

**29 November 2016**

### **Family Violence - navigating the legal and support systems**

When Simone O'Brien ended her relationship over the phone, she never expected what came next. Ten minutes later, the man she had been sharing her life with shattered her skull with a baseball bat in front of two of her three children. From that moment, her life and the lives of her children changed forever. Apart from the trauma and horrific injuries she encountered, the stress of navigating the legal and support systems was overwhelming.

Recently, at a twilight seminar hosted by Barwon Centre Against Sexual Assault in partnership with Victoria Legal Aid, Simone bravely shared her story through a legal and support system lens. Her story was interwoven with discussions from an expert panel including Magistrate Noreen Toohey, who will be the lead family violence Magistrate at Geelong Magistrates' Court from 2017; Gayathri Paramasivam, Victoria Legal Aid; Tracey Monteith, Family Violence Police Unit; and Colleen Weir, Barwon Centre Against Sexual Assault.

Audience members consisting of legal practitioners, family violence staff, counsellor advocates and community sector workers were able to expand their knowledge and understanding of the complexities of the legal and support systems for women who have been affected by family violence. They also participated in a Q&A at the end of the panel discussion.

#### **Don't ignore the "red flags"**

Simone began her story by saying that despite her partner never even swearing at her in anger, there were signs that his behaviour was controlling and there were "alot of red flags" that she recommends people don't ignore including attempts to isolate her from her friends by removing contacts from her phone. As Allyson Foster, Legal Educator, Victoria Legal Aid and facilitator of the panel discussion explains, "*the red flags of family violence often are there well before the physical assault, wanting to control rather than be equal in a relationship.*" Both support workers and lawyers should be paying attention to the signs of jealous and controlling behaviour and not only physical assaults. Prior to leaving, safety planning and legal advice can be very effective in reducing the level of risk of further harm for women and children. During the panel discussion, Magistrate Toohey stressed that it is very important to conduct a thorough risk assessment of the perpetrator.

#### **Police – their role in the legal and support journey**

Simone emphasised the positive impact of having regular contact with the police in her journey. She has a good connection with a detective in Brisbane, where she lived at the time of the attack, who was easy for her to talk to. He listened to her, took her seriously, validated her experience, was supportive and created a sense of safety and trust which is a vital part of the healing process.

Senior Constable Tracey Monteith, Family Violence Police Unit says, "*It is the goal of police to provide victims of family violence with information and support which should assist to keep them and other family members feeling safe, informed and free from family violence*".

#### **The court process can be daunting and confusing for survivors**

The court process was a disorienting experience for Simone as she was not familiar with that environment. She was confused about the role of the different people she met who were assisting with her case. She recalls little explanation to her of what was going to happen at court or what she could expect.

Simone suggested ways of reducing this confusion such as meeting a client as early as possible in the process and explaining the court system and the role of each person. Also providing the client with written material to follow up on verbal information and advice is very useful for a client to refer to later.

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The panel agreed that a “one stop shop” can work in the best interests of clients. Gayathri Paramasivam, Managing Lawyer, Victoria Legal Aid Barwon Regional Office explains, *“Lawyers can better support a person to navigate their way through legal processes by using a client centred approach and thinking about what a client would find helpful. We recognise that someone dealing with family violence issues unfortunately often also has related legal proceedings like family law or child protection proceedings on foot. It’s incredibly challenging for them to keep track of what’s going on and to be able to distinguish one from the others. Where possible, we want to strive for continuity of service using a ‘one-stop shop’ approach. If a lawyer can assist a person with all their related legal matters it at least gives this person the assurance that even if they don’t know exactly what’s going on, their matters are all being taken care of by the same lawyer or, at the very least, the same legal service.”*

In the Barwon region, women can also receive support whilst attending court through the assistance of Minerva Community Services. Minerva’s Court Support worker can assist by talking to women about their concerns and the court process, attending the court, and assist by liaising with the police and the client prior to the proceedings to familiarise them with the surroundings and help them understand what to expect.

They can also refer to the Victims Assistance Program and organise the client’s connection with this service. Barwon CASA Counsellor Advocates can also make appointments for clients to debrief following court sessions. This way they can return to the “safe space” of a familiar counselling room with their trusted counsellor to process the thoughts, feelings and sensations arising from the court process.

### **Simone’s healing journey**

For family violence survivors, counselling is a very important aspect of their road to recovery. Upon gaining consciousness, Simone realised why she was in hospital and was immediately concerned about her safety because her brain was detecting danger after trauma even when the environment was safe. It was also confronting and triggering when police came into the hospital to ask Simone for a statement and later, when she was moved to a rehabilitation facility because of the unfamiliar environment.

Building a sense of safety in the body is vital at every stage of the counselling process. This is a time when survivors benefit greatly from the support of a counsellor. Colleen Weir, Counsellor Advocate from Barwon CASA says, *“Counselling is no longer the process the community imagine it is. It is not just talking. New research from leaders in this field recommend using a sensory approach where the body has to be calmed.”* This can happen through self regulation skills, breathing and relaxation strategies, weighted blankets and sensory tools.

Simone provided a survivor impact statement during the trial of the perpetrator which provided her with an opportunity to express the impact of her horrendous experience. This had a significant empowering impact for her in her healing journey.

For Simone, her children’s need for validation was also important. While their victim impact statements were not read aloud by the Judge, Simone reflected that reading their statements to the court would have given the children a voice and an opportunity for everyone to better understand the impact of the abuse on the children.

At some level, Simone regained some sense of power and validation as the perpetrator was sentenced to life imprisonment. Simone also felt validated by the Magistrate’s comments to the perpetrator that “life imprisonment was not enough”.

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Simone has enormous inner strength and is determined to spread the message about warning signs of family violence and encourages women affected by family violence to seek support early by speaking to police, lawyers or specialist support workers and advocates who are vital in helping navigate the legal and support systems.



Simone O'Brien and her son, Zac

Photograph: Mary Thompson



L-R Helen Bolton, Barwon CASA CEO; Janice Watt, Barwon CASA; Allyson Lynch Victoria Legal Aid; Simone O'Brien; Magistrate Noreen Toohey; Tracey Monteith, Family Violence Unit; Colleen Weir, Barwon CASA; Gayathri Paramasivam, Victoria Legal Aid

Photograph: Mary Thompson

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