

RELATIONSHIP PROBLEMS AND MONEY:

Women talk about financial abuse

wire

RESEARCH
REPORT

Prue CAMERON

2014 WIRE Women's Information



Helping women
make the right
connections

Women's Information

ACKNOWLEDGEMENTS

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And, to the 204 women who participated in the research – especially the 59 women in the focus groups and interviews who shared their most personal stories with insight, honesty, tears and humour – thank you all. Your courage, strength, and resourcefulness is remarkable; your willingness to share your experiences to help other women, inspiring.



Women's Information

Relationship Problems and Money: Women talk about financial abuse
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FOREWORD

Samiro DOUGLAS Chief Executive Officer

WIRE Women's Information is a statewide women's information support and referral service in Victoria. Each year WIRE talks to more than 12,000 women about the myriad issues of concern to them. However family violence, seeking legal advice, facing a housing crisis and seeking employment consistently rank among our top contact issues. For many women these issues are entwined, as the stories in this research show. WIRE holds significant and specialist knowledge in talking to women living with family violence. We are often the first point of contact for women seeking help and, therefore, the first service to identify the behaviour they are living with as family violence. This is especially the case when control and abuse tactics other than physical violence have been employed.

WIRE's focus on women's economic security began in 2006, when we started hearing concerns raised on a national level about women's low superannuation savings and the impact of this on women's retirement. We realised that women themselves were not talking with us about this issue and, in fact, we were not talking about it. This led to our early research on women's financial literacy and security, "*Women's Financial Literacy Research Report*" 2007 and "*Young Women and Money Research Report*" 2010.

Through these reports we were alerted to the impact on women's lives of financial abuse in the context of family violence and the lack of specialist knowledge and information on this topic, for individual women and for professionals. Consequently, WIRE developed and delivered a workshop series for professional and individual women. The workshops for professionals were fully booked and well received, but we struggled to attract individual women. We knew we had to hear directly from women in more detail and, in particular, learn the language they use and the kind of information they need. Without this, we would not be able to provide women with support to make informed choices about their financial future.

I believe this is important research. Whilst some of the findings confirm what women are already talking to us about, the extent of the abuse through systems that ought to be helping women in crisis has shocked us. We now have greater insight into the often long and harrowing journey women take on behalf of themselves and their children in order to receive their entitlements. And we are confronted by the reality that fathers who are prepared to financially deprive the mothers of their children of a more secure financial future also deprive their children.

I'd like to take this opportunity to thank the reference group members: Professor Roslyn Russell from RMIT University, Tanya Corrie from Good Shepherd Youth and Family Services and Julie Kun from WIRE Women's Information for their support and expert advice amidst their own very busy schedules. I also thank Alexa Ridgeway for assisting our researcher Prue Cameron, and for her support with the focus groups, transcriptions and insights into the findings.

Without a doubt I have to commend the dedication and wisdom of our researcher, Prue Cameron. Prue created a safe environment for the women to share their stories. She listened to each of these women's stories, witnessed their distress and felt their relief as they also heard other women speak about their experiences, and so felt less alone. She observed their resilience and resourcefulness, and their commitment to sharing their stories for the benefit of other women.

Finally I need to thank all of the women who made their first tentative contact with WIRE, uncertain if financial abuse was their experience and whether or not they were eligible to take part in the research. We were committed to making this a positive and empowering experience for you. Thank you for your willingness to share your experiences.

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EXECUTIVE SUMMARY

Women's financial hardship and insecurity, caused by financial abuse in the context of family violence, is a serious concern, particularly considering the increasing feminisation of poverty in Australia. Financial abuse in intimate relationships is widespread and common, but because this form of abuse is deeply embedded in a complex web of social, gendered and personal beliefs and norms, it is often hidden and unrecognised, even by women who experience it. Financial abuse involves behaviours that 'control a woman's ability to acquire, use and maintain economic resources, threatening her economic security and potential for self-sufficiency'.¹

This project is driven by the need to better understand and address the serious and ongoing consequences of financial abuse in the lives of women and their children. In particular, it examines the barriers women face to building their financial independence and long-term security post-separation. More than two hundred women from across the social, cultural and income spectrum shared their stories in focus groups, interviews and an online survey for this project. They have provided rich and detailed insights into the nature and impacts of financial abuse, within their relationship and after separation. The report draws extensively on their direct accounts. The research literature shows that the majority of women (80–90 per cent) seeking support from domestic violence services have experienced financial abuse. Unlike previous research, this project intentionally included women who had not accessed these services and did not necessarily identify as experiencing family violence. This research further adds to our understanding about this issue through the inclusion of women whose household income was in a high bracket prior to their separation. This has resulted in insights into the hidden nature and diverse impacts of financial abuse on women's lives.

The nature of financial abuse

"He wasn't a gambler. He certainly wasn't having it off with some other woman because he was always right there. I stopped going to church and he stopped going because he missed me. No, I know he wasn't off spending it on something else but equally, I wasn't allowed to spend. It was just control I think. It wasn't that he wanted the money. He got me thinking I couldn't do a thing. I came into this relationship confident as anything. I was teaching adolescent boys and girls [commerce and economics] and at the end of the relationship I could scarcely drive myself anywhere. I could scarcely do a thing, he'd talked me right down...I mean, it was never 'you bloody idiot, you can't do a thing', it was always, 'I'll do it, you'll find it too hard'. And of course, everyone thinks he is the greatest man on earth and I'm the bastard for leaving him. I've lost everything. Friends? I've got no friends."
(Rosemary, 56, had been married for 30 years to her ex-husband, a company director, Melbourne)

This research reveals a range of financially abusive behaviours that are typically linked to psychological, emotional and/or physical abuse. The financially abusive former partners of the participants fall into three broad types: the controllers, who use a combination of abusive behaviours to exert their power over their family; the exploiters, who eschew all responsibility but also use a variety of forms of abuse to financially exploit their partner for their own financial needs; and the schemers, the men who had a specific plan to systematically steal the woman's financial resources and leave. Whilst the controllers and exploiters use financial abuse as part of a range of behaviours to control their partner and get their needs met within the relationship, the primary goal of the schemer is to use the relationship to take her money and assets. Whichever type of financial abuse the research participants experienced, the impact on their lives was devastating.

Over the course of the research, the women's stories constructed a vivid picture of the ways in which social and personal norms and values combine to create a platform for financial abuse in intimate relationships. These powerful influences work to hide financial abuse in plain sight. Social and personal beliefs about love and trust in intimate relationships mean these women trusted their partner to act in the best interests of their family. Traditional stereotypes about gender roles and attitudes to money make fertile ground for controlling, exploitative and abusive behaviours regarding finances. The women in this research graphically describe the confusion and mixed emotions they felt when their love and trust was betrayed. The psychological impact is evident as they speak of their loss of confidence, guilt and shame.

1. Financial abuse is defined in a number of ways. This definition by Adams et al (2008) cited by McDonald (2012) and Corrie & McGuire (2013) is adopted as it succinctly outlines of some of the specific behaviours. Financial abuse is a gendered issue – in an overwhelming majority of cases, men perpetrate financial abuse on their female partners (McDonald, 2012).

The impact of financial abuse

“Thank God I’ve got my parents who I had to move in with. Financially I’m so screwed I can’t even afford to put a roof over our heads, the way the rents are going. And my daughter goes to a public school but it’s a nice public school in [inner northern suburb]. We’re in the area, the kids have got friends; I’ve got my family support. I don’t want to move to another area. So I can’t buy; I can’t even rent there because he’s financially screwed me over. I’m starting to look for work.”

(Gina, 42, Melbourne. Her ex-husband has rarely paid child support. Gina worked in childcare before her children were born)

Without exception, the household income of all participants was reduced substantially after leaving their relationship. Almost half (44 per cent) had a household income of less than \$40,000 post-separation, with one in five of those earning less than \$20,000. When compared to household income during their relationship, just one in 20 women was on less than \$20,000 and around one in three had an income of more than \$100,000. Their low income affected the lives of these women (the overwhelming majority of whom - 60 per cent - were the primary parent) and their children in a variety of ways. Finding affordable, stable housing was a significant issue for most of the women. Almost half (43 per cent) were renting, and of these women one in three was in the private rental market, making them and their children vulnerable to rent increases and the uncertainties of tenancy. None of the women currently renting envisaged being able to afford to buy a home. Just 14 per cent of all research participants owned their own home and those paying off their homes worried about meeting mortgage repayments. This vulnerability in the housing market has the potential to increase as these women age, as evidenced by the increase in homelessness among older women in Australia (McFerran, 2010; Petersen & Parsell, 2014).

Structural disadvantages for women in the workplace, such as lower pay, a fragmented employment pattern and minimal superannuation, work against women's long-term financial security. These disadvantages are magnified among women who experience financial abuse. Indeed, many of the women in this study recount their difficulties in finding and maintaining well-paid work while managing childcare, as well as the stress and demands of dealing with their former partner. The majority of the participants (59 per cent) were in paid employment, however one in four of those had part-time or casual work. Most had tertiary qualifications, 55 per cent had bachelor or post-graduate degrees and 30 per cent had a diploma or certificate. However, because many of the women had been prevented from working during their relationship, they had to retrain or take lower paid, less skilled work when they returned to the workforce. Most reported that the psychological and emotional abuse they experienced in the relationship had damaged their confidence and self-esteem, making it difficult to seek work; for many, the stress and anxiety in their lives made it impossible to undertake paid work at all. It is significant that, despite the abuse they have been exposed to, particularly in relation to their financial skills, most of the participants consider themselves to be more competent with money than their former partner.

The ongoing consequences: post-separation financial abuse

“Thirteen years in court. I have lost my kids’ childhood because all I am doing is sitting on the computer writing legal documents.” **(Susan, 53, four children, Melbourne)**

“I remember I asked once for a reprieve from being constantly dragged back to court, so we could get on with our lives. But basically, everyone has the right to bring a case to court. So here we are 10 years down the track – he’s earning his millions and I am pretty much living from week to week. Couldn’t afford to continue with my studies, pretty much lost my career and I’m turning 52 next week...”
(Cathie, 52, one son aged 12, Melbourne)

The research undertaken for this report illuminates the ways in which the financial abuse of women by their former partners continues after separation. It is common for financially abusive men to use the legal, child and

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income support systems as a way of directly or indirectly controlling the woman and threatening her ongoing financial security and self-sufficiency. This practice has been identified in two previous studies (Branigan, 2004; Patrick, Cook & Taket, 2007). This report provides insights into the contemporary context of this post-separation financial abuse in light of reforms to state family violence protection laws and commonwealth family law that explicitly recognise financial (or economic) abuse within broader definitions of family violence. It also reveals the particular disadvantages experienced by women who are employed, who own or are paying off their home, and whose former partner has a higher income.

