

SURVIVING

ECONOMIC

A B U S E

Ministry of Justice – Call for Evidence

Assessing risk of harm to children and parents in private law children cases:

How effectively do the family courts respond to allegations of domestic abuse and serious offences in private law children cases, having regard to both the process and outcomes for the parties and the children?

August 2019

Introduction

- 1 Surviving Economic Abuse (SEA) is the only charity in the UK dedicated to raising awareness of economic abuse and transforming responses to it. Our four strategic priorities focus on awareness-raising, professional responses, systems change and policy influencing. Our work is informed by 'Experts by Experience', a group of women who speak openly about what they have gone through so that they can be a force for change. Our response to this call for evidence draws on findings from a roundtable on economic abuse facilitated by SEA and attended by 18 members of the Experts by Experience Group (EEG) at the Home Office, as part of the consultation process on *Transforming the Response to Domestic Abuse* and publication of the draft Domestic Abuse Bill.¹
- 2 SEA welcomes the call for evidence by the Ministry of Justice on assessing the risk of harm to children and parents in private law children cases. We note that this is in response to calls for an urgent review into the functioning of family courts in cases where there are allegations of domestic abuse, following evidence that decisions are being made in relation to child contact which puts them at risk from abusive fathers. There are clear links to issues of economic abuse in this process, which will be elaborated on in the answers to some of the questions asked, below. However, there remain calls for a broader inquiry which will address a fuller range of matters. Failures to achieve just outcomes in private law children cases are closely connected with economic abuse. Given increasing evidence that family courts can serve as an arena for economic abuse and control, SEA would have liked to see the inquiry specifically examining how economic abuse is perpetuated through the family court system.

¹ See Surviving Economic Abuse (2018). *Economic Abuse is your past, your present and your future* – a report on the practical barriers women face in rebuilding their lives after domestic abuse

- 3 The need to place economic abuse at the forefront of discussions surrounding the family court system is set against the backdrop of the Domestic Abuse Bill. The Ministry of Justice (MoJ) says that the review is responding directly to concerns raised recently, including in the government's Domestic Abuse Consultation² which led to the publication of the draft Domestic Abuse Bill and the introduction of the Bill to parliament in July. The MoJ further highlights that the Bill introduces the first ever statutory definition of domestic abuse, which will include economic abuse.³ SEA called for this inclusion from the outset, arguing that the concept of financial abuse within the policy definition of domestic abuse needed to be broader in order to recognise that abusers interfere (through control, exploitation and sabotage) with more than 'just' their partner's access to money and finances. They also interfere with those things that money can buy, including food, clothing, transportation and a place to live (economic resources). Such behaviour creates economic instability and/or dependence and acts as a barrier to leaving and rebuilding lives. Economic abuse threads through and reinforces other forms of coercive control, including physical, sexual and emotional abuse. In fact the risk of experiencing physical abuse among those who experience economic abuse is nearly five times greater than among those who do not.⁴
- 4 The government's consultation response published alongside the Bill states that economic abuse was included in the definition in order to recognise this, and that this inclusion will lead to better support being provided to victims and ensure that perpetrators are held to account. For many victim-survivors, economic abuse continues or escalates after separation, often taking different forms. Many of the victim-survivors that SEA works alongside have stated that the manner in which family courts function is an area of significant concern. Advocates and frontline workers express similar concerns that economic abuse is used to force women into agreeing with unsafe contact arrangements because it is perceived as the only way to stop the abuse from continuing.⁵
- 5 The ways in which family courts can be used as a tool of economic abuse (or exacerbate it) include, but are not limited to:
 - **Unequal access to economic resources and therefore to legal assistance and representation** shaping family court outcomes: the decisions made by family courts can be shaped by the quality of each party's legal representation. This is significant given that there is no automatic right to legal aid for domestic abuse

² Ministry of Justice press release, *Domestic abuse survivors invited to shape future of family court*, 19 July 2019 - <https://www.gov.uk/government/news/domestic-abuse-survivors-invited-to-shape-future-of-family-court>

³ Ministry of Justice press release, *Domestic abuse survivors invited to shape future of family court*, 19 July 2019 - <https://www.gov.uk/government/news/domestic-abuse-survivors-invited-to-shape-future-of-family-court>

⁴ Outlaw, M. (2009) No One Type of Intimate Partner Abuse: Exploring Physical and Non-Physical Abuse Among Intimate Partners *Journal of Family Violence*. 24: 263-272

⁵ Vollans, A (2010). *Court-Related Abuse and Harassment: Leaving an abuser can be harder than staying*. YWCA Vancouver

survivors. With many domestic abuse victims who fail the legal aid means test remaining unable to afford the costs of legal representation, many have no choice but to act as litigants in person, representing themselves in the courtroom; this can damage their case, particularly when the opposing party has an expensive legal team.

