

TOGETHER we can stop
family violence

THE POLICE MANAGERS' GUILD
(THE NEW ZEALAND POLICE OFFICERS' GUILD INC.)



Foreword

FAMILY violence is a crime. It is widespread. It causes immeasurable damage to our families and costs the country dearly. But it is not inevitable; together we can do something to stop it. Public attitudes are slowly changing. The response of Police and other Government agencies are changing. This booklet focuses primarily on the main perpetrators of family violence - men -and the main victims of violence - their female partners. It also looks at the effect of family violence on children and the elderly. The booklet discusses family violence in three parts:

- Part 1 outlines the extent of the problem and the efforts being made to address it;
- Part 2 discusses what happens when you ask for help and provides practical steps you can take to stop and prevent abuse;
- Part 3 looks at what happens in the aftermath of family violence.

A contacts list at the back of the book provides phone numbers and addresses of organisations you can get in touch with if you need help. The Police Manager's Guild would like to thank the sponsors and the following people for their invaluable assistance in producing this booklet.

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FAMILY VIOLENCE DEFINED

What is family violence?

It was once accepted that it was simply physical violence inflicted by males against their female partners in the home or within the family environment. However, as the definitions of "partner" and "family" have broadened during recent years, family violence has been extended to include the whole range of violent or abusive behaviour in family relationships. The passage of the Domestic Violence Act 1995 has further widened the definition of violence and those who can seek help.

It covers:

- Male partner violence against women
- Sexual violence against women partners
- Child abuse and neglect
- Child sexual abuse
- Elder abuse and neglect
- Allowing a child to witness family violence

It can also include:

- Abuse between brothers and sisters
- Violence by women against male partners
- Abuse of parents by children
- Violence within gay and lesbian relationships
- Violence against flatmates, or anyone sharing accommodation or in a close personal relationship.
- Psychological abuse.

Much family violence is perpetrated by men and directed against women and children, although violence against children (except sexual abuse) is as likely to come from women as men.

Family violence, in whatever form, is typically not random, but more likely to be part of a pattern of systematic violence that gets worse over time. And it is not just about physical attacks or sexual abuse - family violence also includes a range of emotional or psychological acts. Examples of abuse are as follows.

Physical Abuse

At the core of family violence is physical violence. Physical violence is assault. Some assaults might not draw blood or leave bruises, but it all forms a basis for control. Once physical violence has been used, there is the fear that next time it might be worse.

Sexual Abuse

Rape or the use of force or coercion to induce a person to engage in sexual acts against their will.

Psychological Abuse

This can take the form of constant put-downs and name-calling, intimidation and harassment that make victims feel bad about themselves. It is likely to include lots of yelling and threats of physical violence, threats to leave or even threats of suicide. Looks, actions and expressions might be used to instil fear. Items valuable to the victim might be smashed or pets harmed. It can also include mind games such as controlling someone's money, time, car or contact with friends as a way of having power over them.

The Domestic Violence Act 1995 made psychological abuse an offence just like physical violence, and provides means of protecting victims from it. The Act defines psychological abuse as "including intimidation, harassment, damage to property, threats of physical, sexual or psychological abuse, and (in relation to a child), abuse causing or allowing the child to witness the physical, sexual or psychological abuse of a person with whom the child has a domestic relationship."

VIOLENCE AGAINST WOMEN

This is the most common form of family violence. A useful description is found in the Declaration on the Elimination of Violence Against Women, adopted by the United Nations in 1993. The key aspects of the Declaration are that violence against women:

VIOLATES

- Is a manifestation of historically unequal power relations between men and women
- Is a key mechanism placing women into a subordinate position to men
- Is a gender-based form of discrimination
- Prevents women from reaching their full potential
- Is pervasive and occurs across lines of income, class and culture

- Particularly affects groups of women who are seen to be especially vulnerable, such as indigenous women, refugee women, women living in rural or remote communities, destitute women, women with disabilities
- Has been highlighted as a problem by the women's movement internationally

The Declaration also says, in Article 1:

"... the term 'violence against women' means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."

VIOLENCE AGAINST CHILDREN

The Office of the Commissioner for Children uses a set of clear and simple guidelines defining child abuse:

Physical abuse - all physical injuries to children where there is knowledge that the injury was not accidental, or knowingly not prevented.

Sexual abuse - the use of a child for sexual and/or physical gratification of someone who takes advantage of their power and/or the child's trust

Neglect - serious deprivation of necessities such as food, shelter, supervision appropriate to their age and essential physical and medical care

Emotional abuse - negative attitudes and behaviours on the part of adults which severely impact on the child's emotional and physical development

VIOLENCE AGAINST THE ELDERLY

Relationships between abuser and abused in cases of violence against the elderly tend to be more complex than in other forms of family violence. The aged can be affected by both abuse and neglect.

Age Concern says elder abuse occurs:

- When a person aged 65 or more experiences harmful physical, psychological, sexual, material or social effects caused by the behaviour of another person with whom they have a relationship implying trust.

Elder neglect is defined as occurring:

- When a person aged 65 years or more experiences harmful physical, psychological, material and/or social effects as a result of another person failing to perform behaviours which are a reasonable obligation of their relationship to the older person and are warranted by the older person's unmet needs.

Elder abuse falls into the following categories:

- Physical - infliction of physical pain, injury or force
- Psychological - behaviour that causes mental or emotional anguish or fear
- Sexual - sexually abusive and exploitative behaviours involving threats, force, or the inability of the person to give consent
- Financial - the illegal or improper exploitation and/or use of funds or other resources

EXTENT OF FAMILY VIOLENCE

Available statistics indicate family violence is widespread. It occurs largely against women and children in the home. In recent times, however, family violence has become less acceptable in the community, largely as a result of publicity by Government and non-government agencies, such as the Police's "Family violence is a crime, call for help campaign" and the Children and Young Persons and their Families Service's Breaking the Cycle campaigns. Violence occurs in all types of New Zealand homes - it is as likely to occur in a wealthy suburb as a country town and is common in all families, religions, races and cultures. In most cases of abuse, the abuser is well known to the victim - a family member, close relative or friend of the family.

Changing public attitudes have revealed a truer extent of family violence than has previously been identified. The public is showing more confidence in reporting family violence as the message that it is a crime gets through. Police have also been dealing more seriously with family violence - where previously mediation was often used to defuse a violent situation, family violence is now treated like other cases of violence. Arrests are made where violence is alleged and sufficient evidence obtained.

In 1994, for instance, when the "Family Violence is a crime" campaign was launched, reported assaults on women by men rose 44 percent nationally over 1993 figures. Prosecutions of men for this offence totalled 6684. The increase in reported violence overall in 1994 was 20 percent.

Establishing the true extent of family violence, is, however, still difficult. Before the recent Police publicity campaign, for instance, it was estimated, based on overseas figures, that only 10 percent of family violence was reported.

Findings of surveys are sometimes difficult to draw conclusions from. Victims are often reluctant to report violence by members of their own family; definitions of abuse are often not clear (some women might not have considered a slap significant etc); women might have been reluctant to discuss problems with a stranger in a telephone survey, and so on.

However, a recent report by Hilary Lapsley indicated that between 10 percent and 25 percent of women had suffered from some form of abuse in the year leading up to the various studies she looked at.

A report by economist Suzanne Snively, *The New Zealand Economic Cost of Family Violence*, assessed the cost of the violence to individuals and the community based on different assumptions about the prevalence of the violence (the study used one in 10, one in seven, and one in four in families). Assuming one in seven families experienced violence, it directly affected more than 480,000 people, either as survivors (victims) or perpetrators in New Zealand in 1994. The report indicated that the assumptions about the cost of family violence were conservative. Although the base cost was \$1.2 billion, it could be a lot higher.

ATTITUDES OF MEN

A recent report by Julie Leibrich, Judy Paulin and Robin Ransom - *Hitting Home* - revealed for the first time New Zealand men's attitudes and behaviours towards family violence and their rates of abuse.