This systemic form of financial abuse, in which women are repeatedly forced back into the legal system to respond to disputed parenting arrangements, breaches of court orders, and non-compliance and frequent changes of assessment to minimise or avoid child support payments, is a common experience of participants in this study. One in four survey respondents report that their former partner ‘dragged me through the courts for years’. The effect of these protracted dispute processes, whether intentional or indirect, is exhaustion of a woman’s financial and psychological resources. The women in this study report feeling they have no choice or control over the course their lives have taken and report spending almost all their time at the mercy of their former partner’s whims, preparing responses for and representing themselves at various tribunals and courts. They describe experiencing high anxiety, powerlessness and frustration as a result of this process, which replicates the experience of their abusive relationship. There appear to be no mechanisms within these systems to identify and prevent this practice of abuse.

This study finds that women with paid work, some assets and former partners with high incomes are more likely to be subjected to financial abuse through ongoing legal disputes over parenting and child support arrangements. The former partners with lower incomes are more likely to avoid paying child support altogether. In particular, women whose partners earn higher incomes experience:

- high legal costs that cause financial hardship – they are usually ineligible for Legal Aid and community legal services because they have an income and assets, such as a house or car;
- former partners who are more likely to contest court orders and minimise child support payments through strategies designed to hide or reduce income, such as through small businesses, family trusts and changes to business trading names; and
- high stress and anxiety caused by continual legal disputes and court appearances that require women to prepare and respond to documents, and often to represent themselves in court and tribunal hearings. The constant fear of losing their children and covering the costs of court-ordered psychologists and other specialists increases the pressure of participating in these processes.

This research identifies the need for greater access to low cost or free legal, financial and personal counselling services for women experiencing financial abuse in the context of family violence. It also highlights the need for mechanisms that identify and prevent the use of legal, child support and income support systems to perpetuate the financial abuse of women and children by their former partners and fathers. Options proposed to address this include: legislative reforms to strengthen the definition of financial (or economic) abuse; provisions for vexatious litigation applications where financial abuse is occurring and the adoption of a diagnostic screening tool for financial abuse to be routinely applied in the legal and banking systems, as well as by the Child Support Agency and Centrelink.

The need for general and specialist information and education about the nature and impact of financial abuse in the context of family violence

“Child Support don’t recognise [financial abuse]. They rang me, when he put in his claim to have his income reduced at the beginning of the year, they rang me the very next day to discuss it with me and I said, ‘Look, I have left this relationship because it was abusive and I believe that he is doing this to abuse me further and control me’ and they did not take any word of my conversation on board... [H]e provided no evidence of needing to take that reduction and when he put in the claim they didn’t ask for anything; they just took his word for it. They didn’t even listen to what I said. I think that was the worst thing, they didn’t even listen.” (Loren, 36, two children aged 4 and 2, Melbourne)

This research highlights the lack of awareness, understanding and recognition of financial abuse in the community generally. This means that not only are the women who are experiencing financial abuse unable to identify and address their situation, but also that there are no strategies in place for prevention and early intervention. Significantly, the lack of understanding among many of the key professionals, service providers and agencies engaging with women in this situation means that perpetrators are able to continue their abuse by using the systems that are in place to protect women from family violence.

This research reinforces the need for education and information about financial abuse in the context of family violence. As well as being directed at the general public, information should be specifically targeted at service providers, legal and health professionals and those working in relevant institutions, including banks and other financial services, real estate agencies, schools and child care facilities as well as government agencies such as the Child Support Agency and Centrelink. More accessible information for women about their options for escaping financial abuse is also required; so too education campaigns with a prevention and early intervention focus could be introduced in schools in conjunction with financial literacy skills.

The women who took part in this report identify a number of key findings about useful information in relation to access points and the types of information women need. These findings should usefully inform community campaigns and professional education materials. In particular, the use of examples of financially abusive behaviours is considered the most effective way of enabling women to identify their experience as financial abuse. An overwhelming majority of survey respondents - 73 per cent - nominate doctors’ surgeries as the best location for appropriate information about financial abuse; 47 per cent suggest banks. Face-to-face conversations with service providers, such as general practitioners, social workers, counsellors and crisis support workers are identified as the most effective way for providing information. This points to an increasingly important role for general practitioners and their staff in screening and supporting women experiencing financial abuse.

RECOMMENDATIONS

To address the significant negative financial, psychological and health consequences of financial abuse in the context of family violence on women and their children, this report recommends:

1. The Federal Government and State Governments:
 - a. make financial abuse in the context of family violence a priority area for family violence research, including the development of a diagnostic screening tool for financial abuse for use by key service providers, aimed at prevention, early intervention and later stage intervention strategies for combating financial abuse.
 - b. in collaboration with relevant national and state key stakeholders, as a matter of priority develop and implement a public information campaign about financial abuse using the full range of media technologies available.
 - c. assist women who are experiencing financial abuse to identify their situation by funding the provision of information about financial abuse and ensure this information is made available in a variety of access points, including targeted online searches and printed materials in a variety of locations such as doctors' surgeries, schools, childcare facilities, banks and other financial institutions. Information should use accessible language and formats and include, for example, the types of behaviours typical of financial abuse, case studies, early warning signals and prevention strategies. The information should be built into school- and community-based financial literacy programs and be included on financial literacy websites such as ASIC's MoneySmart.
2. Funding is made available to relevant professional bodies and government agencies to provide professional development and training on financial abuse as a form of family violence for key professionals and service providers, legal professionals, general practitioners and their staff, school principals and teachers, financial counsellors, bank personnel and financial advisors, and people working in the real estate and utilities industries.
3. Centrelink, the Child Support Agency and peak bodies for legal services and general practitioners adopt a diagnostic screening tool for financial abuse.

To improve women's access to support and advice services to address the impact of financial abuse in the context of family violence:

4. The Federal Government expand the number of rebates (up to 20) per calendar year available for individual services through the Better Access to Mental Health Care program for women who have experienced family violence, to increase access to free or low cost personal counselling services.
5. State Governments:
 - a. increase funding for financial counselling services to provide women who have experienced financial abuse with advice and advocacy, as well as assist the women to navigate the income and child support systems post-separation.
 - b. fund community legal services to provide forensic accounting services and make these services free or low cost for women experiencing financial abuse.
 - c. allocate a special funding grant to women's support services to help women experiencing financial abuse access free or low cost photocopying and assistance with online research and other facilities, thus reducing the financial burden of providing documentary evidence to courts and agencies and the legal costs and stress associated with self-representation.

6. The Federal Government and State Governments increase funding to support services in rural and regional areas to increase access for women who are experiencing financial abuse, including to personal and financial counselling services.

To increase access to and improve outcomes through the legal system:

7. The Federal Government and State Governments increase funding to Legal Aid and community legal services to enable the provision of specific legal advice and representation in family law matters that involve property where there is a history of family violence.
8. The Australian Law Reform Commission:
 - a. develops a diagnostic screening tool for financial abuse to be adopted as a routine assessment in family law and family violence matters, and reviews the specific inclusion of financial abuse on relevant application forms, such as family violence intervention orders.
 - b. undertakes a review of measures to protect a woman's financial security in cases where financial abuse occurs, such as amending state-based family violence protection legislation to allow Magistrates Courts to order the freezing of bank accounts to prevent transfer of funds and facilitate access to necessary financial documents.
 - c. considers legislative reform to strengthen vexatious litigation applications in cases where the legal system is being used as a mechanism of financial abuse.
 - d. considers expanding definitions and examples of financial abuse in the *Family Law Act 1975 (Cth)* and state and territory family violence protection laws to address the complexity and multifaceted nature of this form of family violence.
9. Peak legal bodies:
 - a. provide information about family law specialisation and the value of using family law solicitors who have an understanding of financial abuse in cases where there is a history of family violence.
 - b. regularly deliver programs of judicial development on the nature and impact of financial abuse, including the practice of systemic post-separation financial abuse, for legal professionals at all levels of the system, including judges, solicitors and barristers, and court staff.
 - c. provide forensic accounting services to clients with a history of financial abuse.

To strengthen the responses of the Child Support Agency and Centrelink to financial abuse:

10. The Federal Government introduce amendments to:
 - a. the *Child Support (Assessment) Act 1989* to make the requirements for changes of assessment more rigorous, particularly in reference to cases in which there is a history of family violence, and strengthen penalties for malicious or false requests for changes to assessment to minimise payments or frustrate the process.
 - b. the *Child Support (Registration and Collection) Act 1988* to increase the enforcement powers of the Child Support Agency and provide appropriate resourcing to enable the agency to enforce payment compliance.
 - c. the *Child Support (Registration and Collection) Act 1988* so that in situations of financial hardship (including where there has been a history of financial abuse) the three-month delay in pursuing non-payment of child support is reduced to one month in the case of repeat offenders.
 - d. relevant tax legislation to prevent the use of family trusts, businesses and other income minimisation strategies to avoid child support payments, and increase the powers of the Australian Taxation Office to investigate cases of income minimisation or avoidance in relation to child support payments.

RECOMMENDATIONS

- 11.** The Child Support Agency and Centrelink:
 - a. provide professional development training in family violence for all staff, as recommended by the Australian Law Reform Commission (2012), that specifically addresses the nature and impact of financial abuse and the behaviours associated with ongoing financial abuse through the child support system.
 - b. develop protocols and guidelines, and adopt a diagnostic screening process, for family violence that include specific references to financial abuse in order to identify, support and prevent ongoing financial abuse of women through these systems.
 - c. undertake steps to improve inter-agency co-ordination and communication, including, where possible, co-location.

- 12.** That the Family Courts, Child Support Agency and Centrelink make 'history of financial abuse' a key consideration in their policies, practices and assessments, to minimise opportunities for ongoing abuse and further financial and psychological suffering for women post-separation.

INTRODUCTION

Financial abuse is a contributing factor in women's financial disadvantage throughout their lives. Australian women are more likely to experience financial insecurity and hardship over their lifetime than men and this feminisation of poverty is a growing concern for governments and policy makers.

