


## "THE ELEPHANT IN THE ROOM"

A Workshop on  
Domestic Violence and  
Power Imbalances in the  
Collaborative Process



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Presenter

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## Survey Says

Question	Yes	No
Is domestic violence an issues in your work?	77.8%	22.2%
Are power imbalances an issues in your work?	96.0%	4.0%

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## Survey Says

Do you currently screen for domestic violence and/or power imbalances in your work?	81.6%	18.4%
Have you had any training in matters concerning domestic violence or power imbalances?	73.0%	27.0%
Have you had any training in screening for domestic violence and/or power imbalances?	61.9%	38.1%

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## Survey Says

If domestic violence is an issue in your work, for what percentage of cases would this be an issue?	
0 - 20%	82.9%
20 - 40%	13.4%
40 - 60%	2.4%
60 - 80%	0.0%
80 - 100%	0.0%
Unsure	1.2%

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## The Statistics Say

Estimates from the Canadian Violence Against Women Survey (Statistics Canada, 1993) indicate that 29% of ever married Canadian woman and 50% of divorced women have been victims of abuse.

...the divorce rate for non-abused women is 15% and for women who experienced high severity abuse in a first marriage have a divorce rate of 75%

Bowlas, A and Seitz, S., Domestic Violence, Employment and Divorce, International Economics Review, Vol 47, No 4, Nov 2006

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## Goal

☞ This workshop is to raise the awareness of problems arising in the collaborative process that flow from domestic violence and power imbalances existing between the parties and facilitate management of same for more balanced and durable agreements.

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## Objectives

- ☞ You will learn:
  - ☞ Definitions of domestic violence and power imbalances
  - ☞ The impact on children and adults.
  - ☞ Strategies to identify domestic violence and power imbalances
  - ☞ Strategies to advance the Collaborative (as appropriate) process in light of such findings.

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## Warning

You will be exposed to very distressing material within this presentation.

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## Additional Disclaimer

☞ Tip of the Iceberg...



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## The Literature on DV in CP

There is no substantive body of literature!

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## Even after this presentation...

- ☞ You will have to:
  - ☞ Determine your response to Domestic Violence and Power Imbalances;
  - ☞ How to respond to safety concerns;
  - ☞ How to manage the collaborative process;
  - ☞ How to work with professional partners.


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## Why discuss this?

- ☞ Domestic violence and power imbalances undermine the parties ability to negotiate and settle disputes on a fair and equitable basis. The very process may put a party at risk of harm.

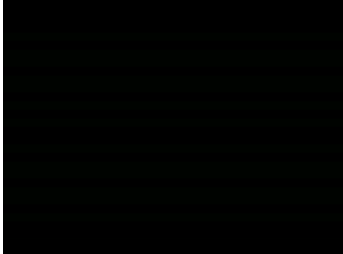
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### What it looks like:



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### What it looks like:



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### Definitions

⌘ Domestic Violence:

- ⌘ Screaming, yelling, name calling, belittling, intimidating, threatening, stealing, confining, controlling resources, throwing objects, slapping, hitting, hair pulling, punching, kicking, choking - by one party to another or between parties, both subject to an intimate co-habiting relationship between themselves. In the context of separation and settlement, there is a concern both for the heightened risk to safety and the impact of domestic violence on the ability of the victim to settle matters equitably.

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### Definitions

⌘ Power Imbalances:

- ⌘ A compromised ability by one party to represent and negotiate their needs with another party such that a negotiated solution would likely wind up with a lop-sided outcome to the disadvantage of the party with the compromised ability. The ability to represent oneself may be compromised by the power and control tactics of the other party.

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### Types of Power Imbalances

- ⌘ Domestic violence
- ⌘ Mental health issues
- ⌘ Immigration issues
- ⌘ Caste or social status
- ⌘ Education
- ⌘ Extended family resources
- ⌘ Other...

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### Basic data...

- ⌘ Statistically, women are the victim of domestic violence, versus men, by a factor of 9:1
- ⌘ The likelihood of injury and death of a woman subject to domestic violence far exceeds the risk of same as to a man.
- ⌘ More typically, where a man is injured or killed, it is in the context of defensive behaviour on the part of the woman.

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## More basic data...

- ⌘ Domestic violence is found similarly in same-sex relationships.
- ⌘ There are multiple types of domestic violence and levels of risk ranging in dangerousness from little to lethal.
- ⌘ Between 3.3 - 10 million children witness some form of domestic violence annually.
- ⌘ Domestic violence causes not only physical harm, but emotional, psychological, social and vocational harm.
- ⌘ Exposure to domestic violence as in child witnessing, causes similar harm...