Recommendation: SEA recommends that victim-survivors of domestic abuse be exempt from the legal aid means test.

- **Depletion of survivors' economic resources through multiple court applications:** survivors' economic resources can be significantly depleted as a result of engaging with courts, often multiple times, particularly in the absence of legal aid. This can be down to the complexity of the family court process and associated delays, and the need for multiple applications in order to ensure just and safe outcomes. When contact is ordered which puts children at risk survivors are placed with a difficult choice between complying with the order or expending limited financial resources to go back to court to challenge it.

Recommendation: SEA recommends that the procedures for making further applications to the family court be reviewed and streamlined with a view to reducing the instances in which victim-survivors of domestic abuse are required to go to court.

- **Vexatious litigation:** abusers may use institutional processes to continue their controlling behaviours by making repeated applications to court. Vexatious litigation of this kind may be utilised to force contact with survivors, cause them additional stress and/or to intentionally deplete their economic resources.

Recommendation: SEA and the Suzy Lamplugh Trust recommend that in order to minimise vexatious litigation, statutory guidance is provided on the use of section 91(14) of the Children Act 1989. This guidance should alert judges as to how some perpetrators of domestic abuse make applications under the Children Act 1989 so that they can continue their controlling and coercive behaviour over survivors, even after separation.

- **Lack of full financial disclosure:** the requirement for full and frank disclosure of assets is not always complied with, resulting in victim-survivors being left with less than their fair share of economic resources post-separation.

Recommendation: Those working within the family court system must be required to undertake full training on economic abuse. An audit should also be undertaken on financial disclosure in family courts and how this process can be rendered more robust (for instance through triggering a non-compliance process in case of refusal to submit timely or accurate financial statements⁶). The proposed Domestic Abuse Commissioner (outlined in the Domestic Abuse Bill) should conduct a full inquiry into economic abuse, and financial disclosure in family courts should form a part of this.

⁶ As suggested by VOICES, via email

- **Loss of employment or earnings** from repeated engagement with the family court process: survivors may experience a loss of earnings due to the time and emotional labour associated with engaging with the family court process. In some cases, survivors have no choice but to give up employment in order to engage with legal proceedings, particularly when they have to act as litigants in person.⁷

Recommendation: SEA recommends that family courts be required to take into account the possible impact of court orders on the employment and earnings of victim-survivors of domestic abuse.

- 6 Family courts must cease to be a platform or mechanism for economic abuse. The depletion of a resident parent's economic resources has a huge impact on children and can affect the house they live in, the school they go to, the food they eat and every other area of their lives. In addition, the stress associated with family court processes can prove detrimental to a child's emotional wellbeing. Family court procedures, along with other government policies and processes, should support and not undermine the legal recognition of economic abuse. This is recognised in the recent report of the Joint Committee on the draft Domestic Abuse Bill which states that the aim of the Bill can be achieved only if there are changes in both policy and legislation relating to other areas of government activity.
- 7 SEA will respond (below) to questions in this call for evidence which directly relate to issues of economic abuse. The questions have been answered in the order in which they appear in the call for evidence.

Section 2 - Raising allegations of domestic abuse or other serious offences in private law children proceedings

Question 3. Are there any difficulties in raising the issue of domestic abuse or other serious offences against a parent or child, in private law children proceedings? What helps victims of abuse or other offences to raise the issue or might discourage them from doing so?

Lack of legal aid

Victim-survivors are often unable to properly raise and argue the issue of domestic abuse without legal advice and assistance. While private law family law matters which involve domestic violence do come within the scope of legal aid, the legal aid means test serves to unfairly exclude victims of domestic abuse and in particular those experiencing economic abuse. When the income and capital of these women are assessed for the purposes of the means test, the test ignores the fact that those subject to economic control and coercion by their partners do not have access to or control over the assets they are assessed as owning.

⁷ Kelly, L., Sharp, N. and Klein, R. (2014) *Finding the Costs of Freedom How women and children rebuild their lives after domestic violence*. London: Child and Woman Abuse Studies Unit and Solace Women's Aid.