Financial abuse in a family violence context involves behaviours that 'control a woman's ability to acquire, use and maintain economic resources, threatening her economic security and potential for self-sufficiency'.² This project is driven by the need to better understand and address the serious and ongoing consequences of financial abuse on the lives of women and their children.³ More than 200 women have participated in this research, through focus groups, individual interviews and via an online survey. Through their stories a detailed picture emerges of the psychological and emotional impact, as well as the economic hardship, caused by the financial abuse they have experienced in their intimate relationships. The battles and barriers faced by these women as they try to establish their financial security after leaving their relationship are substantial and continue for many years after separation. This report provides an insight into the personal and systemic obstacles confronting women dealing with the effects of financial abuse in their lives. It also identifies the information and support services that will best assist women to understand the effects of financial abuse and guide them through the separation process and beyond. The report draws extensively from the women's own accounts. In sharing their stories, and giving financial abuse a personal context, these women enrich our understanding of this complex and largely invisible issue. To honour their explicit intention for speaking up – that telling their experience may help other women to avoid such abuse – this report draws extensively on the voices of these women.

Although there is no exact measure, research indicates that financial abuse in intimate relationships is widespread and common. It is known that a majority of women (between 80-90 per cent) seeking support for domestic and family violence have experienced financial abuse (Potmus et al, 2013; Sharp 2008; McDonald, 2012:12). Given that one in three Australian women experience domestic or family violence in their lifetime, it has been conservatively estimated that around two million women will be financially abused (Corrie & McGuire, 2013:i). Because many women who are financially abused do not access support services, or indeed even recognise financial abuse as a form of family violence, it is reasonable to conclude that this is a significant but hidden problem across the community, affecting women from all socio-economic, cultural and geographical groups.

Financial abuse is a contributing factor in women's financial disadvantage throughout their lives. Australian women are more likely to experience financial insecurity and hardship over their lifetime than men and this feminisation of poverty is a growing concern for governments and policy makers. Recent data from the Australian Bureau of Statistics shows that older women are more likely than men to be dependent on government pensions and allowances as their main source of income (ABS, 2014). The long-term effects of structural disadvantage experienced by women, such as lower pay, fragmented employment patterns and minimal superannuation funds, result in 'accumulated poverty' for women in later life (Australian Human Rights Commission, 2009; Cameron, 2013; WHIN, 2013) and contribute to the increase in homelessness among older women (McFerran, 2010; Petersen & Parsell, 2014). Family violence is also a major cause of financial hardship for women (Braaf & Barrett Meyering, 2011), as most women leave abusive relationships with few or no financial resources as a result of financial abuse. For a variety of reasons these women may be reluctant to pursue their entitlements through the legal system (Fehlberg & Millward, 2013). As a consequence, single parent families, predominantly headed by women, continue to be among the most financially disadvantaged groups in Australia (ACOSS, 2013; Branigan & Keebaugh, 2005).

2. Financial abuse is defined in a number of ways. This definition by Adams et al (2008) cited by McDonald (2012) and Corrie & McGuire (2013) is adopted as it succinctly outlines of some of the specific behaviours.
3. Financial abuse is a gendered issue – in an overwhelming majority of cases, men perpetrate financial abuse on their female partners. According to the Australian Bureau of Statistics (2013) women are three times more likely than men to experience intimate partner violence in their lifetime, with women making up 76 per cent of those who have experienced family violence.

Understanding financial abuse is critical to improving women's financial security – to prevent it from occurring, to recognise it when it does occur and, importantly, to support women who have experienced this form of abuse to access their full financial entitlements when they leave the relationship. Financial abuse in intimate relationships is a complex issue, deeply embedded in social, gendered and personal norms and values. This makes it difficult to identify, as historically it has been invisible in family law and family violence policy. More recently, financial abuse in the context of family violence has been explicitly recognised as a form of intimate partner abuse in most state legislation and, since 2012, in commonwealth family law.⁴ Yet financial abuse remains poorly understood and often unacknowledged, even among the many women who experience it.

The findings of this research provide further evidence of the detrimental impact of financial abuse on women's lives. All the participants experienced a significant drop in their household income post-separation and most continue to experience financial hardship and insecurity, although a number were positive about being more in control of their financial matters post-separation. The majority of women interviewed have 'sexually-transmitted' debt (Fehlberg, 1997) caused directly or indirectly by their former partner, and many have found it difficult to find work and affordable housing after leaving their relationship. The psychological, emotional and in some cases physical abuse that accompanied the financial abuse has had a profound impact on all the women who contributed to the research and their descriptions of this provide valuable insights into our understanding of this complex issue. Most notably, the overwhelming majority describes their experience of ongoing financial abuse in the legal, child and income support systems as the most difficult, emotionally debilitating and costly aspect of their lives. As they are required to interact with these institutions for their financial security, the powerlessness and vulnerability they experience replicates, for many, the loss of control and abuse they experienced in their relationship.

Section one of this report provides a brief overview of the literature and the contemporary legal framework of financial abuse in the context of family violence in Australia. In section two the project objectives, methodology and demographic profile of the participants are outlined. The research findings are discussed in sections three, four and five: section three examines the nature and impact of financial abuse on women at an individual level in their intimate relationships and section four sets out how the financial abuse of women is perpetrated through the legal, child and income support systems post-separation. In section five, important information types and sources, as identified by the participants, are discussed. The final section of the report outlines the key issues and makes a series of recommendations based on recurrent themes in the research findings.

4. This report predominantly uses the term 'family violence' as it is used in the Commonwealth legislation and the legislation of most other jurisdictions, including Victoria. The focus on 'family' reinforces the impact on children of intimate partner violence as well as acknowledging the different cultural contexts in which it occurs. However, the term 'domestic violence' is also commonly used and the report uses both terms interchangeably and together at times.

1

SECTION ONE

BACKGROUND AND POLICY CONTEXT

This research project evolved from earlier work on Women's Financial Literacy (2007) and Young Women and Money (2010) by WIRE Women's Information. In 2012 WIRE designed a training program to inform and advise women about financial abuse. It attracted professionals and service providers – but few women with personal experience of financial abuse attended these sessions. It was unclear whether this was due to a reticence by women to publicly identify with the abuse or simply because they did not recognise the concept and terminology of financial abuse in their situations. Despite this, anecdotal evidence from WIRE's telephone support service, and a growing body of literature on the issue, indicates that financial abuse in intimate relationships is widespread and pervasive, and that it has serious short-term and long-term negative consequences for the financial well-being of women and their children.

A woman leaving a financially abusive relationship is likely to have few financial resources; in many cases, she will have debts accrued by her ex-partner and face immediate difficulties finding and maintaining secure accommodation and providing the basic essentials for herself and her children.

A woman leaving a financially abusive relationship is likely to have few financial resources; in many cases, she will have debts accrued by her ex-partner and face immediate difficulties finding and maintaining secure accommodation and providing the basic essentials for herself and her children (Braaf & Barrett Meyering, 2011). If she has been prevented from working or studying during her relationship, it may be difficult to find work, as she may lack qualifications and experience – or the qualifications and experience she does have may no longer be relevant. Women who have experienced family violence may be reluctant to pursue their financial entitlements through the legal system post-separation for a variety of reasons. They may be fearful of their former partner and choose safety over property; they may lack confidence and/or feel they do not have the necessary skills and/or be daunted by the costs involved in legal proceedings and/or they may be unaware of their financial entitlements under the law. Women who have experienced family violence, including financial abuse, are more likely to do poorly in financial settlements compared with those who have not (Fehlberg & Millward, 2013; 2014). These factors can result in a lifetime of financial hardship for many women and their children.

Prior to Branigan's research in 2004, which specifically addressed the problem of financial abuse of women in the context of family violence, little was known about the issue. In the decade since, financial (or economic) abuse has been explicitly recognised as a form of family violence in the

legislation of most Australian jurisdictions. In 2008, in response to the comprehensive review of family violence laws in Victoria (VLRC, 2006), the Victorian Family Violence Protection Act was enacted, which includes a detailed definition of economic abuse and a long, but non-exhaustive list of specific examples. This follows similar legislative changes in Tasmania and the Northern Territory in 2007. In 2009 South Australia and more recently Queensland also amended their legislation. The Commonwealth Family Law Act 1975 was amended in 2012 to provide a new definition of family violence that includes, among other changes, reference to financial abuse, although it is a less specific definition than laws in other jurisdictions. The findings from this research show that the law is well ahead of public awareness and understanding of this issue.

1.1 Overview of financial abuse literature

The link between women's financial security and their financial literacy is now well established (WIRE, 2007, 2010; Landvogt 2008; Russell, Banks & Dilorio, 2013) but research on the nature and impact of financial abuse on women's short- and long-term financial status remains relatively limited. The report by Branigan (2004) with the Coburg Brunswick Legal and Financial Counselling Centre drew attention to the issue of financial abuse and its impact on women's lives. As well as describing the behaviours common to this form of abuse, the report identified 'men's misuse of bureaucratic procedures designed to mediate the relationships between family and money' – specifically, the courts, Centrelink, the Child Support Agency and banks. Other Australian research has included financial abuse as one component in the spectrum of behaviours associated with family violence. In Evans' study in 2007, *"Battle-scars: long-term effects of prior domestic violence"*, 80 per cent of the research participants experienced financial abuse as an aspect of domestic violence. Evans points to this as the key factor in their lack of confidence and competence in basic money management post-separation and consequent financial insecurity.

In *"Seeking Security: promoting women's economic wellbeing following domestic violence"*, Braaf and Barrett Meyering (2011) outline a number of areas in which domestic violence impacts on women's financial security and recommend intervention strategies to address this. Financial abuse within relationships and post-separation is one of the factors covered in the report. Financial counsellors at Good Shepherd Youth and Family Service also canvassed the issue, reporting on case studies from their clients (Fraser, Hunter & Borrell, 2011). The series of publications produced by Good Shepherd Youth and Family Service and Kildonan UnitingCare, *"A Spotlight on Economic Abuse"*, which include a literature and policy review (Macdonald, 2012), research report (Corrie & McQuire, 2013) and issues papers, draws on consultations with service providers and experts across the sector. Other recent projects focus on information and training around the issue of financial abuse (Marsden, 2012; Women's Health Goulburn North East, 2012).

With the exception Branigan's research (2004), there have been no Australian studies that have focused specifically on financial abuse and drawn directly on the experiences of the women themselves. In the United Kingdom (Sharp, 2008) and the United States, there is growing academic interest in building an empirical understanding of financial abuse (Adams et al, 2008; Potmus et al, 2012;) and how it relates to other forms of abuse (Stylianou, Potmus, & McMahan, 2013). As with the Australian research, these studies focus primarily on women from socially disadvantaged backgrounds and recruit their research participants through domestic violence services.