For research purposes, the authors used a definition of abuse consisting of 22 specific behaviours. Physical abuse included behaviours constituting gross physical assault - for example, beating up their woman partner, choking or strangling her, using a knife or gun on her - and behaviours such as pushing, grabbing or shoving their woman partner.

Psychological abuse included threats of violence and public humiliation, as well as swearing and insults.

One in five men in the survey of 2000 men reported having physically abused their partner at least once in the past year.

Two percent of men thought it was OK to hit a partner. However, when shown 20 circumstances that might spark abuse - such as catching her in bed with another man, she spends too much money, she comes home drunk, or the kids keep crying all the time - 10 percent approved of hitting in at least one of the circumstances. Four in 10 of the men disapproved entirely of hitting in all the circumstances and 56 said they did not strongly disapprove of hitting in at least one of them.

During the past year, 21 percent of the men reported committing at least one act of physical abuse and 53 percent reported committing at least one act of psychological abuse. Equivalent lifetime rates are 35 percent for physical abuse and 62 percent for psychological abuse.

The most commonly reported acts of physical abuse were pushing, grabbing or shoving, slapping, and throwing something at a woman.

The most commonly reported acts of psychological abuse were insulting or swearing at a woman partner, putting down her family or friends, trying to prevent a woman partner from doing something she wanted to do (such as going out with friends or going to a meeting), and throwing, smashing, hitting or kicking something.

The report concluded that on average, New Zealand men had high general anger levels. It also found that:

- 67 percent of men have personal knowledge of men hitting women - either they know a perpetrator or victim of physical abuse, or they have witnessed physical abuse.
- 70 percent say domestic violence is a major problem, 20 percent say it is a minor problem and 1 percent say it is not a problem at all.

- 87 percent know, but 10 percent do not know, that hitting a woman is a crime.
- The most abusive men had the highest levels of anger and were most likely to blame women for being abused.
- The more serious the abuse, the more likely the men who reported committing abuse were to agree with the questionnaire statement: *"Women should concentrate on being good wives and mothers rather than on their rights."*
- Men who tend to condone abuse of women are more likely to be older, yet men who actually do it are more likely to be younger.
- Men who abuse women think the solution might lie in avoiding potentially abusive situations, or in the Government improving support services.

Women's Refuge also provides some indication of the extent of family violence. It had 22,035 clients in 1994, a figure likely to grow in the short term as family violence becomes more of a public issue. In the long term, it is hoped the figures will decline. Of the 13,299 residents of refuges in 1994, 5017 were women and 8282 were children. It had 8736 community cases and ran 2060 education programme sessions for 9665 people.

CHILDREN

Children are often the forgotten victims of family violence, despite child abuse being recognised as a serious problem.

While actual violence against children is a big concern, children are also harmed by the violence they witness in the home. A study of the Hamilton Abuse Intervention Pilot Project (HAIPP) by Gabrielle Maxwell revealed that children were at the house in 87 percent of the incidents in which their parent was a victim of violence. A 1991 Women's Refuge study suggested that, for women receiving help from refuges, 90 percent of their children had witnessed violence and 50 percent of the children had also been physically abused. Twelve percent had been sexually abused.

It is of concern that children not only see the violence, but also hear the shouting and crying that go with it.

The HAIPP study showed that incidents brought to Police attention were mainly because of men's violence against women. However, in many cases, violence towards children during these incidents remained in the background. In New Zealand, hitting a child is still seen by many as a legitimate part of parenting. The law (Section 59 of the Crimes Act, 1961) exempts parents from an assault charge when they use "reasonable force" in disciplining their children. A recent study by the Commissioner for Children showed that 2 percent of a random sample of more than 300 parents said they had given their child *"a really severe thrashing"* and 11 percent reported they had *"hit with a strap, stick, or something similar"*.

THE ELDERLY

A recent report prepared by the National Advisory Group on Elder Abuse and Neglect found from the study of pilot programmes in five New Zealand cities, that:

- 310 cases of elder abuse were reported over a 12-month period.
- 75 percent of the victims were women.
- 32 percent of reported cases involved psychological abuse of which most victims were in the 70-80 age group.
- 31 percent of reported cases involved financial abuse.
- Most victims of financial abuse were in the 80-90 age group.
- 22 percent of reported cases involved neglect, of which most victims were in the 80-90 age group.
- 11 percent of reported cases involved physical abuse, of which most victims were in the 70-80 age group.
- 4 percent of reported cases involved sexual abuse, of which most victims were in the 70-80 age group.

EFFECTS OF FAMILY VIOLENCE

Many women and children suffer long-term mental and physical ill-health as a direct result of the abuse and violence. Feelings of fear, shame and guilt and threats of further abuse contribute to stress and depression. Whatever form it takes, family violence has a debilitating effect on the family group. In the most severe cases, the victim has died from the injuries.

Physical injuries, the most obvious signs of abuse, can have long-term effects, but the emotional trauma of living in an abusive family can also be long lasting.

Women and children subjected to constant abuse might feel powerless. They are likely to want to please the abuser, despite being terrified, and hide the abuse from friends and neighbours. They can become emotionally and physically exhausted. They might feel violated and degraded, with a corresponding loss of self-esteem. Suicide can result.

Effects on children

As both victims and witnesses of family violence, children can be severely damaged.

Children can suffer horrific injuries as the result of violence in the home. Adults, because of their usually dominant physical strength, can hurt children more than they ever mean to.

If their mother is subjected to violence, most children will know. They often witness the traumatic beatings or the humiliation. Sometimes they get involved, trying to help the victim by stopping the violence themselves. They can get hurt, too, either by accident or as a side product of the attack on another victim.

Studies have shown children suffer long-term effects of witnessing abuse:

- Increased illness
- Low self-esteem
- Social problems
- Failure at school
- Violent delinquency

A United States study found that children who grew up in violent homes were twice as likely to commit violent crimes as those who lived in non-violent homes.

Children who witness family violence have been shown to be more aggressive and anti-social and to show more fearful and inhibited behaviours and to have lower social competence than the norm.

And 88.2 percent of children in women's refuges who had witnessed the abuse of their mother showed behavioural problems such as hyperactivity, anxiety or aggression that were severe enough to be regarded as clinical problems. The greatest long-term danger is perhaps that children accept that violence is acceptable behaviour - that when an adult is angry or frustrated, violence is an answer.

Girls who see their mother abused can model their mother's behaviour, becoming fearful, withdrawn and distrustful. Overseas studies indicate girls who have been in abusive families are more likely to accept victimisation and violence from their friends and partners in adulthood.

Boys might model their behaviour on that of their violent father. Boys can become aggressive, bullying not only their friends and siblings as youngsters, but also their mother. Studies have shown that, as adults, they are more likely to beat their partners and commit violent crimes.

Effects on the Elderly

As the population of New Zealand ages, the effects of family violence on the elderly take on more significance. For the aged, it is not just a health problem, because it affects other areas of their lives, such as their financial stability and their accommodation needs.

A report from the National Advisory Group on Elder Abuse and Neglect found the costs to the country of abuse of the elderly included:

Increased demand for residential facilities - an older person who is abused might require long-term care when a crisis is reached if early intervention does not occur.

- Increased demand for Government subsidies. When an older person has been defrauded of their assets through financial abuse, Government subsidies might be called on at an earlier stage to pay for home support services or residential care.
- Increased demand for health services. Elder abuse and neglect can lead to serious health problems and injuries such as depression, malnutrition, dehydration, broken bones etc, which result in the need for expensive health services. The abuse or neglect might be the result of carer stress, which means that the carer is also likely to need assistance from health or social services.
- Family problems. The excessive demands and multiple responsibilities of holding down a paid job as well as caring for an older family member can result in abuse or neglect and/or the carer losing or giving up paid employment. This has serious financial implications for the individual and for Government as it might mean family members are unable to save for their own older age.

