempt to protect his mother. The father turns on the boy

and threatens to kill the boy. The boy fires again fatally wounding his father. The mother, boy and his siblings had experienced more than six years of abuse at the hands of the father - the mother was left with permanent scars from multiple attacks, the boy inflicted to whippings by cords, wooden objects and antennas and his older sister suffering a miscarriage after an attack, which led to a suicide attempt. This particular attack on his mother came after she had returned home from the hospital where she had been on life support for weeks after being almost choked to death by the father. Although the father had been charged and found guilty multiple times of abusing not only the mother but three of his children, and threatening to kill the mother and the children, after a short five months in jail, he was released on probation and ordered to stay away from the family. Instead of being cared for and provided counseling for his harrowing ordeal following the death of his father, the boy was charged by the RCMP, taken from his family and locked up for two years in a juvenile detention facility hours away from any family. The child was denied bail that would have allowed him to be close to his family while awaiting trial. During his trial the Crown prosecutor argued that the boy wasn't acting in self-defense but out of anger and vengeance (Johnston, 2015; Simons, 2015). After failing to keep this child and his family safe our police and legal system were now using all their resources to further traumatize him. Where were supports for the mother and children throughout the years of abuse that brought them into contact with authorities? Did the hospital staff that treated the mother and children on multiple occasions raise concerns about the welfare of this family to authorities? And if they did why wasn't this man locked up? Why did the police fail to protect this mother and her children and then turn around and charge a child for doing what should have been their

job? What kind of system keeps a child locked up away from his family after such a terrifying and traumatic experience? What type of system denies that child any mental health support for two years? What kind of justice system do we have when a prosecutor argues that a well documented tormented and traumatized child is really just a cold-blooded murderer? Did the fact that this child was Indigenous have anything to do with the Crown's relentless pursuit to have him locked up? Would this happen to a young white boy from a middle class family? This child spent more time locked up than his father that for years tortured and threatened the entire family almost killing three of them. What kind of justice system is this? Is this really the society we want to be living in? How will change come when no one wants to get involved?

As my appearances in court began to mount, each additional time I faced the judge an image appeared and with it the physical sensations of being on the ground with the judge's foot on my throat as his enraged face screamed at me, 'have you had enough yet?' His fist raised with a whip in hand threatening to come down on me again. When the image came to mind, I had to stop for a moment. I had to mentally (sometimes physically) clear my throat before moving on.

In Manitoba, there is almost zero support for a mother or her children experiencing the legal nightmare of family court. Piece meal services are scattered in few places. When I attempted to get help or support from various women's organizations or government departments, I was often told that the organization I had just called couldn't help me but they could provide a number for a group that could. When I called the "new" number I

was often told that they couldn't help me either but they had a number I could call,
referring me back to the organization that had previously told me they couldn't help.
Eventually spilling your story out to people over and over and finding no one to help,
wears you down and leaves you wondering what all these domestic violence programs
are actually doing.

I'm carried away, swept off my feet
The words you coo sound ever so sweet
They tell of a future alive and brand new
But history tells of other tales slew
Of betrayals, lies, words that leave me blacken and blue

My heart and spirit have been battered about
Walked on, forgotten, covered in doubt
A woman is strong; a carrier of life extraordinaire
Respect and dignity are the cloaks she should wear
Instead of guilt, shame, and male burdens to bear

Pushed to the margins, shamed into silence.
Blamed and punished for his violence.
Children frozen in fear with wide-eyed stares
What kind of world sits by without care?
What kind of world tells women to leave and gives her nowhere?

If I don't speak up who will?