This project adds to the body of knowledge about women's experience of financial abuse by providing detailed analysis in the contemporary context of a decade of reforms to legal, child support and income support policy. Importantly, through the experiences of research participants from across the social spectrum, including women from middle- and higher-income groups, it provides additional insight into the issues integral to financial abuse. Unlike previous studies, this research captures the stories of women who, prior to this study, did not view their experience in a context of family violence or financial abuse, and therefore had not accessed domestic violence services.

1.2 Defining financial abuse: hidden in gendered social norms and values

Financial abuse is a complex issue embedded in a web of gendered social behaviours, values and beliefs. These powerful cultural norms inform attitudes to gendered roles within relationships, and money and financial control are potent examples of this. Dominant gender stereotypes perpetuate the notion of men as ‘breadwinners’ with the implicit right to be financially autonomous, despite the fact that women now make up around 60 per cent of the Australian workforce (WGEA, 2013). These gendered assumptions lead to the belief that men are inherently better money managers than women, and should therefore have control of the household finances. A corollary of this is a view, reinforced by advertising, that women are disinterested at best or incompetent spendthrifts at worst, when it comes to finances. All this, and the fact that women are overwhelmingly the primary carers for their children, creates a social dynamic in which there is a ‘natural’ gendered division around household finances. Into this mix add the cultural belief that money is a private matter, and social expectations about love and trust in intimate relationships, and a perfect environment is created for financial abuse to be normalised and rendered invisible at both an individual and community level. Indeed, a 2009 survey of community attitudes found that one in four Australians did not recognise financial abuse, specifically “controlling a partner by denying them money”, as a form of domestic violence (Victorian Health Promotion Foundation, 2010).

For this reason, it is important to be explicit in defining financial abuse. Drawing on the Victorian *Family Violence Protection Act 2008*, financial (or economic) abuse is behaviour that is ‘coercive, deceptive or unreasonably controls another person without [their] consent in a way that denies that person economic or financial autonomy the person would have had but for that behaviour; or by withholding or threatening to withhold the financial support necessary for reasonable living expenses of a person or [their] child if the second person is entirely or predominantly dependent on the first person for financial support to meet those living expenses’.

The Act sets out specific examples. Given a general lack of understanding about the issue, these examples are usefully included in full here:

- coercing a person to relinquish control over assets and income;
- removing or keeping a family member’s property without permission, or threatening to do so;
- disposing of property owned by a person, or owned jointly with a person, against the person’s wishes and without lawful excuse;
- without lawful excuse, preventing a person from having access to joint financial assets for the purposes of meeting normal household expenses;
- preventing a person from seeking or keeping employment;
- coercing a person to claim social security payments;
- coercing a person to sign a power of attorney that would enable the person’s finances to be managed by another person;
- coercing a person to sign a contract for the purchase of goods or services;
- coercing a person to sign a contract for the provision of finance, a loan or credit;
- coercing a person to sign a contract of guarantee;
- coercing a person to sign any legal document for the establishment or operation of a business.

Since 2012, the Commonwealth *Family Law Act 1975* (Cth) has included a revised and significantly broader definition of family violence: ‘violent, threatening or other behaviour by a person that coerces or controls a member of the person’s family, or causes the family member to be fearful’. Financial abuse is described in two examples of family violence as ‘unreasonably denying the family member the financial autonomy that he or she would otherwise have had’ or ‘unreasonably withholding financial support needed to meet the reasonable living expenses of family member or [their] child at a time when the family member is entirely or predominantly dependent on the person for financial support’.

Importantly, by removing the previous requirement that any fear experienced by the victim of the violence must be deemed ‘reasonable’, this new definition allows for the victim’s perception of fear to be sufficient reason in law. However, as others have noted (Fehlberg & Millward, 2014), the family violence amendments to the *Family Law Act 1975* (Cth) are directed towards parenting rather than financial disputes. This has particular significance in cases of financial abuse during the relationship and post-separation, i.e., the notions of dependency adopted in

the examples become highly contestable in the family violence context, as these research findings illustrate. For example, if a woman agrees to put all her salary into a joint account over which she then has no control, because her partner has made her feel that to do otherwise would undermine the relationship by signalling a lack of commitment, love and trust, does this make her 'entirely or predominantly dependent' on her partner? If a woman is coerced into giving over her financial autonomy with promises of love and threats of losing the relationship only to lose all her savings and financial assets through his exploitative behaviours, is this a matter of individual choice or a case of financial abuse? This research reveals the breadth and complexity of financial abuse in a range of different settings that do not necessarily conform to predominant understandings of family violence. It highlights the need for an increased understanding of the nature and impact of financial abuse in intimate relationships in legal and broader social contexts.

2

SECTION TWO

RESEARCH AIMS AND METHODOLOGY

In seeking to gain a better understanding of and insight into the challenges and barriers to financial security facing women, this report draws on the stories of women who have experienced financial abuse as told through a series of focus groups and individual interviews held in metropolitan Melbourne and regional Victoria. An online survey was conducted through the WIRE Women's Information website. In all, more than 200 women contributed to this research.

2.1 Project aims

The broad aims of the project are to examine the immediate and long-term financial outcomes for women enduring financial abuse and to address issues of social and economic disadvantage and discrimination experienced by women.

Specifically, this project aims to:

1. build knowledge and understanding of the nature and impact of financial abuse and how this affects women's actions in claiming their full financial entitlements;
2. identify actions and strategies to reduce barriers to accessing financial entitlements, increase women's access to information and facilitate timely action, thereby improving long term economic outcomes for women and children;
3. increase support for and understanding of the issues faced by women who have experienced financial abuse, including information about the link between pursuing financial entitlements and the short- and long-term economic consequences for women and their families; and
4. identify new strategies for improving women's access to information and support, thus enabling women to make informed choices about pursuing their financial entitlements after separation.

2.2 Methodology

The project used action research methodology to explore women's experience of financial abuse in intimate relationships. Principally, this approach draws on the insights, knowledge and experiences of the participants with the aim of affecting social change. Through a continuous feedback cycle during the research process, the findings inform and change practice and drive action on the issue (Kemmis & McTaggart, 2005).

The need for the research emerged out of anecdotal evidence from WIRE's telephone support and referral service, which highlighted the prevalence of financial abuse among callers to the service. Through talking to callers and the women who accessed WIRE's services, it was apparent most women who had experienced financial abuse didn't identify with the term. It became evident that research was needed to ensure women had access to useful, relevant and accessible information about the issue and how to address their situation.

As part of the action research process the preliminary findings from the focus groups were fed back to WIRE staff, who have provided input throughout the project. Through this process, an information booklet: *'Money problems with your partner? Dealing with financial abuse'* was developed. Many of the women who participated in the research have provided valuable feedback to the project, commenting on drafts of the online survey and also making themselves available to the media to increase public awareness of the issue. During the course of the project, the researcher was also a member of the Women's Health In the North (WHIN) advisory group, for their financial abuse short film project.

The project has two research components: the collection of qualitative data through focus groups and individual interviews and quantitative data through an online survey that was live for three weeks in March 2014. Focus groups were held over a five-month period from November 2013 to March 2014. During that time, a series of 12 focus groups and six individual interviews were held in metropolitan Melbourne, Bendigo, Wangaratta and Geelong. In total, 59 women participated in the qualitative component of the project. There were 145 completed responses to the online survey. Interviews were also conducted with professionals working in the sector, including family and family violence protection law, child support, domestic violence support and women's health. The findings from the focus groups and interviews informed the development of the survey questionnaire. The survey was used to validate the qualitative research findings.

Because the project specifically sought the experience of women from across the social spectrum, including those who did not have contact with domestic violence services and may not immediately identify with the term 'financial abuse', a specific recruitment strategy was adopted. A flyer advertising the focus groups was developed (based on current literature and consultations with service providers). The flyer avoided the term 'financial abuse', using instead statements indicative of financial abuse through which women might recognise their own experience (*Appendix A*). The flyer was disseminated through WIRE Women's Information's extensive networks, including women's organisations, education, legal and community service providers and advocacy groups. The project was also advertised through mainstream and social media. A similar approach was adopted to advertise the online survey, which attracted participants Australia-wide.

The only eligibility criterion for focus group participation was a personal experience of financial abuse in an intimate relationship. Interested women were asked to contact the researcher, who followed up with a telephone conversation to assess eligibility. All but three were deemed eligible to attend, despite many women initially doubting whether their experience was financial abuse in the preliminary conversation. Many callers commented that the statements on the flyer had resonated with their own experience.

The focus groups were intentionally small, with no more than six women attending each of the groups. This ensured that each participant had an opportunity to share her often complex and always deeply emotional story. The small focus group method creates a safe, supportive conversational environment that encourages people to speak about sensitive personal experiences. The use of semi-structured questions in an interactive discussion allows individual experiences to be contextualised and for issues to arise spontaneously. Importantly, it allows for advice to be shared and support to be provided among the group (Onwuegbuzie et al, 2009:2). Consistent with an action research approach, these personal benefits for the participants were a priority in the research project design and the positive results were evident in all of the focus groups. The use of the focus group method is a further point of difference from other research on this issue; individual interviews and surveys are the research methods used in the international and earlier Australian research.

The researcher facilitated the focus group discussions with a research assistant, who managed the process of recording, taking notes and supporting the participants. The focus groups ran for approximately two hours and the individual interviews around one hour. All participants received a \$30 gift voucher. The focus groups and individual interviews were audio-recorded and transcribed verbatim by the researcher and research assistant.

2.3 Research questions

The semi-structured interview schedule used in the focus groups was developed in consultation with service providers and the project reference group. This schedule was adapted and modified as the research progressed. The key research questions were:

1. What is your experience of financial abuse in your intimate relationship and post-separation?
2. What is your financial situation post-separation compared to prior to entering the relationship?
3. What are the challenges and barriers to accessing your financial entitlements, eg. property settlement, child support and income support?
4. What sort of information is most useful to identify financial abuse, navigate the legal, income and child support systems?
5. To increase women's awareness and understanding of this issue, what words, terms or expressions best describe your experience of financial abuse?

The online survey used the web-based survey tool Survey Monkey and was developed from focus group data, interviews and financial abuse literature. WIRE staff, the reference group and four focus group participants provided feedback on various drafts. Finally, the survey was tested online by a further four research participants. The survey was live for three weeks from 11 March to 1 April 2014. It was promoted widely through WIRE networks in Victoria, as well as other women's networks and media outlets with a national audience.