ECONOMIC COSTS

Family violence is not just a health issue. Its effects are felt not only in families, but also in the wider community and in government as the economic costs are assessed.

There are various financial costs to the community from significant range of services needed.

In her report, *The New Zealand Economic Cost of Family Violence*, economist Suzanne Snively estimated the pure monetary cost to individuals and the Government each year was conservatively \$1.2 billion. To put it in context, that is more than the \$1 billion earned annually by New Zealand's wool exports and nearly as much as the Government spends on unemployment benefits.

Ms Snively suggested the cost could even be as high as \$5 billion.

The base case analysed assumed a "prevalence rate" of 14 percent of the population, or one in seven. It assumed (conservatively) that one in seven families experienced violence, whether it was reported or not.

Costs to the Individual

(suggest breakout figures, separate from text, for each of the following underlined)

In the Snively report, it was estimated that people who had suffered from family violence but not reported it, incurred costs of \$14.9 million a year. As they did not acknowledge that family violence was occurring, they bore the full cost themselves. As they did not acknowledge violence, the services costed were restricted to a narrow range. They included doctor visits, counselling, psychiatric help, suicide attempts, admittance to hospital and drugs. For those whose violence was reported, and who sought help, the total direct cost (their own costs) was estimated at \$383.7 million. They used more services because of a desire to change the conditions under which they lived. This included \$113.2 million not only in medical costs, but also for refuge assistance, shifting house and legal costs. The other \$270.5 million was incurred through loss of income and child care costs.

The total cost to individuals each year, therefore, was estimated at \$398.57 million.

Costs to the Government

For the Government, family violence incurs huge costs through expenditure on health care, welfare payments (both directly to beneficiaries and indirectly to community support agencies) and law enforcement.

The following figures, from Ms Snively's report, are the latest available on the estimated annual financial cost of family violence.

Health: \$140.72 million

The costs in health care are high, particularly given that many of the costs are the consequence of deliberate violence and abuse within the family, rather than as the result of accidents and disease. Costs were assessed by looking at likely visits to publicly funded services, including doctors, psychiatrists, psychologists, hospitals (including dental) and child guidance clinics.

Welfare: \$581.6 million

A considerable amount of welfare money goes directly to support families suffering from the effects of family violence. Other funds go towards the cost of supporting organisations such as Women's Refuge and Rape Crisis, through the Community Funding Agency. Welfare services include the cost of delivery, accommodation, infrastructure and provision. The costings are probably conservative because it was hard to identify funding for every Government agency and many volunteers service the needs of the survivors of family violence. The total costs include funding for the Children and Young Persons Service, the Justice Department's Community Funding Programme, Income Support Service's domestic purposes benefit, unemployment benefit, accommodation supplement, sickness benefit etc.

Justice: \$26.1 million

This covered costs involved for the Police callouts for family violence, the cost of domestic protection orders and other court costs. This figure is definitely conservative, as figures were not available for legal aid or other family court costs - they could not be separated for survivors of family violence.

Law Enforcement: \$87.7 million

Law enforcement costs include the combination of Police, court and legal costs. They include costs for people who are not jailed and who might have community-based sentences. It costs Police at least \$13 million each year to attend family-related incidents. The Justice Department estimates that the average cost of keeping a person in jail is about \$33,000 each year. Those people jailed, of course, are lost temporarily as productive members of society. Total estimated cost to the Government of family violence was \$836 million in 1994

Costs to Others

Other costs to the country must include the services of volunteers, including families, churches, trusts and so on. Employers also suffer indirectly from family violence. Both the victim and offender are likely to have days off work to tend to injuries, meet with lawyers, attend court and possibly fulfil sentencing requirements. What is difficult to estimate, though it is a real cost, is lost productivity as an employee tries to maintain a normal working life while suffering the consequences of family violence.

Ms Snively further noted that some children may leave school early to find independence and hence escape their home environment. A large number of early school leavers are likely to be doing so because of family violence. This is another set of costs; direct costs to them including lost potential income and losses to the economy in terms of lost productivity.

The report recommended that the most important area for further research was the effect of family violence on women's (and children's) participation in the labour force. Ms Snively's results to date suggest that the likely true cost of family violence would be much higher than estimated if income foregone from lack of participation in the workforce could be more accurately measured.

CAUSES OF FAMILY VIOLENCE

It has been stated many times that family violence is about power and control - desire by an abuser to dominate a victim through fear.

The issue of cause is complex. Certainly there are triggers that can prompt violence: alcohol and drugs, stress, unemployment and so on. Early research focused on probable causes such as an abuser's violent past, inability to control anger and the victim's actions.

However, while these "causes" are valid as triggers to violence, they do not explain why family violence is so widespread.

The answer is perhaps that abuse in the home environment has been socially accepted. Until recent times, the law and many men, while not condoning family violence, saw it as a personal problem that should be sorted out within the family. The home was no place for others to interfere.

The law now sees things somewhat differently. Police initiatives in dealing actively with violent situations in the home have begun to turn around the attitudes of society.

An abuser is no longer able to continue violent behaviour without the risk of neighbours, family and friends reporting it. And when it is reported, it is dealt with by the Police, the Children and Young Persons Service and a justice system that recognise it is a crime.

Society is beginning to expect abusers to take responsibility for their actions and to be punished; to get help, to do something about their behaviour.

The Justice Department report, *Hitting Home*, provided an interesting insight into the reasons men felt they acted violently.

What was revealed was that men tended to blame women for being abused. Shown 20 circumstances in which a man hits a woman, nearly two thirds of the men blamed the woman alone for the hitting in at least one of the circumstances. Off the top of their head, the men attributed physical abuse to social problems and personal characteristics, saying alcohol was a cause, as was financial or job problems, the dynamics of the relationship, the man's personality, family background, stress and the woman's behaviour.

Interestingly, while alcohol was initially cited as a cause for abuse, with more careful thought the men often said dealing with an alcohol problem was not a way of reducing abuse. A man coming home drunk might be more likely to abuse his partner, but it is unlikely the reason he is abusing her is alcohol. Other factors are likely to be more important.

When social expectations about "what it is to be a man" could not be met, there was distress, a sense of powerlessness and a wish to regain power. If a man cannot break away from society's expectations, change the frustrating circumstances or communicate and deal with his stress, he is likely to be abusive towards his partner, the *Hitting Home* report concluded.

Power and Control

An abuse intervention programme was established more than 10 years ago in Duluth, Minnesota. From the experience of the women identified as victims of abuse came the Power and Control Wheel, representing what happens in a violent family. The Power and Control Wheel was also a cornerstone of the Hamilton Abuse Intervention Project. The wheel illustrated that family violence was about power and control and indicated that it was more than just physical abuse. A Wheel of Equality was developed that looked at alternatives to the use of violence.

THE ROLE OF GOVERNMENT

In 1993, the Government established the Crime Prevention Unit within the Department of the Prime Minister and Cabinet. The unit's aim was to develop prevention strategies that would provide a safe environment for all New Zealanders.

In 1994, CPU published The New Zealand Crime Prevention Strategy. It had seven crime prevention goals. Number two on the list was:

- **To reduce the incidence of family violence**

The goal was set taking recognition of the comment made by the 1987 Ministerial Inquiry into Violence (Roper Report), that family violence was "the cradle for the perpetuation of violence in the community".

Reducing the levels of family violence was seen to be an effective, long-term means of reducing all forms of violence. Breaking the cycle of family violence, changing the public's attitude to violence, and a co-ordinated programme of treatment for offenders along with appropriate support for victims was hoped to lead to the desired reduction in offending in the long term. Initially, as has been seen following the Police Family violence is a crime campaign, reporting would increase, but in the long term, a reduction would occur.

The Crime Prevention Strategy also recognised, in Goal 7, that the Government had to:

- **Address the concerns of victims and potential victims**

It stated that when a crime had been committed, services needed to be provided to reduce the personal, social and economic harm that had been caused. Victims needed to feel sufficiently safe and secure to seek help and participate fully in the criminal justice process. This would help to prevent further victimisation and intervene effectively in cycles of violence and abuse.