19 September 2005

CHAPTER 6: CONCLUSION

And those who have been hurt must be the ones who have the right to propose what it is that will begin to assuage the anguish, or you'll just be repeating the same cycle of the perpetrator, who is a top dog, prescribing.
~ **Desmond Tutu**

If we discovered a substance in our water was altering our children 's brains and bodies increasing their likelihood of death and disease, most likely people would demand it was addressed. Science tells us that many of our children are growing up in a social toxic soup that is doing just that and yet we are failing to take it seriously. Dr. Andrew Garner, pediatrician and chair of the Early Brain and Child Development Leadership Work Group, comments about the need to focus on early childhood experiences for health, education, economy and social good:

We see how early childhood experiences are so important to lifelong outcomes, how the early environment literally becomes embedded in the brain and changes its architecture. Hopefully, this will drive support. It's not just the right thing to do ethically. It's not just the right thing to do economically. It's the right thing to do biologically (2012).

Medical evidence overwhelmingly tell us that toxic stress and trauma exposures in early childhood: (1) undermine the development of adaptive abilities and coping skills children need to deal with life challenges; (2) cause the neurological and physiological beginnings of unhealthy lifestyles, maladaptive coping patterns, and

broken social networks; and (3) that the prevention of long-term, adverse health and social consequences is possible with stable, responsive relationships that help children develop a sense of safety, thereby helping to deactivate their stress response systems.

Domestic violence is a significant source of trauma for children. By failing to address domestic violence we are failing to protect our children. As a society we dismiss the severity of the damage by domestic violence, pay lip service to the “best interests of children” and are legally denying parents the right and ability to protect themselves or their children from violent situations. Our inactions, arising from a bias against believing women is contributing to the fact that we now have the first generation of children more likely to die before their parents. It’s an anomaly of nature.

Julie Kunce Field (2002) in Court Review rightly places the blame on the perpetrator of violence and not the women experiencing violence;

Domestic violence is a problem with the batterer, and caused by the batterer. It is not a problem with the relationship or with the battered woman, but with the batterer’s belief that violence against his partner is acceptable and appropriate. Accepting his excuses—that he was drunk or high, or that she somehow “made” him hit her—reinforces his violence and control and does not help to protect the battered woman and her children.

Almost everyone knows at least one woman who has experienced violence. And even though the Supreme Court of Canada and medical groups across the continent have called for drastic shifts in how we respond to domestic violence, almost no one appears to

be listening. Instead, services to women and abuse survivors have been slashed by governments and supports that do exist are woefully insufficient for the demand. We could promote immense positive social change and help break the generational cycle of domestic violence by leading with a trauma informed approach, providing a comprehensive public awareness campaign and make long over due changes to the family law system.

A sense of an equitable justice system is the foundation of the constitution of Canada. People expect that if they have a criminal or civil case that they will be treated equally before the law and that disputes will be resolved in a timely manner. If people are prevented from asserting their legal rights or forced to walk away from cases because of prohibiting legal costs can we really profess to have a justice system?

Family break up and their legal issues — including parenting arrangements, child support, and division of property—impact a large segment of our population. About 38% of Canadian marriages end in divorce and this does not include parents who have been living common law. Family law cases make up about 35% of all civil cases in BC and across Canada (Track, 2014 p. 8).

In family court mothers discover too late that the father's right to access children are trumping the rights of the child (or the rights of a mother) for safety. When the state fails to adequately respond to gender base violence against women it perpetuates the view that such violence is not a serious crime because women are inferior and less valuable than men; that crimes against them are lesser crimes not warranting concern or resources from

the state. These unspoken biases are passed on to successive generations. We need a much more child-centric system for addressing family break down (Lieberman, Zeanah, & McIntosh, 2011).

The Supreme Court of Canada Family Justice Committee and the Canadian Bar Association have recently released reports calling attention to the crisis of justice in Canada and recommending comprehensive reforms to the current system.

Clearly our family justice system has to do better to serve the needs of families, and this requires government attention(Tracker, 2014 p. 10). At the very least we need legal services available to all who need them regardless of means, status or social situation.