2.4 Data analysis

The transcripts from the focus groups and individual interviews were subjected to a thematic analysis through careful reading and manual coding of the data. To increase the validity of the analysis, both the researcher and research assistant conducted this process, which included identification, cross-checking and discussion of emergent and recurrent themes. The analysis and discussion of the research findings makes extensive use of participants' quotes and, in so doing, names and identifying details have been changed to maintain anonymity and respect confidentiality.

2.5 Limitations of the study

All the women who participated in this research are self-selecting and are therefore not presented as a representative sample. The focus group and interview participants self-identified as having experienced financial abuse, and in registering for the face-to-face components of the research were assessed as eligible by the researcher. No verification process was possible for the quantitative data. The women who took part were at various stages of post-separation, and a small number (two women in the focus groups, 30 in the survey) were still living in financially abusive relationships. The length of time since separation varied from less than six months to more than 10 years; some participants had finalised their financial and parenting arrangements, others were in the midst of the process and others had yet to start. This means the findings do not provide a snapshot of the current time but rather reflect the system over time.

The online survey questionnaire was developed with the purposes of validating the focus group data; finding out more about women's experience of financial abuse and their encounters with legal, child and income support systems post-separation, as well as providing an educative tool about financial abuse. Indeed, a number of survey participants commented that reading the survey was the way they first realised they were experiencing financial abuse in their relationship. The responses of the 145 women who completed the survey add further depth to this emergent picture of financial abuse in the community. Many survey respondents wrote illuminating comments that are used in the report. The survey is not presented as a statistically relevant measure of either the incidence of financial abuse or its impact in the community.

2.6 Demographic profile of research participants

The ages of the participant ranged from 21 years of age to older than 64. In the focus groups, the age range was near-equally spread between the 17-44 age group (47 per cent, with just two participants younger than 25) and the 45 years and over group (53 per cent). Survey respondents were more likely to be in the older age group, i.e. 45 years and over (68 per cent), with 32 percent in the 25-44 age group.

More than half the focus group and survey participants (55 per cent) hold tertiary degrees, including 27 per cent with post-graduate qualifications. Approximately 60 per cent are employed in full time or part-time work; a further seven per cent have casual work. A relatively small number of participants (13 per cent) identify as full time parents involved in home duties; fewer than 10 per cent are looking for work and six per cent are students. A detailed demographic profile of the research participants, including housing, household income and period since separation is provided in *Appendix B*.

The women who took part in the research come from across the employment spectrum and in that sense are representative of a cross-section of Australian society. The participants work or have backgrounds in a diverse range of occupations, including nursing, social work, teaching, public service, community work, hairdressing, beauty therapy, childcare, policing, office administration, occupational therapy, workplace training, forensic accountancy, writing and acting and aged care. There are lawyers, a chiropractor, a manager of an oil and gas firm, doctors, academics, a musician, health workers, a speech pathologist, an international agency staffer, a hypnotherapist, child protection workers, a landscape architect, a scientist, a cleaner, a small business owner, a senior policy officer, a mediator, an artist, a foster carer and librarians among the survey respondents.

2.6.1 Focus group and individual interview participants

In all, 59 women participated in the qualitative component of the project, 55 in the focus groups and four in individual interviews. Two Aboriginal and Torres Strait Islander women took part and nine of the women were born overseas, from countries including India, Malaysia, Burma, South Africa, Spain and Germany. One woman had a female ex-partner. All but two participants had separated from their ex-partner. Forty-seven women, approximately 80 per cent, identified their relationship status as single, divorced or separated. Nine of the participants had re-partnered and one was a widow. Almost all the focus group participants had children (92 per cent) and of those, two-thirds (66 per cent) had dependent children. While around half of the women had one or two dependent children, two focus group participants had five children in their care.

2.6.2 Online survey participants

The online survey was completed by 145 participants. Of these, 30 are currently in a relationship with a financially abusive partner. More than three-quarters of the survey respondents (78 per cent) were born in Australia and the majority (86 per cent) had male partners, 12 percent had a female partner and three (2 per cent) respondents had intersex partners. More than half (55 per cent) identified their current status as single, divorced or separated and approximately one in five (21 per cent) had re-partnered. As with the focus group participants, the overwhelming majority had children (91 per cent) and 57 per cent had dependent children. Half the respondents were from Victoria, 16 per cent from New South Wales and 14 per cent were from Queensland. The remaining 20 per cent came from the other states and territories.

The women who took part in the research represented a cross-section of employment backgrounds in Australia: nursing, social work, teaching, public service, community work, hairdressing, beauty therapy, childcare, policing, office administration, occupational therapy, workplace training, forensic accountancy, writing and acting and aged care.

THE NATURE AND IMPACT OF FINANCIAL ABUSE IN THE CONTEXT OF FAMILY VIOLENCE IN INTIMATE RELATIONSHIPS

3.1 The nature of financial abuse

Financial abuse in the context of family violence involves a range of different behaviours. The ‘economic abuse wheel’, a model developed by Sharp (2008), specifies coercion, threats, intimidation, use of male privilege and economic power, emotional abuse, isolation, minimising, denying and blaming and using children as a means to exert power and control over a partner in relation to finances. Similarly, Adams et al (2008) provide an analysis of behaviours in a ‘scale of economic abuse’ that elaborates on the impact of coercive control in family violence situations. Typically, the behaviours fall into two categories: 1) highly controlling behaviours, such as preventing a woman from having access to money or financial independence through covert and coercive means, including employment sabotage or 2) exploitative behaviours, whereby a woman is coerced or intimidated by her partner into taking full responsibility for their joint expenses, including payment of all household expenses and accruing debts on his behalf (Adams et al, 2008; Potmus et al, 2012). The experiences of the women in this research comprised a range of financially abusive behaviours across the spectrum.

The survey respondents were asked to identify how often they had experienced different behaviours from a list of 17 recognised forms of financial abuse. Almost four in five women reported that their former partner ‘often’ kept his financial affairs a secret. More than half said that their partners had ‘often’ controlled their finances and monitored their spending. This is consistent with results from international studies that found that the most common forms of financial abuse were exclusion from financial decision-making, controlling household finances and being treated as incompetent regarding economic matters (Adams et al, 2008; Potmus et al, 2012). Table 1 shows the behaviours reported as occurring ‘often’ by the survey respondents, ordered from most commonly experienced to the least commonly experienced.

These behaviours illustrate the two distinct patterns of financial abuse: highly controlling and exploitative, with the former the most common. This is consistent with the patterns of abuse described by the women in the focus groups. Most reported that their former partner had been secretive and had excluded them from decision-making about financial matters. Their former partners were typically highly controlling with money and monitored their spending. As the following comments illustrate, many women had no knowledge of how or where their household income was spent.

TABLE 1:
Behaviours of ex-partners or current partners that respondents experienced ‘often’
[n=125] ⁵

Kept his financial affairs as secret	79%
Excluded you from or ignored your opinion on major financial decisions	62%
Made you feel you were not capable of managing money	60%
Insisted on controlling all the household finances and assets	54%
Monitored all your spending	50%
Refused to pay or help with childcare	49%
Made you put all your income into a joint account or his bank account	47%
Refused to pay child support	47%
Put your name on all the utilities bills – electricity, gas, water	46%
Would not contribute to household expenses	36%
Did not allow you to use or limits your use of a car	34%
Prevented you from working or studying	33%
Stole your money	28%
Insisted you show him all the receipts from your shopping	26%
Refused to work	22%
Refused to put your name on the property title	19%
Used your name to take out loans or borrow credit	15%

“And it wasn’t until we were doing the property settlement and we had to go through the courts and my lawyer kept saying, ‘Where’s all the money? Why is there no money? Your ex-husband is in the top five percent of earners in the country, you know, why is there no money?’ But we were desperately poor... I’d always been desperately poor all my life so it wasn’t an issue. You know what I mean, it was normal for me and it wasn’t till the lawyer kept saying ‘where’s all the money?’...”
(Heather, 55, three children, Melbourne)

“Financially, he never contributed anything to the marriage, I brought in 100% at the start, he brought in his doona. And during the marriage it was up to me to cover all living expenses, all bills and so on and whatever money he earned it just didn’t make it home. I have no idea where it went.”
(Susan, 53, four children, Melbourne)

In the following sections, the women’s stories offer detailed insight into these different patterns of financially abusive behaviour.

5. The percentages here refer to the 125 respondents answering this question who had left their relationship. The 31 respondents, who were still in their relationship, ordered these behaviours slightly differently, but identified these as overwhelmingly the most commonly occurring forms of financial abuse.

3.2 A profile of the men who are financially abusive – controllers, exploiters and schemers

The focus group discussions highlighted the same distinctive patterns of abusive behaviours as revealed in the survey: men who were highly controlling and those who eschewed all responsibility. There was also a third group of financial abusers: the schemers, the men who had a specific plan to systematically steal the woman's financial resources and leave.

While each type engages in financial abuse of their intimate partner, the objective of the schemer is different from those of the controllers and exploiters. Whereas the controllers and exploiters use financial abuse as one in a range of behaviours to control their partner and get their needs met within the relationship, the primary goal of the schemer is to use the relationship to take her money and assets and leave. Research participants who had been financially abused by schemers reported that post-separation they could see that their former partner's sole motivation had been to take their savings and assets. Notably, one in five of the women in the focus groups reported that their former partner was a gambler, a fact of which they only became aware well into the marriage. The gamblers variously employed highly controlling, exploitative or scheming patterns of financial abuse of their partner.

The occupations of the former partners of the research participants are diverse, reflecting income ranges from across the social spectrum. They include financial advisors, accountants, bank managers, lawyers, doctors and medical specialists, chiropractors, engineers, teachers, academics, trades workers (electricians, plumbers, carpenters) and labourers, technicians, small business owners, construction industry workers, property developers, business managers, military personnel, pilots, flight instructors, musicians, and taxi drivers. There are men who work in the mining industry, in the retail sector and in advertising as well as a member of parliament, a yacht-builder, a journalist, a school chaplain and a public servant. Some former partners were unemployed. This diversity underpins the fact that family violence occurs across the community and that financial abuse is pervasive and widespread. The former partners of the focus group participants were most likely to be self-employed, in small business or the finance, construction or property development sectors.

A number of women in the focus groups had former partners who worked in the finance sector. This created a particular dynamic in which the men assumed their knowledge and qualifications gave them the right to manage the household finances. These women were also more likely to trust that their partner knew what he was doing with the family's finances, despite the fact his expertise was also used to dismiss attempts by the women to query or challenge financial matters.