The Crime Prevention Unit has two key components to implement its strategies.

- The first is to co-ordinate Government agencies and focus their activities on crime prevention.
- The second component is to develop an effective partnership between the Government and the community. Community partnership activities aim to ensure a co-ordinated approach between the Government and its departments, and iwi, local government, Pacific Island and other community groups that support specific crime prevention initiatives. Already, more than 52 safer community councils, including six iwi-based councils, have been established throughout the country. In June 1996 the CPU published the Government's statement of policy on family violence. A common understanding of the nature and impact of family violence is important for all government agencies involved in developing strategies and programmes. To help these communities tackle family violence effectively, the Department of Social Welfare has produced good practice guidelines for coordination of family violence services. These guidelines set out the role and responsibilities of government agencies, and show how communities can build on these resources to develop their own programmes for tackling the problem in a way which best suits their local situation.

From July 1, 1996, the Domestic Violence Act came into effect. The Act aims to reduce and prevent violence in domestic relationships, and ensure that victims of violence have effective legal protection. The Government allocated \$20 million over the following three years to implement the initiatives outlined in the Act.

Publicity Campaigns

Both the Police and the Children and Young Persons Service have initiated extensive publicity campaigns to build public awareness of family violence.

The Police's award-winning Family violence is a crime campaign began in March 1994 with the song, Can't Call That a Home and the Not Just a Domestic television documentary. The documentary was followed up in December 1994 with another documentary, Not Just a Domestic: The Update. The documentaries were supported by television advertisements and Police officers were provided with a training video, Family Violence is a Crime.

The campaign brought a large public response as callers used an 0800 telephone helpline for information. Reported cases of family violence leapt. Police records indicated a 44 percent increase in reported assaults by men on women in 1994, when overall reported violence rose only 20 percent and crime as a whole dropped 3 percent. Men for Non Violence groups (now Stopping Violence Services) groups in some areas reported a 50 percent jump in the number of men who voluntarily sought help for their family violence problem.

The Children and Young Persons and their Families Service also launched a child abuse prevention campaign called Breaking the Cycle to raise awareness of the effect of family violence on children. The campaign focused on the effects of verbal and emotional abuse on children, the cyclical nature of family violence as it is carried from generation to generation, and how parents could break the cycle. It pointed out how seriously children could be affected by witnessing family violence. The campaign, in its second phase, looked at physical and sexual abuse and its prevention.

In mid 1996, following the passage of the Domestic Violence Act 1995, a major publicity campaign was launched by the Department for Courts to highlight the wider definition of family violence and improved procedures for dealing with it.

RECOGNISING ABUSE

You might be a parent, friend, relative, neighbour, teacher, church minister or doctor. You might suspect abuse, but do not know the signs. The following tips give some indication that abuse has occurred. Whether through fear, shame or any other reason, a victim can become very good at hiding the signs of violence in the home. Some of the indications a victim might show are:

- Non-specific complaints
- Depression that she or he won't explain
- Taking more pills or alcohol than normal
- Bruising or difficulty moving
- Excessive concern with housework or the relationship
- Tiredness
- Becoming isolated from people close to her or him
- Making last-minute excuses not to see people close to her or him

Children

General signs of physical abuse can include upset such as:

- Moodiness, irritability, excessive crying
- Loss of appetite - changes in eating habits
- Changes in behaviour at school, or towards other people, regularly missing school
- Personality changes
- Dirty appearance, inadequately dressed for the climate
- Withdrawing into themselves
- Being afraid to go home, running away
- Undernourished and not taken to the doctor when ill
- Inability to concentrate
- Having unexplained fears - of the dark, of being alone, of specific people (even relatives and friends), of places (bedrooms and toilets)
- Sleep disturbances - nightmares, fear of going to bed or sleeping alone
- Unsupervised for long periods

It can also be indicated by physical signs: bruises, burns, fractures, scalds or grazes. The injuries might be accidental, but if a child seems to be hurt often, the injuries are getting more serious, or there's something odd about them, it could be abuse. Emotional abuse is more difficult to identify, but children might:

- Tend to believe they are bad and worthless
- Have problems getting on with others, or be hard to live with
- "Shut off", or become too good
- Have difficulty controlling anger

With sexual abuse, children might:

- Complain of pain or irritation in the genital area, or get infections and urinary problems
- Start doing something they've grown out of - such as crying, wetting or soiling their pants, or clinging
- Have inappropriate sexual play
- Give a coded message, or they might say directly they are being abused

RESPONDING TO FAMILY VIOLENCE

Whether it is happening to you or you are a witness, in a crisis, dial 111 and ask for the Police. If it is happening to you or your children, look for safety first. Run outside or head for a public place, scream for help or call the Police. Emergency calls are free from all telephones, including payphones and cellular phones. Remember that if violence is occurring, whether in the home or on the street, it is a crime. You have a responsibility to report it. The Police will act to ensure the victim, and children where they are present, are safe.

Police Response

The Police have a policy of arresting offenders in family violence situations. Domestic incidents are treated as family violence complaints. For Police, "family violence" includes: "*... violence that is either physical, emotional, psychological or sexual. It includes people in all types of relationships; not just married couples, but those in de facto and homosexual relationships, children and other relatives of those directly involved in the abuse, flatmates or other people who share accommodation, and anyone in a close personal relationship. It includes not only violence, but also intimidation or threats of violence, damage to property, and allowing a child to witness the physical, sexual or psychological abuse of a person with whom the child has a domestic relationship.*" Police policy recognises that the protection of the victim is the most important consideration. Their aim when they are called is to stop the violence, ensure the safety of any children that may be involved, and organise support for the victims. Offenders will be held accountable for the violence by bringing them into the criminal justice system.

When they investigate a case of family violence, Police will intervene immediately to stop violence if it is still occurring. Otherwise, they will proceed with standard investigation techniques that include taking photographs to illustrate injuries suffered; having the victim outline the complaint in front of the offender and noting his or her response; having the victim identify the offender and the nature of their relationship; noting the offender's responses; arresting the offender and keeping them in custody. These procedures are a necessary part of the Police investigation and might mean the victim can be excused from giving evidence in court.

Offenders who have breached a protection order (formerly known as a non-violence or non-molestation order), or who are responsible for family violence offences, are arrested, unless exceptional circumstances exist. The arrest is to ensure the victim is made safe and has an opportunity to get help and advice without interference from the offender. The victim will always be told if the offender is freed from custody.

Police will check the house for firearms and other weapons. Where there are grounds for making an application for a protection order against the offender, police will consider seizing any firearms or other weapons the offender owns or has access to, and also revoking his or her firearms licence. If the offender has breached a protection order, any weapons or firearms in their possession or control will be seized.

Once the safety of the victim is established, Police will normally arrange for help agencies to be called, whatever the hour. In most areas, Women's Refuge and Victim Support have 24-hour crisis lines that Police can call. It means that a trained helper will call on the victim immediately to help calm the victim and advise what ongoing support is available

Children and Young Persons and their Families Service Response

The Police should be advised if a child is in immediate danger. If you witness abuse or suspect it, you can make an application for a protection order on behalf of the child, even if you are not a relative. However, you are advised to contact the New Zealand Children and Young Persons and their Families Service first, if possible.

CYPS endeavours to make the home the first place of safety; its most preferred intervention is minimal. In most cases, the matter is resolved with a CYPS social worker having a chat with the family, and perhaps organising a family conference.

When you report abuse or suspected abuse, a duty social worker will record your concerns and take whatever action they feel is appropriate. It might be no action or calling an outside service that can provide specialised advice or counselling.

