

WHEN WE BECOME AN EXTENSION OF THE ABUSER'S ARM

A WOMAN'S VIEW Ginette Petitpas Taylor

Sometimes it's as obvious as a slap in the face or a kick to the ribs. Other times it's not so obvious - the abuser tries to "break" the victim by terrorizing her.

We know these forms of abuse, and see them as unacceptable and, indeed, criminal.

And then there's a more insidious form of abuse. Abuse by proxy. It is common but often escapes recognition. As the name suggests, the abuser controls and abuses the victim through a third party. Friends, family and organizations and branches of government can unwittingly become an extension of the abuser's arm.

Misuse of family court is one strategy. The ex-partner systematically brings issues back to court, fails to obey court orders or repeatedly changes lawyers to slow the process down - it's sometimes called "legal bullying" or stalking by court.

In family law, no case involving children is ever over, and circumstances change often, requiring negotiation or court order and bringing parents in frequent contact. So, when there is harassment, the pattern may not be quickly identifiable by others.

Canadian legal scholars who looked at the issue of legal bullying concluded that "The result of protracted legal bullying ... is simply that bullies win. They are able to control the court system in order to harass and pursue their victims without an effective or expedient resolution to address this behaviour."

The abuse may also be in the form of spiteful reports to child protection, tax or welfare authorities or to her employer.

When it comes after years of psychological or physical abuse within a relationship, the target is often made very vulnerable. Abuse by proxy is a way for the abuser to maintain his control, prevent her from moving on with her life - of "continuing the abuse with legal blows instead of physical ones" as one victim put it. And when the abuser has a private lawyer and the victim has, at most, legal aid that cannot adequately represent her interests, then the situation may seem hopeless to her.

This is one of the points at which some victims go back to the abuser, when it seems to her that everyone is ganging up on her, that she might lose custody, that the children will be used as pawns, that she will never be able to afford the legal bills. When the couple's relationship involved violence,

How do innocent parties become part of the abuser's arsenal? It can be as simple as a statement made to a child with the knowledge that this statement will be repeated to the victim. Or it can be as complexly plotted as the process of bending courts and taxation authorities to reflect one's interest to the detriment of the other's.

Janet (not her real name, but a real New Brunswick woman) recently approached the Advisory Council on the Status of Women urging that more information be available on the problem. Janet's story was simple and devastating. Two examples have particularly stayed with me.

The first involved use of her youngest son, over whose living arrangements there was a lengthy back-and-forth before she gave up "for his sake". The separation was finalized, she was living with her new partner and a new baby, her son was ten years old. Janet's voice cracks as she tells of how she lived for his visits. One weekend when her son was visiting, he said with a concerned, almost panicked look on his face: *Mum, aren't you too overwhelmed with the requirements of a new baby to take care of me? Wouldn't it relieve some of your stress if I wasn't with you?*

"That still breaks my heart", Janet says. What 10-year old child, no matter how precocious, approaches his mother without prompting and asks about the "overwhelming requirements" of a new baby? She soon found out that the father had also been saying to the boy that it was "really a shame you have to spend the next weekend with your mother, because otherwise I would have taken you fishing. But now we can't go". This type of manipulation continued and eventually Janet recognized effects of trauma in the boy. She decided to move away and accept limited visitation, which she sometimes feels she must beg for until his ego is sufficiently flattered to "grant her requests".

As primary and then shared caregiver, Janet was eligible to receive child tax credits from Revenue Canada, as well as child support payments from her higher-earning ex partner. When she moved away, she notified Revenue Canada that custody arrangements had changed.

With several thousand dollars in arrears on the child support, her ex-partner contested having to pay support on the grounds that he had been the one with primary childcare responsibilities since the split, even though Janet was the one who held receipts for all the child's expenses and evidence of trips to appointments where she was the only parent present. "I was sure the judge would be able to see through his fabrications".

The outcome was that Janet considers she was retroactively removed from having had parenting responsibilities. Her ex got out of paying arrears and Janet is repaying several thousand dollars in child tax credits and repaying a government low-income supplement.

Similar and even clearer examples of abuse by proxy are common. Professionals, intervenors and ex partners have the difficult task of identifying it for what it is.

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