Victims of economic abuse are also unable in practice to pay the contributions that may be required under the current legal aid scheme for similar reasons.

Women without legal aid who do not have sufficient economic resources may have no choice but to act as litigants in person in the family courts. One woman from the EEG was left unable to afford a solicitor for family court proceedings because she was having to repay her ex-partner's debts. Even for those who may have had sufficient resources to begin with, court proceedings can deplete resources substantially, leaving many unable to keep paying legal fees.

Attempting to navigate a system designed for trained legal professionals is a daunting and difficult process for many survivors. The problems in court faced by litigants in person, such as understanding evidential requirements, identifying legally relevant facts and dealing with forms, coupled with the overwhelming procedural demands of the court can impact the ability to present a case effectively and thereby shape family court outcomes.⁸ In 2016, cuts to legal aid in the family court setting meant that only 20 per cent of family court cases involved parties who both had representation; in 35 per cent of cases neither party had a lawyer.⁹ A fall-out of the increasing numbers of litigants in person in the family courts is a lowering in the quality of decisions. Meta-analysis of litigant in person cases has revealed that lawyers have a positive effect on case outcomes¹⁰ and good representation produces properly investigated cases.¹¹ If these cases are 'lawyer free zones'¹² then the quality of the proceedings and resultant rulings will be impaired. A strong theme within the EEG consultation was that gendered imbalances in power and economic resources negatively impacted the outcome of family court cases.

The situation was exacerbated for victim-survivors whose ex-partners in contrast were well-connected and had the resources to pay for a team of lawyers and advisors. This left survivors at a significant disadvantage in court, especially if they were not eligible for legal aid and had to represent themselves. The recent Women's Aid report on domestic abuse, human rights and the family courts contains very similar findings.¹³ The balance of power was further tilted towards those ex-partners who were legal professionals themselves. This gave them extensive insight into the legal system and how to manipulate it.

⁸ Williams, Kim (2018). *Litigants in person, a literature review*.

⁹ Hill, A. (2016). *How legal aid cuts filled family courts with bewildered litigants*. [online] the Guardian. Available at: <https://www.theguardian.com/law/2018/dec/26/how-legal-aid-cuts-filled-family-courts-with-bewildered-litigant>

¹⁰ Sandefur, R. (2011) Elements of Expertise: Lawyers' Impact on Civil Trial and Hearing Outcomes.

¹¹ Genn, H. and Genn, Y. (1989) The effectiveness of representation at tribunals. Lord Chancellor's Department.

¹² Grierson, J. (2018). *Access to justice in family courts 'inadequate', says outgoing head*. [online] the Guardian. Available at: <https://www.theguardian.com/law/2018/jul/27/access-to-justice-in-family-courts-inadequate-says-outgoing-head>

¹³ Birchall, J. and Choudhry, S. (2018) *"What about my right not to be abused?" Domestic abuse, human rights and the family courts*, Bristol: Women's Aid.

In trying to redress the imbalance of power between victims and perpetrators in family court proceedings due to legal aid restrictions by somehow paying for lawyers, some women get into considerable debt. One EEG member has spent £45,500 in the last year alone on legal fees, which has resulted in her now having to consider selling their home (to the detriment of herself and her child).¹⁴

Not only can the outcomes of cases with unrepresented parties be flawed, evidence reveals that unrepresented parties' cases take twice the time they used to when legal aid was available.¹⁵ This, in turn, causes further stress to survivors and results in more time off work (detrimental to their ability to earn and engage with employment, see below), and also runs up public costs.

The MoJ says that the focus on family courts follows a number of government changes to tackle domestic abuse, including widening the evidence requirements to allow victims access to legal aid.¹⁶ While this change is welcomed it does not ensure that economic abuse is taken into account when determining victims' eligibility for legal aid.

In addition to the problem of legal aid, there are other considerations which deter victim-survivors which are outlined below. These go directly to the commitment by the Justice Minister that the review will consider the level of encouragement victims are given to raise concerns, the standard of domestic abuse information shared with courts and gaining a better understanding of the different types of coercive control.¹⁷

Culture of disbelief

The EEG spoke of a culture of disbelief within the family court system where they were often advised by their own solicitors not to raise the issue of domestic abuse or finances within family court cases since this would lead the court to perceive them as 'obstructive', 'liars', and 'gold-diggers'.