3.2.1 The Controllers: “It seems the men want the power and the women just trust. It's a recipe for disaster.”

The majority of women in the focus groups had been subjected to financial abuse by highly controlling men. These men used a combination of psychological and emotional abuse, as well as the threat of physical violence, to maintain their absolute power over their family and the household finances. While 21 women in the focus groups (36 per cent) had also experienced physical or sexual violence in their intimate relationship, the other forms of control were demonstrably equally powerful.

One in four survey respondents reported that their former partner had ‘often’ ‘insisted you show him the receipts from your shopping’, and almost one in five said it happened ‘sometimes’. The focus group participants also said this form of behaviour routinely occurred. They reported that their ex-partner typically insisted on doing the grocery shopping with them, controlling their purchases and monitoring their spending. As illustrated in the comments below, the women found this intensely humiliating and demeaning.

“Then he said, ‘You are not doing any shopping’ and I would be in tears, tears would be streaming out and I would be like, ‘Why are you doing this to me? I am the mother of your children, I am a good wife’, and then he would say, ‘You can go down to the supermarket’. He would tell me which one; he would go off to the football for the morning to watch his nephews and I would have to wait for him at the supermarket. He would go through the trolley and he would pull out everything that I wasn't allowed to have for the children, like wipes, and he would say, ‘What do we need this for?’ in front of

people and I would be embarrassed, humiliated, in fear all the time. And then he would say, 'I'll take the kids, you take the shopping' and I was so frightened because his behaviour was so erratic and so controlling. You want to run but you don't know where you are going to go and you are thinking this is just completely ridiculous, like it's not normal, is it? Is it normal?"

(Louisa, 45, three children aged 9, 7 and 6, Melbourne)

"Wouldn't allow me to do the grocery shopping. If I did he checked the receipt, used a highlighter pen on all the 'wrong choices' and belittled me in front of the kids."

(Survey participant)

"I wasn't allowed to do the shopping because I spent too much money apparently. He did it. I wasn't allowed to do the grocery shopping but I had been on my own since I was 15 so I was always very, very sensible with my money."

(Deborah, 50, beauty therapist, five children, regional Victoria)

"When we were married he had a book and he used to write down what I spent to try to keep me to a minimum budget. He wouldn't give me too much petrol money so I wouldn't be able to see people. I couldn't even get to my mum's to see her."

(Leanne, 39, IT specialist, regional Victoria)

Although most women said their former partner used threats or actual physical violence or verbal abuse to control them, others experienced more covert forms of abuse. Here, Rosemary describes her experience of financial abuse at the hands of her husband of 30 years. While he never shouted or threatened her, his controlling behaviours included reviewing receipts from Rosemary's spending, failing (or 'forgetting') to show her the bank statements when she asked, blocking her access to their joint accounts and making her feel guilty about money that she spent. As the following statement illustrates, he undermined her confidence and self-esteem without being physically or even verbally abusive. His control in the relationship was absolute.

"He wasn't a gambler. He certainly wasn't having it off with some other woman because he was always right there. I stopped going to church and he stopped going because he missed me. No, I know he wasn't off spending it on something else but equally, I wasn't allowed to spend. It was just control I think. It wasn't that he wanted the money. He got me thinking I couldn't do a thing. I came into this relationship confident as anything. I was teaching adolescent boys and girls [commerce and economics] and at the end of the relationship I could scarcely drive myself anywhere. I could scarcely do a thing, he'd talked me right down ... I mean, it was never 'you bloody idiot, you can't do a thing', it was always, 'I'll do it, you'll find it too hard.' And of course, everyone thinks he is the greatest man on earth and I'm the bastard for leaving him. I've lost everything. Friends? I've got no friends."

(Rosemary, 56, had been married for 30 years to her ex-husband, a company director, Melbourne)

3.2.2 The Exploiters: "My partner makes me spend my money on him, then he spends his money on him."

A number of women describe being financially exploited by their former partner. These behaviours included refusing to work, contributing nothing and expecting that she would pay for everything regardless of the size of her income. These men would commonly insist that their partner take full responsibility for the household finances and then use anger and threats of physical violence to ensure that he got whatever he wanted, regardless of his partner and children's needs.

"He insisted I handle the finances, but abused me if money wasn't available when he wanted it."

(Survey respondent)

“It was just all really stressful because he wanted to spend money on what he wanted to spend money on and I struggled to have money for the kids. He was always spending. My neighbour over the road used to call it his ‘hobby de jour’. You know this year it’s a yacht, another year, it’s an old Rover car that needs fixing up and this year it’s the home gym. We were struggling, you know. I wasn’t working and we had three little kids but it was all for him. He still puts himself first above the kids, still.”

(Anita, 53, three children, one still at home, Melbourne)

“In both relationships, I was in control of the money, it all went into my account so in both relationships they could say, ‘but you do the money’. I’m a confident person; I like to be in control of my life, I like to know what is happening. And so I had it, this is the budget; this is where the money goes. But then when things went wrong – like with my first husband when he wanted a new boat or a new piece of equipment or a new television, then he would yell and scream and make me find the money somehow. We ended up in a whole load of debt because even though we had the budget and we stuck to the budget, when he wanted something, I’d sign anything just because I can’t deal with him. Second husband, pretty much the same [but] there was the threat of physical violence. With my first husband, I wanted to be a good wife. It was a 10-year relationship. I met him at school. I wanted to be a perfect wife. I did all the right things. I would have done anything to please him. I had two children with him, they’re 9 and 11.”

(Christa, 38, regional Victoria)

Ellen’s Story

One woman who attended a focus group in Melbourne had experienced financial abuse at the hands of her older same-sex partner. Ellen’s story illustrates how exploitative financial abusers use vulnerability, love and trust to exert power and control around money. Ellen, now 23, had grown up in a difficult family environment that resulted in her being homeless and financially independent from the age of 16.

“And then at 18 I met the woman that I was going to be in the relationship with where it went to shit financially. She was a bit older than me. She had a house, I could move in. There was a stability there that I hadn’t had for a number of years so things merged quickly which is a stereotype of lesbians, but it’s true. Things became very tight very quickly and again I was sort of in a vulnerable position because I was earning money and quite stable but I was handing a lot of it over to her. ‘You are living here you should contribute to the bills and the rent and whatever’ and I was OK with that but I was probably giving more than what I was able to. She was working full time in a decent job; I was studying and living on Centrelink. And it became more and more of her being like ‘you should pay for this; let’s get this contract but you put your name on the contract for a phone and bills’. There is a logic to the bill thing because if you have a healthcare card the bills are cheaper so she said ‘you put your name on the bills, you put your name on the lease’, that kind of stuff... when it deteriorated I had all these links to her in the sense that I had signed up financially for a lot of things... [I came] out of it with a fair bit of debt and a fair bit of emotional and physical scarring. I was in a shitty situation when I went in and I was in a shitty situation when I went out.”

(Ellen, 23, Melbourne)

3.2.3 The Schemers: “He lied about his financial situation; my money was just gone, he’d siphoned it.”

A number of the women who took part in the focus groups and individual interviews told stories of financial abuse in which they were the victims of deliberate and, they believed, strategically planned schemes to steal their money. They talk about being conned by charmers and dangerous narcissists, but predominantly they talk about their desire to love and trust and to be fair, which blinded them to systematically manipulative behaviours.

Anita left a 17-year marriage in which she was financially controlled and quickly became involved with a man who, over a six-year relationship, took all the money and assets she had.

“I met this guy on the internet. It was a false relationship and all he was ever after was my money and my lifestyle. So he’s taken all my money and he’s taken the business. You know, it’s devastating what’s happened. You know we got engaged very quickly and he moved in very quickly. But I was generous. I paid off all his debts. I know now, but I couldn’t think any other way. I wanted to help him. We got engaged and we set up a business together. We rented together and I paid all the rent. I got \$160,000 from my property settlement and that’s all gone now because I put \$60,000 into the company to start it off and I paid \$30,000 of his debts off. And I paid rent for three years, so now it’s all gone. I paid for all the groceries; all the living expenses. I think I was stupid. I was stupid.”
(Anita, 53, Melbourne)

A teacher before her marriage, Anita’s first husband stopped her from working when their children were born, but she developed several successful cottage industry businesses from home so that she had money to buy the things her children needed. Anita is now attempting to recover some of her money by taking her recent partner to court. She is facing high legal costs, currently more than \$34,000, and considerable stress as she tries to uncover the extent of his financial exploitation. If she is able to sell the house they bought together, for which she pays the entire mortgage, she hopes to have enough left over to put a deposit on a small unit for her and her daughter, who still lives at home.

As she says: *“He’s still got the power. He can refuse to sign the papers on the sale of the house. And he’s been ordered to pay the mortgage but he hasn’t.”*

Emma lost her successful hairdressing business and all her savings after her relationship with a financially abusive schemer.

“I was completely financially secure and living the life I had always wanted to and was totally in control until about seven years ago I met a guy and began a relationship. During that relationship there was physical, mental and financial abuse. He completely lied about his financial situation but during the relationship it got to the point where if I asked about his situation he would just blow up. The financial abuse, the impact of that, I found out more about once the relationship was over. In that time he was siphoning money; he gambled...it’s hard to tell, like Lynn said, ‘where did all the money go’. But yeah, he just dismantled me in every way. I ended up at the end of the relationship – I finally got away – I ended up with nothing but financial debt. I had a business. I lost that too. I lost my home, my business, most of my friends. I didn’t have the knowledge or the strength to fight him in court nor did I have the support of family.”
(Emma, 38, student, hairdresser, Melbourne)

Margie’s ex-husband, an accountant, transferred all their family finances into a secret account when he began planning to leave her for his best mate’s wife, so that, according to Margie, *“they had enough money for when they left for their little family”*. He refinanced their mortgage without her knowledge just before he left. Margie had a newborn baby at the time. Despite her frequent queries about their finances, she was fobbed off and ignored.

“And it wasn’t till he left for the other lady, his friend, because you’ve got to go through settlement, all the pieces came together. Because I couldn’t figure out when I was pregnant, why are we doing this with the super fund? Why are we doing this and why are we doing that? ‘Oh don’t worry; it will take too long to explain to you. You don’t understand, you know, you’re not that way inclined.’ Now, I should have cut back and said, ‘No, I don’t want to get involved with an investment or with super if I don’t understand it’. But no, he’d just tell me bits and pieces and Dad said, ‘Oh that seems all right. He’s a partner in a business’.”
(Margie, 35, mother of two girls aged 3 and 5, just returned to nursing part-time, Melbourne)

Marilyn’s Story

Marilyn and her two children have been re-located to protect her from her violent ex-partner. She now lives in a regional city on income support payments while she tries to get a property settlement through the courts. Despite the extreme abuse she has experienced, Marilyn says she only wants to get back the money she took into the relationship.