If it is necessary to take immediate action, a social worker will prioritise the case on the basis of the information received, and search department records to see if the family has any history of abuse. CYPS might then design a preliminary investigation plan. A social worker will talk to the family and any other relevant parties, such as teachers, relatives etc. This procedure can happen quickly - within hours - if you let them know the case is urgent. A social worker may call for the Police to arrest the offender if it is warranted, taking the perpetrator out of the childrens' environment. Protection orders can then be obtained from the Family Court to ensure the family is kept safe in their own home.

Where abuse is established, the case is referred to a Care and Protection Resource Panel, which can consist of Police, health professionals, cultural advisers and so on. The panel, representing a cross-section of the community and professionals, will advise what steps should be taken next. In most instances the matter is resolved through discussions with the family.

If all else fails, it may be taken to a family group conference or to the Family Court. A family group conference aims to formulate a plan that will make the child safe. In 89 percent of family group conferences, a workable agreement is reached. It could be that the family/whanau agree that the father, for instance, receives counselling for anger management, or the mother receives advice on good parenting.

The Family Court allows the family and anyone else involved to make submissions before the court makes a ruling.

The court will order a family group conference and might order counselling or other support for the family. The court's main consideration is the welfare of the child - it will try to make sure the child is cared for, and only if necessary for the child's safety, removed from their home. In serious cases, CYPS can obtain a Place of Safety warrant from a judge that allows a social worker to remove a child immediately from a dangerous situation. The child will be taken to a safe place, possibly a relative or friend. CYPS will ensure the child returns to the family only when the child is safe. If sexual abuse is suspected, the child might need to be interviewed following a special process set down for sexual abuse cases.

Where sexual abuse or physical abuse has occurred, both CYPS and the Police will investigate because it is a criminal matter. They will work together on the case - the Police dealing with the perpetrator and CYPS looking after the child's wellbeing.

HELPING A VICTIM

If you suspect a close friend or relative is being abused, you could start by talking to them. Some tips that will help when you do that:

- Become informed - learn to recognise family violence when it occurs. Think about the causes and effects of family violence. Reading this booklet thoroughly will help your understanding of the problem and offer some solutions.
- Listen to your family and friends when they want to talk about their problems.
- Encourage the person to talk, but don't pry.
- Believe what you hear and do not underestimate the danger for the victim. Be willing to talk about the emotional and physical harm that can result from remaining in, or returning to, a violent relationship. Stress the serious nature of family violence. For example, according to 1994 Police statistics, one woman dies every five weeks in this country as a result of family violence.
- Help them develop a safety plan, and work out what to do in a crisis. Explain to them that ignoring a beating is dangerous. The beatings usually get worse as time goes on. Let them know about the facts you have found in this booklet regarding abusive relationships.
- Offer practical support. Tell them about the help agencies and about the steps to take if there is a crisis. Offer help with any other matters, such as child care, transport, financial assistance.
- Reassure them that they are not to blame, that they are not alone, and that leaving is not desertion.
- Help them come to their own decisions about what to do. Show them that you support them no matter what they decide.
- Do not judge them. Their beliefs and values might be different from yours. Show them you accept these differences.
- Help them identify their options and the consequences.
- Let them know their feelings are normal - many women experience family violence.
- Go with them if they need your support.
- Do not confront the other partner.
- Show them respect and your belief in their ability to cope with change.
- It is vital that you assure victims that the information they give you won't be repeated to anyone else. Discuss their situation with mutual friends only if you have the victim's approval and you want to enlist practical help. The only exception to this confidentiality rule is if the victim has disclosed that children are being or have been abused.

The victim, of course, might not want to talk about the problem, or even recognise that it exists. If you are not able to gain their confidence, talk to a help agency in your area (listed at the end of this booklet). They have trained staff who can advise you what to do or make discreet inquiries about the victim's welfare.

The Department of Social Welfare and Te Puni Kokiri have produced an excellent directory called Reach Out Toro Mai which lists agencies available to help. You can get a copy through most Citizens Advice Bureaus.

Children

In the case of children, it is advisable to take action if you know or believe a child is being abused. Children need special support, as they are often unable to take action to keep themselves safe. You might be able to offer help and support to the family. If a child is at risk, contact the Police or Children and Young Persons Service. A Police officer or social worker can then take appropriate action to protect the child.

Suspicious

If you merely suspect family violence or abuse is occurring, should you report it?

The first question to ask yourself is: Is the victim safe? If the answer is "no", take immediate action by contacting the Police or your local Children and Young Persons Service office.

If the answer is "yes" but you are still worried about their well-being, contact a help agency. You can talk confidentially with them about what you know. They will probably have a better idea whether abuse is occurring and will certainly know what can be done to help.

People, especially those not close to a victim, might be reluctant to report violence or abuse because they feel it is none of their business or they might be wrong.

Can you live with the possibility of violence, or even death, if you do nothing?

HELPING AN ABUSER

The law is getting tough with abusers. It doesn't mean they are "bad" or "evil", though because of their actions our initial reaction is to think so - it is their behaviour that can not be tolerated. In many cases, victims do not want their abuser to be punished; they just want the abuse to stop. They might want the relationship to continue, but based on a more caring attitude.

Abusers, typically men, can not be forced to change. However, stopping-violence programmes, such as those run by Stopping Violence Services (formerly Men for Non Violence), aim to help men take responsibility for their behaviour, thereby increasing the safety of women and children. Men are shown that there are alternatives to violence within relationships and that these alternatives are the only sort of behaviour acceptable to society. The Domestic Violence Act makes offenders attend such programmes. Under amendments to the Guardianship Act in the Domestic Violence Act, offenders will not have unsupervised access to, or custody of children until a court is satisfied that children will be safe.

If you know someone is abusing their family, they are committing a crime. You should report it to the Police. In a crisis situation, they will intervene. In non-crisis cases, they will refer you to someone who can help.

If you are familiar with a person's background - perhaps it is a member of an extended family or a friend - and you fear they could become abusive, talk to them about their feelings. Don't accuse or pry, but see if they will talk about any problems they might have.

If they recognise they have a problem, suggest they contact a help agency appropriate to the problem, or you could contact someone for them. For a man who has problems with controlling violence, a stopping-violence programme with Stopping Violence Services can help. Many men attend these programmes voluntarily.

If you don't know where to go, contact your local Police station or Citizens Advice Bureau for information.

If you are not getting anywhere by talking to the person yourself, think of someone else the abuser might trust or respect that they might talk to. Suggest or organise a meeting of whanau or family - this has been shown to be an effective way of getting an abuser to face up to the problem and get help.

Consequences

The consequences of inflicting violence in the family can be severe, and not just in terms of what the law can do. An abuser can:

- Lose his or her family, either by them not wanting to see him or her, or through protection orders from the Family Court
- Lose self-respect
- Lose the respect of his friends and the community
- Lose his freedom (by being jailed)
- Lose his job
- Have a criminal record

However, through your intervention, whereby an abuser will recognise the problem and take steps to resolve it, he or she can gain:

- The respect of his or her family
- A real opportunity to get what he or she might need or want from a relationship, without resorting to violence
- Greater self-respect
- The respect of friends and the community

There is no typical abuser

Attitudes have changed dramatically during the past 20 or so years. Where a man was once considered strong because of his behaviour and attitudes towards his family - including "ownership" of his wife and children - society now rightly views those attitudes as an abuse of the human rights of women and children.

There is no typical abuser, nor any real clues to identify them. Rich people appear to have as much capacity or inclination to abuse as poor people. Abuse cuts across barriers of education, culture and age.

IF YOU ARE A VICTIM

You can stop the violence, despite the powerlessness you might feel. It is not your fault - you do not deserve to be subjected to violence in your home. Remember:

- You have the right to live free from violence in your own home.
- You have the right to choose a life free from violence as do your children.
- You are not to blame for the violence.
- You do not deserve to be abused.
- You are the victim of a crime and have legal rights.

Many victims of family violence feel isolated and alone. They are often unaware of the options available to them and do not have enough information to make important choices.