Closed nature of the family court

Further, the women noted that the closed nature of family courts resulted in a lack of accountability of judges and solicitors who made decisions. The absence of specialist training in the dynamics of economically abusive behaviour made survivors feel vulnerable and not properly represented in the course of family court proceedings. The fact that family courts tend to work in isolation from other areas where related proceedings may be taking place, such as criminal

¹⁴ Account of EEG member

¹⁵ Family Law Week (2019). *Family lawyers call for independent inquiry into treatment of domestic abuse in family courts* [online] available at:

<https://www.familylawweek.co.uk/site.aspx?i=ed201043>

¹⁶ Ministry of Justice press release, *Domestic abuse survivors invited to shape future of family court*, 19 July 2019 -

<https://www.gov.uk/government/news/domestic-abuse-survivors-invited-to-shape-future-of-family-court>

¹⁷ Ministry of Justice press release, *Domestic abuse survivors invited to shape future of family court*, 19 July 2019 -

<https://www.gov.uk/government/news/domestic-abuse-survivors-invited-to-shape-future-of-family-court>

proceedings relating to the perpetrator or housing and benefits problems created by them, means that the situation of the survivor is not looked at in the round. Women raising these issues are often told that these matters cannot be considered by the family courts or face other negative responses or lack of understanding. Family courts are seen as operating 'effectively in a bubble' leading to important aspects of economic abuse being overlooked or poorly understood.¹⁸

Section 4 - The procedure where domestic abuse raised

The impact of Practice Direction 12J

Question 7. How effective is Practice Direction 12J in protecting children and victims of domestic abuse from harm?

Practice Direction 12J can be complicated and difficult to navigate for victim-survivors dealing with court proceedings as litigants in person due to lack of legal aid and unaffordability of legal fees. Family lawyers and other experts point out that when a fact-finding hearing is listed, the victim is increasingly being told to limit the number of allegations to be considered by the judge. This results in a full assessment of the risks not being made. They further observe that the impact of coercive control as well as emotional and economic abuse and other forms of non-physical abuse are 'routinely overlooked'. They highlight the need for training for judges to better understand domestic abuse, in particular the nuances of abuse such as gaslighting, coercive control and financial abuse (which is a subsection of economic abuse) especially when 'hidden by a polite, non-threatening perpetrator'.¹⁹

The presumption of parental involvement

Question 9. What has been the impact of the presumption of parental involvement in cases where domestic abuse is alleged? How is the presumption applied or disapplied in these cases?

Victim-survivors need appropriate legal advice and representation to rebut the presumption of parental involvement effectively. When this is not available due to survivors being ineligible for legal aid and unable to afford legal costs (see above), lack of access to economic resources puts them at risk of court orders which are dangerous to themselves and/or their children. The complexity of the family court system and the necessity to review provisions relating to contact result in multiple cases being brought to the court, adding to the economic pressures and stresses that many survivors face. In some cases, the survivor may be concerned about the contact order granted being unsafe for their children. They may seek a case review in order to keep their children safe, acquiring financial costs as a result. The tendency to award contact due to the presumption

¹⁸ Comment by VOICES, via email

¹⁹ Letter to Secretary of State for Justice, May 2019, Family Law Week. *Family lawyers call for independent inquiry into treatment of domestic abuse in family courts:*
file:///Users/foundation/Documents/Family%20Courts/Family%20Law%20Week:%20Family%20lawyers%20call%20for%20independent%20inquiry%20into%20treatment%20of%20domestic%20abuse%20in%20fam.webarchive

increases the chances that a survivor will have to go to court to challenge it. In July 2017, Women's Aid partnered with Cafcass to research outcomes in family courts regarding child contact where there were allegations of domestic abuse. The research found that 62 per cent of cases in the research sample featured allegations of domestic abuse. Despite this, in 23 per cent of these cases, unsupervised contact was ordered at the first hearing.²⁰ It is no surprise, therefore, that survivors may bring forward multiple court cases in order to try and keep their children safe and restrict unsupervised contact. If the first court case grants contact, then they may keep trying (at significant cost) until there are provisions in place to keep their child safe.