“I’ve always done things myself, never needed to lean on anyone and yet, didn’t realise that I was in fact being abused. I thought he was different because he did own his own house and he was working. So he just wanted to retire and go ride bikes and do his own thing. I think I was almost his ticket to be able to do that but I didn’t know it until going through all the court cases I’ve just thought, oh crap, he knew what he was doing the whole time. So the house was bought in his name, well in both our names but from his money so it comes out of his account. I handed him the money to buy everything on the property, to do everything, to fix it up, turn it from a two-bedroom to a five-bedroom house. He got the builder’s license out of my money, did everything out of my money but there’s no evidence, there’s nothing to show it was my money. I was working until I met him, doing everything I had always done. I trusted him and it was like a plan. When I sold my house it was about \$135k, around that. He started getting violent once I started asking for my money back.”
(Marilyn, 42, two children aged 5 and 10, regional Victoria)

3.3 The social and gendered construction of financial abuse

Financial abuse is often difficult to identify, both within individual relationships and more broadly across the community. A complex set of social and personal beliefs, norms and values, including powerful gender stereotypes, combine to normalise and obscure financially abusive behaviours in intimate relationships. Unpacking this interaction of factors is critical to identifying financial abuse and understanding its effects. The context of family violence determines the difference between what in different circumstances might be considered ‘poor choices’ and the exercise of power and control in an environment of threats and fear, overt or implied. While a woman’s lack of power, or choice, in a relationship is central, other factors coalesce to influence that which is beyond her partner’s covert use of power and control, as demonstrated in the ‘economic abuse wheel’ (Sharp, 2008). Dominant gender stereotypes, gendered attitudes about money, cultural and personal expectations about love, trust and commitment in intimate relationships all exert a profound influence on individual beliefs and behaviours.

3.3.1 Financial abuse: the hidden form of family violence

Because of the normalising influences at play in these situations, many women do not identify their experience as domestic or family violence. Despite living in an environment full of threats and fear, many women in the research explained their difficulty identifying their situation as family violence because they were not physically harmed, as illustrated in the following comments.

"I actually thought I wish he would hit me and get it over with because then people would believe me, or you could show – it was more real... I thought I was intelligent but I just didn't realise the extent of the psychological abuse and the financial abuse side of it is just an aspect of the control and power."
(Serena, 52, two children, unemployed, former business manager, regional Victoria)

"It took a lot to identify myself in terms of family violence because that wasn't me. I didn't identify; I couldn't relate to that. But obviously there was the threat even from really early days of our marriage. I can remember in the early days he punched a hole in the wall."
(Jessie, 41, full time parent of her four young children, qualified teacher. As a result of ongoing financial abuse by her ex-husband she lives with her parents in outer Melbourne because she can't afford to rent. Her ex-husband is a school chaplain)

"I didn't realise I was in a financially abusive relationship until now – when I read what others have gone through in the article connected with the survey. I could identify with them."
(Survey respondent)

The majority of women in this study share a general lack of understanding about financial abuse, as discussed previously. Most participants in the focus groups and 67 per cent of survey participants did not identify their financial abuse until they had left the relationship and sought professional support. The survey data indicates that domestic violence support services were the most common source of information about financial abuse (38 per cent), followed by friends and family members (34 per cent). Fewer than one in five women found information on the internet, and a similar number reported they couldn't find any information about financial abuse at all. In comments on the survey, a number of women noted that the WIRE survey undertaken for this report and its accompanying article was the first time they understood they were experiencing financial abuse.

Similarly, women in the focus groups commonly reported this experience. In pre-registration phone conversations, the majority began their story by saying "I'm not sure if this is financial abuse...". The comment of one focus group participant reflects the few of the majority:

"Well, your little brochure, this little flyer here, when I read this it was like, this is me...and my friend picked this up and said, this is you." **(Michelle, 55, North West Tasmania)**

The flyer began with the following statements:

*He controlled all the money. I had to account for every cent I spent.
I trusted him with our money, now I'm left with all his debts.
When we got married I had some savings, a job and a car. The marriage is over and I've got nothing.
I don't care about the money. I just want to feel safe, get away and start again.
Sound familiar?*

Others found out about abuse from counsellors or domestic violence services. Christa's description highlights the powerful impact of dominant social ideas in normalising financial abuse:

"My second husband was physically violent as well and that's what took me to the crisis services for help and they said, 'I think there's financial abuse as well' and I went, 'Oh but my first husband did that!'. I thought that was normal. Men control things. They complain if they don't get what they want." **(Christa, 38, regional Victoria)**

And this comment by Rosemary, married for 30 years to a company director, illustrates how easily financial abuse is disguised:

"I didn't have discretionary spending until I was about 50 and the kids used to get pocket money which was discretionary and it used to annoy me and I couldn't work out why. [It was] because I had none." **(Rosemary, 56, administrative assistant, Melbourne)**

3.3.2 Personal beliefs about intimate relationships: love, trust and financial abuse

“And I know I contributed because I wanted to trust and I believe you should be able to. You shouldn’t have to be suspicious of a person you are in a relationship with.”
(Frances, 58, actor-writer, Melbourne)

The emotional potency of money is a common and powerful driver in relationships that sets up the framework for financial abuse. All intimate relationships are premised on beliefs about mutual and reciprocal love, trust and commitment. Most cultural marriage ceremonies, religious and civil, articulate and reinforce these values as an expression of socially sanctioned intimate partnerships. For the women in the research, trusting their intimate partner was an unquestioned element of a loving relationship. Trust was something they gave willingly and without reservation as part of their commitment to the relationship. This trust underpinned their belief that their partner would ‘do the right thing’ and act in their family’s best interests regarding financial matters. As previously discussed, this was particularly the case for a number of women whose former partners were involved in the finance industry, as accountants, financial advisors and bank managers, or if they held an economics degree. The discovery that this trust was misplaced and, in fact, used for financial abuse, was devastating, as the comments below illustrate.

“I put his name on [the property title] because you know, I love him, I want him to feel good and I want him to grow. And you know, of course, he is driving my car because it is so much better than his and he will feel better if he drives my car. And we put the car in his name, well, because I loved him. And I trusted him. I thought he loves me and he will look after me and he would never do anything to me.”
(Susan, 53, former small business owner now unemployed, four children, one still dependent, Melbourne)

Trust was something they gave willingly as part of their commitment to the relationship.

“So I just feel like a fool, really. I just feel for all the qualifications and experience I have, I was ignorant of it and kind of almost played the game, not even played the game, just watched from the sideline and it didn’t even occur to me. I trusted. I trusted. I gave over; I put both feet in the marriage. I did; I did.”
(Jennifer, 40, police investigator, Melbourne, her ex-husband is a chartered accountant and punter)

The following comment exemplifies the experiences of many of the participants, highlighting the way their trust was easily exploited by their financially abusive partner:

“When talking about where the money was going, he would get angry and say it was an open book and all I had to do was look at his cheque book and statements. But when I did, that would create further conflict that I didn’t trust him.”
(Survey participant)

3.3.3 Division of labour and gendered roles

Despite women now making up around 60 per cent of the Australian workforce, traditional gender roles still dominate the division of labour in Australian households. Women continue to provide the primary care of children, ageing parents and family members with disabilities (ABS, 2013) and this perpetuates the social norm that as the ‘breadwinner’ men are entitled to have control over the household finances. This ‘natural’ division of labour implicitly undervalues the caring work women do and privileges the economic capacity of men, contributing to the persistent 17 per cent gender pay gap (WGEA, 2014). These social ideas were powerful influences in the financially abusive relationships experienced by women in this research.

For most of the women in the research, their dual role of worker and primary carer for their family meant that they were ‘just too busy’ to pay attention to the household finances and were happy to allocate that role to their partner.

“The background with me and finance is that I have paid money, paid money, paid money – we’ve got two investment properties, but I have never looked at our finances because I am flat out with the labour; flat out with the cooking and the housework and the kids and driving and sport and work four days a week... and I’ve never looked at the finances.”

(Sally, 52, editor, three children, Melbourne)

“I handed my total self over to him. You know, I’m the wife, I’ll raise the kids; he’ll look after me. Wrong! Wrong! I was happy to let him look after things, make decisions, buy things, you know. He paid all the bills and so forth but in the background I never knew what was happening. Like he used to say to me how much he earned but I never got to see it. The accounts, I never got to see it. I never got the full facts.”

(Pauline, 55, Melbourne)

3.3.4 Fear, power, control and financial abuse

As well as exploiting the emotions of love and trust, many financially abusive men exercise power – and control over their partners through the threat or reality of anger, verbal abuse or physical violence. Over time, women become accustomed to avoiding confrontation or challenging their partner about financial matters in order to ‘keep the peace’.

While many women (21) who participated in the focus groups and interviews had experienced either or both physical and sexual abuse, the majority (38) had not. However, all the participants experienced psychological and emotional abuse from their former partner and all reported that the threat of physical violence or violent anger was a key factor not only in their choice not to tackle the financially abusive behaviours in the relationship but also in delaying their decision to leave. Many of the women who said there had been no physical violence in the relationship later recalled a single incident early on or violent acts around them, punching the walls or breaking things. All reported that their attempts to talk about money or to get information or question their ex-partner about financial decisions resulted in a fight, so ultimately they gave up to ‘keep the peace’. Jennifer and Sarah capture this common fear of ‘escalating’ the situation:

“Because a lot of the time I wouldn’t end up having the conversation about finances because to me, he was a volcano ready to erupt and God knows what he’d get up to.”

(Jennifer, 40, police investigator, Melbourne)

“Vague, anxious... money was a trigger, I think. Thinking about it, dealing with it, so it was quite vague. It was just fear in the back of my mind and if I looked at it, then part of me knew that he was going to escalate, you know?”

(Sarah, 33, two children aged 14 and 5, Melbourne)

The survey responses reflect a similar pattern. Three out of four women (76 per cent) reported that the statement ‘Every time we talked about money it ended up in a fight’ was ‘exactly true’ and 70 per cent gave a similar response to the statement ‘I gave up arguing about money because it just made things worse’. Almost half the respondents (49 per cent) who had left said that ‘Fear of making the physical violence worse’ was an ‘extremely important’ reason for them staying in the abusive relationship.