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## Domestic Violence Defined from a Child Perspective

- ⌘ Hostile, abusive or neglectful behaviour targeted at the child directly by parent or adult in the home
- ⌘ Child's direct exposure to acts of violence between adults in the home as in the case of seeing, hearing or smelling abusive behaviour
- ⌘ Child's indirect exposure to acts of violence as when seeing bruises, broken objects, distressed parent, blood or other evidence in the aftermath

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## 0 – 1 year old

Ways of Being Drawn In	Effects of Abuse
⌘ Seeing it	⌘ Physical injury
⌘ Hearing it	⌘ Death
⌘ Being awakened by it	⌘ Fright
⌘ Being injured by it	⌘ Being traumatized by it
⌘ Being ripped from mother's arms	⌘ Sleep disturbances
⌘ Having toys broken	⌘ Eating disturbances
⌘ Being born prematurely	⌘ Being colicky or sick
⌘ Being hit while in mom's arms	⌘ Insecurity because of being cared for by a traumatized mom
⌘ Being thrown	⌘ Not responsive or cuddly

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## 2 – 4 Year Olds

Ways of Being Drawn In	Effects of Abuse
⌘ Seeing it	⌘ Acting out violently
⌘ Hearing it	⌘ Withdrawal
⌘ Trying to stop altercation	⌘ Trouble with other kids
⌘ Becoming abused themselves	⌘ Delayed toileting
⌘ Being used as a physical weapon against the victim	⌘ Eating problems
⌘ Being interrogated by perpetrator about victims activities	⌘ Nervous, jumpy
⌘ Being held hostage by perpetrator	⌘ Sleep problems
	⌘ Insecurity, fear and Depression

www.yoursocialworker.com      Source: <http://www.familyrefugecenter.com/efficacy.html>

## 5 – 12 Year Olds

Ways of Being Drawn In	Effects of Abuse
⌘ Seeing & hearing it	⌘ Fear & insecurity
⌘ Picking 1 parent to defend	⌘ Low self esteem
⌘ Physically intervening	⌘ Withdrawal/depression
⌘ Calling the police	⌘ Running away
⌘ Running to neighbors for help	⌘ Early drug/alcohol use
⌘ Being used as a spy against Mom	⌘ School problems
⌘ Forced to participate in attack on Mom	⌘ Bedwetting
⌘ Being physically or sexually abused to control Mom	⌘ Sexual activity
⌘ Being restricted from contact with others	⌘ Becoming caretaker of adults
	⌘ Being embarrassed by one's family

www.yoursocialworker.com      Source: <http://www.familyrefugecenter.com/efficacy.html>

## Teen Boys and Girls

Ways of Being Drawn In	Effects of Abuse
⌘ Killing/trying to kill perpetrator	⌘ School problems
⌘ Trying to stop the abuse	⌘ Social problems
⌘ Hitting parent or siblings	⌘ Sexual activity
⌘ Becoming physically abused	⌘ Shamed & embarrassed
⌘ Being used as a spy	⌘ Truancy
⌘ Being used as a confidante	⌘ Super-achiever at school
⌘ Being coerced by perpetrator to be abusive to mom	⌘ Tendency to get serious relationships too early to escape home
	⌘ Depression
	⌘ Suicide
	⌘ Alcohol/drug use
	⌘ Confusion about gender roles

www.yoursocialworker.com      Source: <http://www.familyrefugecenter.com/efficacy.html>

## Gender Specific Effects

Effects Specific to Boys	Effects Specific to Girls
<ul style="list-style-type: none"><li>Learning that males are violent</li><li>Learning to disrespect women</li><li>Using violence in his own relationships</li><li>Confusion or insecurity about being a man</li><li>Attacking parents or siblings</li></ul>	<ul style="list-style-type: none"><li>Learning that male violence is normal</li><li>Learning that women don't get respect</li><li>Accepting violence in her own relationships</li><li>Embarrassed about being female</li><li>Becoming pregnant</li></ul>

www.yoursocialworker.com Source: <http://www.familyrefugecenter.com/effctn.html>

## Domestic violence has an impact on children

- Thinking constantly about the traumatic event.
- Having nightmares.
- Avoiding places, people, or activities that re-mind them of the event.
- Losing interest in doing things that they liked before.
- Feeling alone, empty, sad, anxious, or uncaring.
- Becoming irritable, angry, and easily startled.

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## When children are exposed to domestic violence, it shows...

- Behavioral, social, and emotional problems**
  - higher levels of aggression, anger, hostility, oppositional behavior, and disobedience; fear, anxiety, withdrawal, and depression; poor peer, sibling, and social relationships; low self-esteem.

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## It hurts them...

- Cognitive and attitudinal problems**
  - lower cognitive functioning, poor school performance, lack of conflict resolution skills, limited problem-solving skills, acceptance of violent behaviors and attitudes, belief in rigid gender stereotypes and male privilege.