Further, survivors may also seek a review of provisions if there is a change of circumstances regarding the behaviour of their former partner (i.e. if he has perpetrated further abuse) or if the needs of their children change. This can often happen as children get older and do not want to see the abusive parent and where the survivor has no choice but to try and utilise legal means to challenge the contact order, as to deny contact would have legal and financial implications for them. Ultimately, the threat of being taken back to court by a former partner at any time is a reality for many women. If they were to breach contact orders as a result of concerns surrounding their child's safety (or their safety), they would risk economic ramifications in the form of prosecution, fines and even incarceration. They also face other forms of economic abuse such as sudden non-payment of mortgage or malicious and unfounded allegations to DWP regarding their benefits claims.²¹ The irony of the fact that survivors often have to attend family court multiple times in order to reach a contact agreement where their children will be safe (and this does not always happen), is epitomised in one EEG member's statement that, *'there shouldn't be a financial cost to safeguarding your children from harm.'*

Section 6 - Repeated applications to the family court in the context of domestic abuse

Repeated applications as a form of abuse

Question 16. What evidence is there of repeated applications in relation to children being used as a form of abuse, harassment or control of the other parent?

The EEG provides evidence of abusive partners bringing multiple cases to court in order to intentionally create economic instability. Perpetrators of abuse use litigation against the survivor to deplete their economic resources and control them economically after a relationship has ended. Women have to attend court, irrespective of whether or not the litigation is vexatious, in order to avoid adverse consequences. Even if the abuser has been charged with an offence and prosecuted, they can still leverage cases against a survivor. Family court proceedings can be drawn out longer than they need to be as a result of the abuser deliberately extending the 'limbo' period during which they deplete the

²⁰ Cafcass and Women's Aid (2017) *Allegations of domestic abuse in child contact cases*.

²¹ Comment by VOICES, via email

economic resources of the family and also ensure that that the survivor is unable to rebuild or regain economic control over their lives.²²

The EEG gives many examples of ex-partners deliberately seeking to extend proceedings and build up costs, to their economic detriment. One woman said:

'He manipulated the courts too and was able to miss 6 hearings. I still had to pay each time. Judges need to see they're being manipulated.'

Not only can this diminish survivors' ability to have legal representation (as costs mount with each application brought against them), it can put women into debt which can be impossible to recover from. The way in which the costs associated with family court proceedings can skyrocket was illustrated by an EEG member who said:

'I spent over £100,000. He would send 45 messages to my lawyer and I had to pay for each of these to be read. Everything is done to derail and sabotage, and this power imbalance is not being taken into account by the courts.'

The Suzy Lamplugh Trust found that, in instances of stalking, 1 in 12 people who contact the National Stalking Helpline report experiencing vexatious complaints as part of the campaign of abuse against them.²³ Further, a report by the National Association of Probation Offices (NAPO) and Protection Against Stalking (2012) investigated 40 cases where those convicted of crimes were able to pursue victims through family or civil courts. These cases included repeated attempts to vary a child contact or restraining order.²⁴

What becomes clear from discussions with the EEG is that when multiple cases were pursued by the abuser, no one within the legal system queried it. One survivor found that case after case was raised against them about their children having psychological support, with the ex-partner refusing to let their son see an educational psychologist. Five years later, when the child was eventually allowed to be seen by a court appointed educational psychologist, the child's well-being had deteriorated. Multiple court cases had slowed this process down and it had taken the court five years to rule in the explicit interests of the child.²⁵

Section 8 - Any other comments

Question 25. Do you wish to make any other comments on the matters being considered by the panel?

SEA would like to raise the following issues as they are directly relevant to the panel's remit and also linked to some of the matters discussed in the answers above.

²² Comment by VOICES, via email

²³ Suzy Lamplugh Trust, Veritas Justice CIC and Voice4Victims (2015). *Restoring the Balance*.

²⁴ See Suzy Lamplugh Trust, Veritas Justice CIC and Voice4Victims (2015). *Restoring the Balance*.

²⁵ Account of an EEG member

Lack of full financial disclosure in family court proceedings

Survivors state that financial disclosure within family courts is not enforced effectively. Whilst both parties have a duty to the court to give a full, frank, clear and accurate disclosure of all their financial and other relevant circumstances, this process assumes honesty and, in complex financial cases can be time consuming. One survivor stated that the only disclosure required of their ex-partner was *'a lot of lies about his income accompanied by precious few bank statements.'* The impact of the lack of thorough financial disclosure taking place in family courts is that it can undermine any decisions the court makes, especially in cases where economic abuse has taken place. It also allows abusive partners to hide their assets, to the detriment of the survivor and their children:

*'Pre-existing economic abuse, often for years, means there is no level playing field around knowledge of family finances when coming into the court process, and a non-abusive partner is totally reliant on the perpetrator to tell the truth, as are the courts, effectively.'*²⁶

The family court is currently ill-equipped to deal with the complexity of issues when economic abuse needs to be addressed. In the absence of courts freezing assets or capital, abusive partners are able to transfer and obscure ownership status and debts. Shares, inheritances, trust funds and pensions are all areas for economic abuse that need to be considered.²⁷ Complexity is increased when survivors' ex-partners live in other countries or hold their money in foreign jurisdictions and make use of offshore accounts and tax havens. Economic abuse by a more affluent partner who lives abroad is an issue several members of the EEG are facing and family courts presently do not have the means to effectively examine and address this.