Whether you stay in the relationship or leave, you will need support and assistance. Your support person or people can assist you to develop a safety plan for yourself and your children, and give you information and practical help with the protection orders, benefits, housing, and dealing with the effects of the abuse on your children and yourself. Every year Womens' Refuges throughout the country support over 15,000 women and children. You do not have to leave home and go to a refuge to receive support, information and practical assistance from the workers on the end of the phone.

IF YOU ARE USING VIOLENCE

You have a problem. If you are hitting, threatening, or psychologically abusing someone close to you, you are committing a crime. What happens in your home is no longer "just a domestic". It hurts those you might care for, not only physically, but also emotionally, and that includes witnesses, who might be the children. It can leave lasting emotional scars that might never heal. Relationships based on violence do not work.

You might feel angry and frustrated at times. You might have stresses that you feel you cannot cope with - you feel hurt, loss, guilt and anger at times. These feelings are natural - your violent reactions are not. If you are using violence to get someone to do something they don't want to do, stopping them from doing something they do want to, or to punish them, you are not thinking about the alternatives.

You must face up to your violence and its effects. It is not easy. It takes courage, more courage than it takes to lash out at the ones you care for. It takes strength to change your behaviour, but you don't have to do it on your own.

Once you admit you have a problem, check out the help agencies at the back of this booklet. You will not be alone - about 50 percent of the men who attend Stopping Violence Services programmes either go voluntarily or are referred by people who want to help.

Commonsense Tips

The following tips, though they might seem simplistic, can help when you feel things are getting out of control. They apply as much to women as men.

- Walk away
- Call a friend or someone you trust
- Get someone to look after the children while you calm down
- Go to the movies
- Go for a walk somewhere quiet - the beach, the park
- Take 10 deep breaths
- Listen to some music
- Work on a hobby

GOOD PARENTING

It's often said that children are our future. What we do in our lives is reflected in our children's generation. It is an awesome and powerful responsibility being a parent. We can give our children a great start in life by giving them a caring environment in their home - or we can continue a negative cycle, by modelling violence.

Children learn how to behave by copying the behaviour of others, most notably their parents. A child who is loved and supported and guided through childhood will probably grow to be a responsible adult who loves and supports their children. A child who lives in a home of violence, while fearing that violence, will come to believe that it is acceptable.

The Office of the Commissioner for Children is concerned with the well-being and safety of New Zealand's children. While the office recognises that children's welfare is most important, it knows that parenting is never easy. It does not condone hitting children under any circumstances. Hitting children, it says, does not teach children how to behave; it teaches them how to hit. Because parents are so much bigger than children, it's easy to hurt them. Children can be encouraged to behave well most of the time. In its publicity information, the commissioner's office provides the following practical guides to making homes safer and happier for families.

- Provide a loving home in which you care for, respect and consider your children - your children will want to please you and copy your behaviour. Don't expect your children to behave well if you don't.
- Make sure your children know how you want them to behave - show them and tell them - don't just punish them for getting it wrong.
- Have a few clear rules for important things. Don't expect too much of children for their age.
- Reward them for the right behaviour - notice and tell them when they are good. Praise and attention are rewards.
- Make sure their needs for sleep, food and activity are attended to.
- Supervise them closely - know where they are and what they are doing.
- You can ignore minor bad behaviour, but always react when they do something very wrong. You can:
 - Make sure you have their attention first and then express your disapproval in words - sometimes this is enough.
 - Put your child in their room for a while to calm down or think about things - one minute for each year of their age is long enough.
 - Take away a privilege (no bike for a few hours/days for breaking a rule about a bike, or no TV for not doing homework).

In the day-to-day life of a family, children are often angry or upset when they are sick, tired or bored. It is in the nature of children to touch things because it is part of their experience in growing up. It can drive you mad sometimes, especially if you are busy or away from home. But you can cope if you use some simple strategies to avoid upsets.

- Plan ahead - put things that can be spilt or broken out of reach. When you are going somewhere, leave plenty of time in case children are not co-operative.
- Plan to keep them occupied - when you have to take them somewhere that you know will frustrate them, be prepared. Take food they will like and have a box or bag of things for them to play with. Play things can be cheap and simple: pencils, paper, a book, scissors and magazines or some play dough will keep them happy. If you and the children have to wait a long time at an appointment, ask the receptionist if there is time for you to take them for a walk. Long trips are more easily managed with a few stops and some activity on the way. Don't expect too much of your children for their age.
- Look after yourself - if you can't give children your attention when they need it because you are worn out or ill, their behaviour will deteriorate. Get someone else you trust to look after them sometimes to give you a break.

AFTER THE VIOLENCE

The crisis is over, but as a victim of family violence, you still have a life to pick up. You have some tough choices to make. As the song says: "Should I stay, or should I go?"

Staying

If you decide to stay in a relationship, with a view to working towards making it violence free, then it is important to make strategies to keep you and your children safe.

These strategies may include finding out about the law and how it can protect you, and talking to a refuge in case you need one later. It is also worth finding out if there are any support groups for you. You might also talk to the police about how they can assist you if the need arises. It is a good idea to find some after hours phone numbers and keep them in a safe place, in case you require crisis assistance.

Remember, the more information you have, the more options you have.

Staying - on your own

Regardless of whether the offender leaves voluntarily, or is forced out by court order, it is important to make strategies for you and your children's safety.

Make sure that you have good legal advice. It might be appropriate to change locks and upgrade security mechanisms. Consider changing your phone number. Find a support person that you can have regular contact with, either by phone or face to face. Alert your children's school about the change in your circumstances, particularly about who has custody, and what, if any, access your former partner is allowed. Talk with your local police about any fears or concerns you may have so that they are aware of your situation.

Citizens Advice Bureau and Women's Refuge are good places to start if you need advice. A lawyer can help you get a protection order against your partner. These orders are designed to stop him or her harassing you. You can also get a tenancy or furniture order that will allow you to stay in the home with your possessions. You might need legal help to negotiate with your partner custody of the children. You may be able to get legal aid to pay for some or all of your lawyer's fees. You will almost always be eligible if you are on a benefit.

If your children are being abused, contact the Children and Young Persons Service to get an order that prohibits the abuser from living at home or harassing you or your children.

Leaving

This could be one of the toughest decisions of your life. In some cases, your partner might have so dominated your life that you have not had to make your own decisions. Now you have the prospect of making them all.

The most important step in the process is probably getting the right advice. A women's refuge or local Citizen's Advice Bureau can talk you through it. You will need to think about your accommodation, your legal rights, childcare and income. It is important to get the right advice.

Remember that while breaking the relationship is difficult, if you have support you can get through it and be better for it. You will probably feel shocked at first, angry that it has happened, a failure sometimes for letting it happen. But if you develop a good routine, setting small goals for yourself and carrying them through, you will be OK.

POLICE AND THE COURTS

If the Police arrest the offender, that person will be taken to the local Police station. He or she will appear before a Judge as soon as practicable.

At the first appearance, the offender will be asked to plead guilty, not guilty, or enter no plea. With a guilty plea, the judge might sentence immediately or call for a probation or psychiatric report before sentencing. The accused person will be remanded in custody or given bail to wait for the report and a second hearing.

However, in most cases the accused plead guilty at their first appearance and a fewer number plead guilty before the second hearing.

You might be called to give evidence at a hearing, although Police might have enough evidence without you having to appear. Make sure you take a friend or relative for support if you do have to attend. Court volunteers, Victim Support groups and Women's Refuge workers also offer practical help.

The offender might be sentenced to a period of supervision - where he or she must report regularly to a probation officer - and sometimes comply with special conditions such as attending a non-violence programme. Or the penalty could be a suspended sentence, periodic detention, or even a jail sentence. Be prepared: the offender, whether it is your partner, flatmate or whoever, may well resent the sentence. If you are still living with the offender, he or she might withdraw from you for a time. If you are worried about his or her behaviour, talk to someone like Citizens Advice Bureau.