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## ...and can last a lifetime.

- Long-term problems**
  - higher levels of adult depression and trauma symptoms, increased tolerance for and use of violence in adult relationships

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## Impact of Exposure On Child Come Adult

- Difficulty with trust
- Difficulty forming relationships
- Anxiety / depression ☞ Behaviour!
- Shame, Embarrassment
- Desensitization to violence and abuse which may result in an inability in both victim and perpetrator to assess risk.


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### Domestic Violence



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### Emotional and Psychological Abuse as well as Power Imbalances...



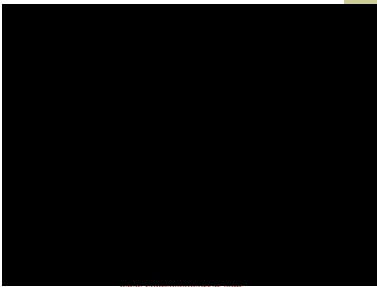
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### Child learns to hit...



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### Child learns to tune out...



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### SCREENING: Primary Consideration

☞ SAFETY and INTEGRITY

1. The parties
2. Their children
3. The process

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### Some Cases Should NOT Even Be Considered:

Safety concerns discernable by:

- ☞ Ongoing violence
- ☞ Weapons offences
- ☞ Broken ground rules / restraining orders
- ☞ Substance/alcohol abuse
- ☞ Violent fantasies
- ☞ Stalking behaviour
- ☞ Coercion

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## Negative Assumption

⌘ In the presence of domestic violence and/or power imbalances you should not engage in a Collaborative process – unless you can mitigate concerns...

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## Typical policy of the abuser and the abused...

### Don't ask... Don't tell.

So, if you want to know, you must ask...

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## Woman Abuse Screening Tool

⌘ **Development of the Woman Abuse Screening Tool for use in family practice.**

⌘ Brown JB, Lent B, Brett PJ, Sas G, Pederson LL.

⌘ Department of Family Medicine, University of Western Ontario, London, Canada.

⌘ Fam Med. 1996 Jun;28(6):422-8.

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## WAST and WAST-Short

⌘ Woman Abuse Screening Tool:

- ⌘ 7-item questionnaire
- ⌘ 2-item questionnaire where these two items alone are highly predictive of domestic violence/abuse.

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## WAST

WAST

- Woman Abuse Screening Tool
  - Valid: significant difference ( $p < 0.001$ )
  - Appropriate
  - Highly reliable: internal consistency (0.95)
  - Sensitivity: first 2 questions
    - abused 91.7%
    - non-abused 100%

Development of the Woman Abuse screening Tool for use in family Practice. Brown. JB et al Fam Med 1996;28(6):422-8

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## WAST - Short

⌘ 1. In general how would you describe your relationship ...

a lot of tension  some tension  no tension

⌘ 2. Do you and your partner work out arguments with ...

great difficulty  some difficulty  no difficulty

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## WAST - long version adds

1. Do arguments ever result in you feeling put down or bad about yourself?
2. Do arguments ever result in hitting, kicking, or pushing?
3. Do you ever feel frightened by what your partner says or does?
4. Has your partner ever abused you physically?
5. Has your partner ever abused you emotionally?

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## Making Sense of the Data

Analyze → Plan

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## Analyzing Type of Violence

- ☞ Coercive controlling violence
  - ☞ Domestic violence used to gain power and control over an intimate partner

Based on: Joan B. Kelly and Michael P. Johnson, Differentiation Amongst Types of Intimate Partner Violence: Research Update and Implications for Intervention, Family Court Review, Vol 46, No 3, July 2008, 476 -499

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## Power and Control Wheel

Developed by the Domestic Abuse Intervention Project in Duluth, MN

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## Analyzing Type of Violence

- ☞ Violent resistance
  - ☞ Typically applied to woman who themselves utilize violent behaviour as a means of self-defense

Based on: Joan B. Kelly and Michael P. Johnson, Differentiation Amongst Types of Intimate Partner Violence: Research Update and Implications for Intervention, Family Court Review, Vol 46, No 3, July 2008, 476 -499

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## Analyzing Type of Violence

- ☞ Situational Couple Violence or Interactive Violence
  - ☞ Not a matter of one seeking to necessarily control the other, but of situations where both may be limited in terms of conflict resolution and problem solving skills, or resort to violent behaviour to act out negative feelings.

Based on: Joan B. Kelly and Michael P. Johnson, Differentiation Amongst Types of Intimate Partner Violence: Research Update and Implications for Intervention, Family Court Review, Vol 46, No 3, July 2008, 476 -499

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## Analyzing Type of Violence

- ☞ Separation Instigated Violence
  - ☞ This would appear in the context and distress of the separation process and there would likely be little or no history of prior violent acts. The behaviour would appear “out of character”.