The entire eight to nine years I was caught in family court I was blamed for systemic problems of Canada's civil and family courts that are recognized by legal experts across Canada and around the world. To be blamed and held to account for systemic legal factors beyond my control and fully known within legal community seemed nothing short of abuse by the judicial system itself.

In the Journal of the American Judges Association, Julie Kunce Field (2002) compares the onus put onto mothers in domestic violent relationships by family courts to co-parent with their abusers similar to asking hostage victims to return to their captors and negotiate for the release of other victims and weapons, without tools or back up. When

domestic violence is dismissed by the courts the abuser becomes emboldened to continue violent behaviour and the mother is powerless to stop the abuse.

As discussed earlier in this paper, civil justice compared to criminal justice and other social programs is not a priority to most people. Most people believe the system is working and civil justice doesn't get the headlines that criminal justice gets so there's not much public interest in addressing issues of civil justice. Health and education preoccupy most of the public's attention thus this is where the resources are allocated. Without a public push for change politicians are lax to address access to justice issues. We clearly need public engagement on the issue of access to justice if we are going to achieve the legal system changes necessary.

However, while legislative changes are needed to ensure fair and equitable access to justice we cannot legislate ourselves out of this crisis. Women need to be believed and their allegations of domestic violence must be investigated. It's clear that family courts are losing their legitimacy to be arbitrators of family separation. If we are to have any faith in the family court system we need public accountability for the range of professions involved, including social workers, family assessors, mediators and judges.

Violence against women and children needs to be addressed at multiple levels including individual and societal basis. In their report the Canadian Bar Association (2013) note one of the most important findings from their interviews, and supported by other surveys, was the discrepancy in how the public and legal profession view justice.

The legal profession maintains a narrow view of what access to justice entails, focusing primarily on law, the justice system and how legal services and information are provided. However, the public takes a much more holistic view of justice (Canadian Bar Association 2013) recognizing that legal matters are not restricted to the courtrooms and legal proceedings. Not having access to legal services when you need them has far reaching effects into many aspects of people's lives. My children and myself were adversely impacted. We are not the only ones. Many mothers and children live in fear of homelessness or have their credit rating damaged when support payments are delayed.

The reports mentioned above, as well as Track (2014) offer much more detailed critiques and recommendations. I am not going to discuss them all here as that is not the scope of this thesis. The scope of this thesis is to present how prevalent violence against women and children is in our society, how much it is ignored and why it's so important for all of us to do better at addressing it.

Women who have directly experienced the abuse and failures of family court need to be an active part of the solution. We are experts on the gaping holes in societal supports and a legal system that re-victimizing women and children. For all their many reports the legal profession has been inert in making the substantial changes necessary.

The science is clear that damage of childhood adversity and toxic stress can be mitigated and even reversed. While research clearly shows adverse brain changes from early

trauma experiences, epigenetics and neuroplasticity tell us there is still hope. If traumas are addressed early enough children's brains are able to repair and adapt in healthier ways. Neural pathways strengthening resiliency can be laid down; areas of the brain regions once underdeveloped can be trained to flourish.

The science of early childhood adversity tells us that in families experiencing severe and ongoing stress, what children need most is consistent support from safe and responsive adults in order to learn to cope. In the absence of this the body's stress response system stays on high alert triggering toxic stress, weakening the architecture of developing brains and organ systems causing a range of health, learning and behavioural problems into adulthood - from depression to diabetes to cancer.

By removing children from their non-violent parent and placing them with an abusive parent family courts are creating a frightening situation for children and the worst conditions for the developing child. Family courts refusal to address domestic violence creates a double negative effect on our children's well being by denying their voice and placing them in unsafe conditions and removing them from their source of safety.

Increasingly medical professionals are promoting an ecobiodevelopmental (EBD) framework for addressing health and disease that incorporates science from genetics, molecular biology, neuroscience, and the social sciences. An EBD approach recognizes that adversity alone does not predict poor outcomes. It is the presence of toxic stress and trauma **and** the absence of protective relationships that increase the risk of health-

threatening behaviors and disease later in life (Garner et al. 2012). While holding perpetrators of violence is necessary it is not the only solution and in fact only focusing on punishment doesn't provide the healing necessary for the perpetrators.