The inability of current family court provisions to elicit proper disclosure of finances (and the courts' lack of understanding of economic abuse) is reflected in one survivor's experience, whereby their ex-partner dissolved a business in order to dissipate assets. Following this, *'once he went self-employed he set up offshore trust and paid no tax but declared an income of under £10k. He only had to pay £7 each per week for the children.'*²⁸ EEG members have found that through delays and bureaucratic mistakes, family court processes assist perpetrators to delay, hide/dissipate assets and thereby frustrate and defeat just division of assets, enabling them to continue abuse years after the relationship has ended.

Further, the culture of disbelief and tendency to discourage survivors from raising financial issues within the family court (see above) makes the situation more difficult for them. It has been pointed out that courts need to be equipped to identify and understand not only the pattern of economic control and abuse, but also the profile of coercive control and entitlement that create behaviour which

²⁶ Comment by VOICES, via email

²⁷ Comment by VOICES, via email

²⁸ Account of an EEG member

could be described as 'disguised compliance' with respect to the courts around finances.²⁹

Loss of employment and earnings through engagement with family court processes

The time-consuming nature of the family court process, whether deliberately caused by perpetrators' abusive behaviour or not, can result in loss of earnings for survivors. Not only is there an extortionate cost associated with attending court in terms of the payment of fees, being taken to family court repeatedly can have economic impacts in terms of access to employment, with one Expert by Experience stating that '*court attendances sabotage jobs.*' Having to attend family court over issues related to child contact, often for prolonged periods of time is cited as a barrier to employment as survivors were constantly having to prepare for hearings and liaise with Cafcass, making it difficult to hold down a job. This is exacerbated by the fact that women who are unable to access legal aid or afford court fees will have to represent themselves; preparing for this is even more time consuming.³⁰

It is not only attendance at family court that can prove detrimental to a survivor's employment status. If contact with the abusive parent is granted by the court, that can have severe impacts on the other parent's ability to work. Contact can prove distressing for the child, especially when the child has expressed that they do not want to have contact with that parent. Whilst the Children Act compels courts to have regard to the ascertainable wishes of the child in making arrangement, unwanted contact can still be granted (especially if the child is very young when court proceedings are ongoing). The prospect of unwanted contact (coupled with the traumatic impacts that domestic abuse has on children), can result in mothers giving up work, cutting down on hours or compromising their career choices and earning capacity to be there to support their child emotionally.

If the ex-partner was economically abusive during the relationship then they may have controlled the survivor's ability to have/keep a job and hampered their employment prospects. A study found that nearly one in five women were prevented by their abusive partner from having paid employment.³¹ The impact of family court engagement on employment can, consequently, prove detrimental to women who may only just be starting to rebuild their lives with regards to employment.

²⁹ Comment by VOICES, via email

³⁰ Kelly, L., Sharp, N. and Klein, R. (2014) *Finding the Costs of Freedom How women and children rebuild their lives after domestic violence*. London: Child and Woman Abuse Studies Unit and Solace Women's Aid.

³¹ Women's Aid (2019). *The Domestic Abuse Report 2019: The Economics of Abuse*. Bristol: Women's Aid.

Impact of family court outcomes for children and victim-survivors

Victim-survivors of economic abuse and their children are particularly dependent on orders for maintenance by the family court, due to their resources already being depleted or starting/continuing to be depleted post-separation as a result of the abusive behaviour. Such women are in a difficult position when they want to challenge an abuser's non-payment of child or spousal maintenance. Through the EEG consultation, SEA found that if women reported that their ex-partner had stopped making payments then they had to apply again to the court for the order to be enforced. An enforcement order costs money and takes time, with no compensation in the interim. Because of the associated costs, many did not pursue this, leaving them and their children without the economic resources that were justly due to them and struggling to survive.