Based on: Joan B. Kelly and Michael P. Johnson, Differentiation Amongst Types of Intimate Partner Violence: Research Update and Implications for Intervention, Family Court Review, Vol 46, No 3, July 2008, 478 -499

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## Analyzing Severity

- ☞ Frequency
- ☞ Duration
- ☞ Intensity

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## Assessing Risk

- ☞ Low Risk
  - ☞ Persons in this category exhibit little to no indicators of domestic violence or power imbalances and would be deemed suitable candidates for arbitration with no modifications to the Collaborative process.

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## Assessing Risk

- ☞ Moderate Risk - Level 1
  - ☞ Persons in this category would be subject to some issues regarding power imbalances. It may be that one party is overwhelmed and/or suffers a mental condition that could somewhat interfere with judgment and/or feels the need to acquiesce on matters to bring about a resolution to tension and/or has been systematically excluded or manipulated from receiving information or input with regard to facilitating decision making between the parties on matters of mutual concern. Persons in this category may benefit from personal counselling or coaching to address these issues in the Collaborative context. There would be no concern for physical safety.

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## Assessing Risk

- ☞ Moderate Risk - Level 2
  - ☞ Persons in this category would be subject to minor forms of violence such as yelling/screaming, pushing, throwing of light objects not aimed at or in direction of another person, slamming of doors. There has been no physical harm and such behaviours may be one or both sided. The purpose of such behaviour may or may not be directed towards intimidation, as much as an expression of frustration or inter-personal conflict. None-the-less, children may be exposed to such behaviour, which may be frightening and upsetting. The risk of physical harm is low, but possible, even if accidentally. Modifications may be necessary to ensure safety as well as integrity to the Collaborative process.

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## Assessing Risk

- ☞ High Risk
  - ☞ Persons in this category are subject to violence and power imbalances in the context of their intimate relationship. Violence may take the form of hitting; pushing; blocking exits; intimidation through threats of violence to self or other; and/or withholding access to necessary resources. Behaviours are directed to control the behaviour of the intimate partner. While the violence may not be dangerous in terms of resulting in serious injury or death, it and/or acts of intimidation and/or control induce fear, thus undermining the ability of a participant to contribute fully in the Collaborative process. There are safety concerns for persons in this category and for service to proceed, safeguards are required to maintain the safety of parties and the integrity of the Collaborative process.

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## Assessing Risk

⚡ **Extreme Risk**

- ⚡ Persons in this category would be subject to serious acts of violence that could easily result in serious injury or death. It is unlikely that sufficient safeguards could be erected to provide for the safety of a participant or the integrity of the Collaborative process. In circumstances such as these, service is contra-indicated.

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## Safety and Safety Planning

- ⚡ Is your client safe now?
- ⚡ In the presence of data suggesting or demonstrating domestic violence or power imbalances, how would you rate it and what safeguards could be put in place to maintain the integrity of the Collaborative process given your rating?

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## Not safe now?

- ⚡ Advise not to return home unescorted.
  - ⚡ Escort may include police.
- ⚡ Seek residence elsewhere until safety concerns have been addressed.
- ⚡ Refer to nearest women's shelter.
- ⚡ Just call police.

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## Safety Planning for the Collaborative Process

1. Counselling and/or coaching prior to attendance
2. Clear enunciation of "Rules of Conduct" for behaviour during meetings and clear enforcement
3. At least one party to be escorted to and from the meetings
4. Separate arrival and departure times with alleged abuser arriving first and leaving second

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## Safety Planning for the Collaborative Process

5. Parties are not to be left unattended together
6. Parties are required to have separate residences prior to engaging in process
7. No contact rule outside of process
8. Parties are required to arrive sober with no trace of alcohol on breath otherwise meeting cancelled

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## Mental Health Professional

- ⚡ Many of the concerns regarding screening for domestic violence and power imbalances and issues arising from screening can be mitigated with the use of a mental health professional whose training and experience includes matters therein.
- ⚡ The mental health professional can not only screen, but can act as Facilitator in the Collaborative process.

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## Proposed Process

- As per the Regulations of the Arbitration Act of Ontario, parties to a family arbitration must be screened by a trained third party and the arbitrator has seen and reviewed the screening report.
- A similar process can be adapted for Collaborative Practice.
- Ethical issues???

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## Better outcomes require addressing issues...



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## Recap - Objectives

- You will learn:
  - Definitions of domestic violence and power imbalances
  - The impact on children and adults.
  - Strategies to identify domestic violence and power imbalances
  - Strategies to advance the Collaborative process in light of such findings.

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