Attachment and healthy child development principles are clear that ripping children from a parent they have strongly attached to is traumatic for children and causes a cascade of stress hormones adversely affecting their lives into adulthood (Lieberman, Zeanah, & McIntosh, 2011).

Narvaez (2010), who specializes in the moral and character development of children and says, "Our research shows that the roots of moral functioning form early in life, in infancy, and depend on the affective quality of family and community support"

Not surprisingly, Graham-Bermann et al. (2009) found that children showed better resiliency to domestic violence exposures if their mothers were less distressed themselves. When mothers are better supported so are their children. This evidence clearly shows that when we help mothers escaping domestic violence we are helping the children.

Whether it is legal change or public policy affecting women and children those who study these issues say that unless there is a public outcry for systemic changes nothing will happen. Resources flow to the issues that the public says are important to them.

Though the science behind the ACE findings is more than a decade old, this thinking remains antithesis to current legal and child welfare practices. If we framed public health issues as problems of childhood trauma and stress, then resources will flow towards better understanding of how these problems work, how to prevent them, and how to mitigate effects after they've occurred (Anda & Felitti, 2003).

6.1 A Way Forward: A Trauma Informed Approach Through an Indigenous Lens

Resilience as defined by the American Psychological Association is, “the process of adapting well in the face of adversity, trauma, tragedy, threats or significant sources of stress — such as family and relationship problems, serious health problems or workplace and financial stressors”(American Psychological Association, n.d.).

Indigenous cultural practices are congruent with research on healthy child development principals (natural birth, lots of positive touch as infants, extended breast feeding, sleeping with baby or with the baby near by, prompt response to a baby's cries, multiple caregivers and respecting exploration and autonomy of the child) Narvaez (2010).

Western society's assumptions about the human species and its organization are based on principles of selfishness, competition and aggression. Although these are certainly human characteristics they are not the only ones. Indigenous cultures around the world recognize and are based on a much broader spectrum of characteristics including cooperation and mutualism. Narvaez (2012) argues that Western society's attitudes on child rearing

promote more aggressive and fear based coping mechanisms. Even in the absence of overt abuse without the proper nurturing support children are left with a deficit of compassion. Similar to the ACE findings moral and emotional intelligence require the development of specific neural pathways and without this support in infancy and early childhood a child is likely to grow into an adult who becomes wired for aggression. When we look at the state of our social climate today it's clear we need more compassion at all levels.

We need a more holistic view of separating families that recognizes that even after separation the family unit is still a family unit, only now it involves two households. We need to provide trauma informed services and assistance that recognizes and acts from the developmental realities of children rather than a parental rights based approach. We need a family separation process whose focus is on healing the relationships between family members even when protection for some members is warranted.

A more trauma informed approach to healing families would include therapies that help rewire the brain and reset the neuro-immuno-endocrine system towards a healthy baseline. It would include room for the perpetrator of violence to heal – to the extent that they were willing. Right from pregnancy we can begin to support a Indigenous approach to child rearing that recognizes the inherent respect a child deserves and that requires healthy supports for the mother and fathers.

Trauma informed practices need to permeate every layer of our society including doctor

offices, schools, jails, and workplaces. We know that policies change when there is political will for them to change, and political will is activated by public pressure. If we want to a world that is more compassionate and morally sound we need to begin with becoming a more trauma informed society with the goal of not just protecting our most vulnerable but providing the positive conditions and supports necessary to build resilience and allow people to flourish.

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APPENDIX A: POWER AND CONTROL WHEEL

Designed by the Domestic Abuse Intervention Project (DAIP) in Duluth, Minnesota in 1984.