Family Court

The Family Court deals with family-related issues including domestic protection orders, custody of children, property, care of abused children, maintenance and separation. The court concentrates on resolving family problems, which can mean arranging family conferences or counselling.

Protection Order

The protection order replaces what used to be known as non-violence and non-molestation orders. It's now much more wide-ranging, easier to get, and gives better protection.

You can seek a protection order if anyone with whom you are in a "domestic relationship" hits you, threatens you, or sexually or psychologically abuses you. Psychological abuse can include damaging your property, making threats, trying to control your life by constantly humiliating you or trying to control your money, time or access to friends. It can also include allowing a child to see or hear any abuse, psychological or otherwise.

A domestic relationship can include partners, relatives, flatmates, former partners, or anyone in a close personal relationship (A close personal relationship is not necessarily sexual, but does not include employer/employee or landlord/tenant relationships). A protection order can be granted whether or not you are still living with the offender. If the Police believe the order has been breached, they can arrest that person without a warrant. When the order is granted the offender will be prohibited from having possession or control of any weapons, including firearms, unless the offender can prove to a court that no one will be put at risk by him or her retaining them.

You can also apply for a protection order if you have separated or are separating. This means the person named in the order is not allowed to come near you or your children, or contact you or your children without your permission. Children can now apply for their own protection orders, with the help of an adult. Contact your nearest Family Court, Community Law Centre, Children and Young Persons' Service office, or a social worker or guidance counsellor for help.

Occupation Order

An occupation order gives you exclusive rights to stay in the family home. The court will issue it if it believes it is in the best interests of you or your children's safety. You can apply for an occupation order if you are married to your partner or have been married, or if you and your partner are or have been living together in the same household. The order prohibits your partner from living in the same house. It is common to take out a protection order at the same time to prevent your partner coming on to the property.

Tenancy Order

A tenancy order makes you the sole tenant of your family home, whether you are married to the offender or you have just been living in the same household. The order gives you the same conditions and terms of tenancy as applied before the order.

Furniture Order

If you get an occupation or tenancy order you can also apply for a furniture order. This allows you to use the furniture and other contents of the home.

Getting a Protection Order

If you are in immediate danger, call the police. If not, there is a list of community organisations at the front of the phone book (under personal help services) and at the back of this booklet which can help. These organisations can put you in touch with a family lawyer. If you cannot afford a lawyer, the Government may pay for it under the legal aid scheme. There is no longer any charge for applying for legal aid.

Usually the court will grant a temporary order the same day it is applied for, especially where the court believes you or your children may be at risk from any delay. Most temporary orders are made without notice; that is, without the abuser being aware of it until it is granted and served on him or her. This is usually in situations where the applicant and his or her children would be put at risk if the abuser knew beforehand that an order was being sought. In less serious cases, the court may give the abuser the opportunity to defend the order before it is made.

A temporary order lasts for three months, at which time it becomes permanent unless the abuser then chooses to challenge it in court.

It is important to remember that a protection order does not have to push the abuser out of your life. Although an order usually has four standard conditions - no violence, no firearms, no contact, and attending a stopping violence programme - the non contact provisions can be suspended, if you want to see or live with the abuser. If he or she starts using violence again, the non contact provisions automatically come back into force if you ask the offender to leave. The offender is only allowed contact with your express consent.

Children, Young Persons and Their Families Act

Although children or young people can now apply for protection orders to keep them safe from violence without a parent's consent (but they need an adult's help), there is another more established way of giving them protection, using the Children and Young Persons and their Families Service, which it is recommended you try first.

The CYP Act is designed to help children and young people who have been or are likely to be (physically, emotionally or sexually) harmed, ill-treated, abused or neglected. It is largely administered by the Department of Social Welfare, along with the Police and the Department for Courts. Within the Department of Social Welfare, the Children and Young Persons Service is responsible for the provision of care and protection services that advance the wellbeing of children as members of families, and provides assistance for family groups in caring for their children. The Act says that if a child or young person is in need of care and protection, the CYPS or Police can apply to the courts for an interim restraining order. This stops an offender having access to, harrassing or having contact with the child, young person or family.

THE DOMESTIC VIOLENCE ACT

The Domestic Violence Act was passed by Parliament in 1995 and came into force on July 1, 1996. It is the latest step in Government attempts to reform family violence legislation. It marks a new era in dealing with family violence.

It recognises that not only individual victims suffer from family violence, but also the wider community. It intends to provide greater protection for victims. It also aims to state clearly what the law regards as unacceptable behaviour. This will help society develop a clearer understanding of the need to eliminate family and domestic violence .

The first part of the Act consists of an overhaul of the Domestic Protection Act 1982 and provides a regime under which victims of domestic violence can obtain protection orders. The second part of the Act, which amends the Guardianship Act of 1968, relates to the safety of children and the effect of allegations of violence in custody and access cases.

Its primary objective is to provide greater protection for victims of family violence. It provides more protection for a much wider range of people in close relationships, allowing them to apply for protection orders. These people include:

- Co-habiting partners, whether heterosexual or same-sex
- Family members
- Household members
- People in close personal relationships, whether sexual or non-sexual.

It also makes provision for people to make applications on behalf of children and young people who come within the above classes. The definition of what constitutes psychological violence has been clarified, and now allows for people who incite domestic violence to be the subject of a protection order.

The Act introduces one protection order to replace the non-molestation and non-violence orders. This order caters for those who wish to continue the relationship as well as those who do not. It automatically protects any named children of the applicant's family. The order will prohibit any type of domestic violence, regardless of what prompts the application for a protection order, and it lasts indefinitely unless challenged by the respondent (the abuser).

Another new feature is that anyone served with a protection order is prohibited from having possession or control of any weapons including firearms, unless they can prove to a court they will not put anyone at risk.

The Act places considerable emphasis on programmes. It makes programmes for abusers compulsory in most cases - they would have to attend stopping-violence or other relevant programmes in an attempt to change their behaviour. This part of the Act is in response to research showing abusers saw such programmes as useful in providing a long-term solution to their problem. The Act also provides for programmes to be made available for victims and affected children, recognising that they also need support and assistance to rebuild their lives. It is recognised that empowering victims by providing information about protection orders and support programmes can help them make informed decisions about their future, such as whether to stay in a relationship, and if so, on what terms.

The penalties for breach of an enforcement order have now risen to a maximum of six months jail or a \$5000 fine, with persistent breaches carrying a two-year maximum sentence. Police bail is no longer available for the accused within 24 hours of arrest, to ensure the safety of the victim. However Police are still required to bring that person before a court as soon as possible. The court may bail that person, even if it is within 24 hours of his or her arrest. Custody and guardianship provisions of the Guardianship Act 1968 have also been tightened considerably. If an allegation of violence is made in a custody and access hearing, the court is to determine promptly whether the allegation is valid. If an allegation of violence against a child or a party to the proceedings is substantiated, the violent person will not be given custody or unsupervised access unless that person can satisfy the court that the child will be safe.

THE HELPERS

You are not alone. You might often feel alone, especially if you are in a relationship that keeps you from your friends and family.

You can do something positive about your situation, however difficult or hurtful it might seem at the time. There are a number of support people and agencies available who are experts at helping people just like you. They will treat your needs as special and talk to you in complete confidence.

Remember, if you are being abused in your home, you must do something to stop it.

It is important to remember that domestic or family violence now includes psychological abuse; it is now a crime for someone to continually threaten to physically harm you.

It is also important to remember that you are not responsible for the violent behaviour of the abuser, and his or her behaviour is unlikely to change until he or she take responsibility for the violence. Therefore you may want to talk to someone who can assist you to plan your safety.

You can try friends and relatives - but be aware that some of them may be uncomfortable talking about family violence, particularly if they have never heard about it. But they might be able to help you find out what help there is in your area.

You might find though, that some family members put pressure on you to stay in the relationship for the children's sake. Be strong; keep in mind that it is not healthy for children to continue to witness family violence. Even though your children may love their abusive father or mother, they certainly don't approve of the abuser's violent behaviour.

In fact most children experience a sense of helplessness and hopelessness at being unable to stop the violence.

Remember when you choose a family friend or relative to talk to, their response might surprise you; it could include shock, disbelief, pity, anger, frustration, sadness, fear, hopelessness, rejection, as well as empathy and understanding.

It may take a number of attempts to seek out the appropriate support you need, but it's vitally important you don't give up. If the violence continues to occur after you have sought help from family or friends, then you need to seek help elsewhere.

There are community services who can provide confidential support and advocacy for you. These services are experienced in the area of family violence and can provide you with information so that you can make informed decisions about your future. The police will help you contact these agencies.

In an emergency

If you or your children's safety is threatened, try to call the Police, or get someone to do it for you. Family violence is a crime and it will be treated as such. The Police will make sure you and your family are made safe. They will also ensure you and your partner get proper help in dealing with the situation. The main agencies to which the Police will refer you or your partner in cases of family violence are:

- Women's Refuge
- Stopping Violence Services
- Victim Support
- Citizens Advice Bureau

Others who can offer support, depending on the problem, are:

- Relationship Services (formerly Marriage Guidance)
- Age Concern

Any of the above might refer you to another group that might be more appropriate to your situation, such as Rape Crisis, Salvation Army, Alcoholics Anonymous etc.

Women's Refuge

Women's refuges provide a warm and safe place for women and children - somewhere that women and children in need can start their lives over again.. Some women stay for a night, others remain for several months while they decide what to do.

They also provide a listening ear and advice if you need to talk to someone, and can help if your wish is to stay in your home or your relationship. Every one of the 58 women's refuges in New Zealand provides 24-hours-a-day support, information and safe accommodation. Most have a 24-hour telephone counselling service.

And if you are in an abusive relationship, you do not have to wait until you are in danger before a refuge will take you in.

In 1994, Women's Refuge filled 127,149 beds when "safe house" shelter was required. Refuge workers also provided counselling and support to 8736 women living in the community and continued to visit 7143 families that had experienced problems in the past.

Women's refuge recognises that the needs and methods of dealing with Maori women and their whanau differ from those of Pakeha women. Ten Maori women's refuges now operate in New Zealand, all working from a Maori kaupapa.

Refuges also recognise that abuse occurs in lesbian relationships, and has appropriate counselling and support services.

Once you are safe in a refuge, the next most important step is counselling. It is critical for all members of the family - both partners and the children. If you have an abusive partner, you need counselling:

- To have a safe place to talk through your problems and make decisions.
- To learn to feel good about yourself.
- To learn how not to lean on your partner for support that they are not giving to you anyway.
- To learn how to command respect so that neither your partner nor anyone else feels they will get away with mistreating you.

Women's refuges put women in touch with lawyers, doctors, counsellors and other appropriate community groups working in the area of family violence. For women dealing with the Police and courts, support and advocacy is offered. Help with finding alternative accommodation is provided for women and children unable to return to their home.

"At long last we were able to be more like normal loving human beings. My children and I could laugh and joke with one another out in the open. I didn't have to rush them off to bed to protect them from the abuse. We were no longer full of fear and terrified of opening our mouths. I knew I could go shopping with the kids and if we were held up, I no longer got into a state of fear, panic and sweat about what would happen if he came home before us without his dinner being ready. I was now able to have friends visit me without fear of him coming in and being rude to them so that they didn't come back again. And I could now go to sleep at night and actually sleep instead of tossing and turning in fear that he would come in drunk and abusive. Losing the fear didn't happen straight away after I left him. It took a few years. If he were to walk up the driveway now, I wouldn't like it, but I would not be frightened. I feel more of a person" - Claire From Fresh Start, National Collective of Independent Women's Refuges

National Network of Stopping Violence Services - Te Kupenga Whakaoti Mahi Patunga

Formerly known as Men for Non Violence (MFNV), this is a network of 30 agencies that helps abusers have healthy, non-violent relationships. Its services help abusers take responsibility for their behaviour so they can live without violence towards their family and community. It provides education, support services and therapy. Stopping Violence Services is a key player in the community's attempt to turn the tide of violence. The Police, Corrections Department, Family Court and District Court refer offenders to its stopping violence and sex offender programmes. Many men take up the programmes voluntarily. In 1995, about 3000 men attended stopping violence courses, a figure that is rising as the Police make greater numbers of arrests for violent behaviour, and as society recognises that family violence is not acceptable.

Stopping Violence Services has programmes not only for offenders, but also focuses on prevention. It is working with schools to change the attitudes of young abusers, particularly males, so they become responsible adults. It is also developing programmes that help men develop positive parenting skills so they are nurturing and supportive fathers. Their children are then more likely to continue the positive cycle and not become abusive parents themselves. Some comments from men who have attended Men for Non Violence programmes:

- *"The programme was the catalyst that set some things going off, it brought to life problems in my family life and problems in my work life. Now I have a clear direction of what I've been like and what I want to do. I'm very aware of the deficiencies in my behaviour and unhealthy behaviours."*
- *"Just my whole outlook really [has changed]. It's not brilliant, but it's better. If something went wrong I'd say 'stuff it' and that was it. Now I try and sort it out instead of just forgetting it. In the past I would have ignored it, hoped it would have gone away. If we do have an argument I find it a lot easier to go up to M. and say I'm sorry for saying that to you - let's work out what happened, what went wrong. If I had a few problems I [used to] just carry on ... I'd only think of myself."*
- *"I can't do it the way I was doing it ... I can't go around saying 'you silly bitch' all the time. To me that's an attitude change and a behavioural change. I can't expect to get away with it. I need to respect my wife for who she is. There's a heap of things I don't like about her, but I have to respect her for what she is and who she is, and try and understand she is a human being the same as me and she has got the right to her half of the bargain."*

Victim Support

Victim Support is an organisation that offers immediate help for people affected by crime, including family violence. There are 1600 trained victim support volunteers based in 77 local groups, often located in police stations throughout the country. They offer practical advice and emotional support 24 hours a day, seven days a week. Victim Support will make sure victims get appropriate support and access to other agencies such as Womens' Refuge. They are often the link between police and the helping agencies.

Citizens Advice Bureau

There are 90 Citizens Advice Bureaus throughout New Zealand. They can call on an extensive database of information and local support. Citizens Advice Bureau will:

- Give advice about your rights
- Give you referrals and contacts for local help agencies
- Provide information and help in getting protection orders
- Provide information about emergency accommodation
- Give confidential support to talk things over and look at options available
- Find free legal advice, or refer to a local lawyer
- Provide other information, such as welfare benefits, housing, budgeting

Relationship Services

Relationship Services (formerly Marriage Guidance) works with people to make a positive change in their relationship through counselling. It works on the premise that only you can make the necessary changes and only if you have a will to make the change.

Relationship Services will:

- Make the safety of you and your children their first priority. Your counsellor knows about support services and legal help for you.
- See you alone so you can work out what you want to do.
- Help you to understand how violence is used to maintain power and control.
- Respect your feelings and help you build up your self-confidence.
- Help you separate from your partner, if this is what you want. You decide whether you will do this work in separate or joint counselling sessions.
- Help you to deal with the hassles and pain of separation and talk about how this is affecting your children.
- Help you and your partner work at reconciliation if that is what you decide.

Age Concern

Age Concern's mission is to "work together to promote quality of life for older people". The 40 councils of Age Concern throughout New Zealand encourage older people to support each other by working with the organisation. It has 4000 volunteers providing services for more than 12,000 elderly people. It has a particular interest in providing information to older people on a wide range of issues and puts them in touch with community services including:

- Advocacy
- Information services
- Home support
- Advice and referral
- Education and awareness programmes
- Social and leisure activities
- Special programmes such as the Accredited Visitor Services and Elder Abuse and Neglect prevention/awareness