Although the evidence indicates that the risk of physical violence decreases post-separation, the period immediately after a woman leaves is when she is at most risk (Barrett Meyering, 2012). As Liz explains, the fear is very real and continues to influence her decisions, including her pursuit of a financial settlement:

“The thing for me has been the cycle, has been extreme fear. I live in fear so the money has been more or less secondary. But I am becoming less scared and more concerned, more scared about not having the money. And the fear of ‘Is he going to come and get me?’ How inflammatory is doing this, taking on the financial settlement? Do I do it? Shouldn’t I do it because I am fearful?”

(Liz, 39, social worker, three children aged 7,5 and 1, Melbourne)

3.3.5 Gender, money and financial competence

Gendered stereotypes and behaviours in relation to money strongly influence financial decision-making both during relationships and after separation, and play a key role in the feminisation of poverty in Australia. Women and men attach different meanings to money and this influences the way they use money and think about their financial security. In making financial decisions, women are more likely to view their money in terms of their relationships and their family needs while men tend to consider their money to be their own (Russell, Banks & Dilorio, 2013). The stories of the research participants reflect these gendered attitudes towards money.

To date, the primary approach to the poor financial situation of women generally has been to focus on developing their financial literacy and money management skills (WIRE, 2007; Landvogt, 2008). However, the findings of this research show that in fact women do have competence and confidence in managing money. Participants report that it is the experience of financial abuse by their former partner during their relationship and after it ended that is the primary reason for their financial insecurity, rather than an actual inability to manage money on their part. When asked to rank the statement 'I had no confidence in my ability to deal with money matters' from 'exactly true' to 'not true at all', around 45 per cent of women in the survey who had left their relationship reported it was moderately true. However, half the respondents said that the statement 'He is more competent with money than me' was 'not true at all'. Respondents who are still in their financially abusive relationship report a similar response. This apparently contradictory response suggests that rather than traditional gendered stereotypes about financial competence, it is the psychological abuse experienced by women in family violence situations that has the most significant impact on their competence in and attitude to financial matters. As Pam's comment illustrates, the women in the focus groups were not and did not feel a lack of competence with money, the problems for them were the controlling, abusive behaviours of their former partner.

Half the respondents said it was 'not true at all' that their ex-partners were 'more competent with money than me'.

"I am very good at making whatever amount it is go the furthest distance. Most women I have known are very creative and ingenious and come up with ingenious strategies...just make everything work. I have never met a woman so far who isn't able to manage her money but she might not be able to successfully communicate with her partner to keep that control."
(Pam, 52, public servant, Melbourne)

The overwhelming majority of focus group participants also report positively on their financial competence, describing how they managed their households on the restricted budgets they were allowed by their former partners and also about what resourceful and effective money managers they have become since leaving their relationships. For many, however, these skills are sorely tested as they embark on the long, costly and difficult journey through the legal and bureaucratic processes of separation, parenting arrangements and child support, which is discussed in section four.

3.3.6 Lack of money and nowhere to go: the impact of financial abuse

Women remain in family violence situations for many reasons, ranging from fear through to love but also for very practical reasons, such as not having enough money or anywhere to go (Braaf & Barrett Meyering 2011; Barrett Meyering, 2012). Where financial abuse occurs these practical economic concerns are immediate and profound. The survey findings from this research illustrate not only how strongly the lack of financial resources influences women's decisions but also how daunting many women find the processes of formal separation.

The survey asked respondents to rank from 'extremely important' to 'not important at all' a list of factors that influenced their decisions to stay in their abusive relationship. As shown in Table 2, more than half the respondents ranked lack of money and feeling daunted by the separation process as 'extremely important', making these the most significant barriers to leaving. 'Not having enough money to manage on my own' was an 'extremely important' reason for 57 per cent of the survey respondents and 53 per cent ranked 'being overwhelmed by the whole process (legal, child custody and support and Centrelink)' similarly. Almost half (47 per cent) of respondents ranked 'having nowhere to go' and concerns for their children's financial security as 'extremely important'. The respondents' decisions to leave were also strongly influenced by their lack of confidence to manage on their own and the fear of physical violence. Around one in four said 'feeling sorry for their ex-partner' (26 per cent) and 'loving my ex-partner' (23 per cent) were 'extremely important' reasons to stay.

TABLE 2:
Reasons for staying in an abusive relationship ranked as 'extremely important'
[n=152]

Not having enough money to manage on my own	57%
Being overwhelmed by the whole process (legal, child custody and support, Centrelink etc)	55%
Having nowhere to go	47%
My children's financial security	47%
Lacking confidence in my ability to manage on my own	46%
Fear of making the physical violence worse	41%
Fear of physical violence	40%
Worries about what family, friends or work colleagues would think	39%
My children's physical safety	38%
Concern about finding a job	37%
Feeling sorry from my partner	26%
Not aware it was an abusive relationship	26%
Loving my partner	23%
Wanting the children to be with their father	22%
Migration status	6%

These comments from respondents who are still in their financially abusive relationship highlight the barriers women face to leaving:

“How to get out safely when you have no money and nowhere to go and no family here? A refuge is not the answer when you have children and you are trying to maintain normality. A little space to myself that does not involve sharing would be great – it’s such a huge thing leaving your comfort zone that having to share with and meet other people I don’t know is frightening and the abuse sometimes seems better because at least it’s familiar.”

(Survey respondent)

“All debt in my name and his failing business also in my name, not strong enough to be able to work out how I get out of this, do not trust his temper or that he would do the right thing.”

(Survey respondent)

Lack of resources, having nowhere to go and concerns for their children were key factors influencing the decisions of the focus group participants before they left. The two women who are still in an abusive relationship capture the sense of powerlessness and entrapment they feel. Both are making tentative steps towards leaving and both came to the focus groups specifically to learn from the other women’s experiences.

“I think if I walk out I lose everything, the house. [Then] I am homeless. So that’s why I am not going to complain to the police... [T]hat’s why I have never ever called the police because I thought he is going to lose his job and then it’s going to hurt me. If I open my mouth it’s going to come back to me so I need to protect him as well. So that’s the mistake... I’m scared now that if I run away I lose everything.”

(Alice, 36, a nurse, currently unable to work due to a stress-related illness, 3-year-old child, Melbourne)

“There is just no money. I rent, I am still with my husband at the moment. I have debts everywhere; I am on payment plans for everything and he continues to gamble so I have seen financial counselling and they have been absolutely fantastic in helping me. So I don’t have money, so I am needing to just, next year perhaps, move to my sister’s with my youngest.”

(Belinda, 45, is a teacher but currently unable to work. She has been married to her financially abusive husband, a bank manager, for 21 years, regional Victoria)

3.4 The impact of financial abuse on women and children

These research findings reveal the multiple ways that financial abuse impacts on women and the negative effects on their psychological, emotion and physical health and well-being, as well as their financial status. At a personal level the psychological and emotional abuse that accompanies financial abuse chips away at self-esteem and confidence, typically leaving them with a sense of shame and lack of self worth. Exhausted by the constant anxiety as they second-guess and avert crises with their partner, women who experience non-physical abuse are more likely to have poor health (MacKinnon, 2008, Adams et al, 2008; Braaf & Barrett Meyering, 2011). At a practical level, women in this situation have lost control in their life; they don’t have the resources to make decisions or act autonomously, leaving them trapped and disempowered. These are significant barriers to overcome in order to leave an abusive relationship. This section discusses how financial abuse affects the personal, income, employment and housing options for women when they leave their relationship and the consequent detrimental impact on their physical and mental health.

Psychological and emotional abuse chips away at self-esteem and confidence leaving women feeling exhausted, ashamed and worthless. This has caused many to delay leaving and taking legal action to redress the financial abuse they have experienced.

3.4.1 The psychological and emotional impacts

“He didn’t force me. I trusted him and he didn’t explain everything because he had already made me feel incompetent in handling money.”

(Survey respondent)

As demonstrated in the previous section, family violence occurs in a complex context where the personal emotions of love, trust and commitment converge with social expectations and norms for intimate relationships. Patterns of abuse, especially where physical abuse is absent, are often confused with these powerful normative notions. Financial abuse is readily obscured by personal and social beliefs about gender and love. When women come to the realisation that their intimate partner is financially abusing them, their emotional response is mixed and often contradictory. The focus group participants talk about a sense of guilt for not trusting their partner and then, post-separation, more guilt for having been too trusting. They described feeling variously angry, ashamed, constrained by their pride and, broadly, exhausted by the onslaught of conflicting emotions. This has caused many to delay leaving and taking legal action to redress the financial abuse they have experienced.

The powerful effect of this is demonstrated in Michelle’s story. Michelle’s husband of 30 years suddenly left her to move in with an employee of their joint business, transferring all the money out of their joint business bank account and leaving her with nothing. Despite this, Michelle, 55, explained that it took her ‘a long time’ to get her own bank account because of her confused emotions.

“I didn’t want to. I felt like it was disloyal; it felt like the wrong thing to do... [He has] a way of just making me feel really guilty in a very controlling way. I still feel like I went wrong; like it’s all my fault.”

Other women in the focus groups describe their feelings in the following ways:

“I can’t believe how naïve I was - drives me crazy”;

“it was about guilt and manipulation; I was always living with immense guilt”;

“I just feel such a fool for not knowing. How could you not know?”;

“I trusted him. I thought he loves me and he will look after me and he would never do anything to me”;

“Even though I was questioning, I thought I had become a bad person and a mean person and a greedy person with my money...”;

“I couldn’t say it to my girlfriends, I couldn’t, it was a private thing”;

“I feel an absolute idiot [for] some of the things I did. I had a false sense of security and...my values were played against me”;

“Guilty shame – guilt and shame”;

The stigma – I should not be being played for a fool here”;

“No-one can believe me, how stupid I am. I was always paying, people were telling me and I was not listening.”

The impact of the psychological and emotional abuse is described succinctly in the following statements:

“I know for me, that I was so caught up in the manipulation, I was so manipulated that I had lost all sense that I had power or choices. The only thing I could see was that somehow it would eventually happen that he would realise that I was quite a nice person or something.”

(Heather, 55, academic, Melbourne)

“The more I look at my money [situation], I go ‘why did he do that?’ nothing is logical. I mean this guy has got an economics degree from London University and he goes, ‘everything is simple; I don’t know why you can’t see it. It’s because you’re dumb with finance; it’s because you’re stupid’. But what I see now, I can clearly see what he is doing, gotya, gotya, gotya.”

(Sally, 52, editor, three teenage children, Melbourne)

Frances had a successful career as a performer and actor prior to her 17-year relationship with a writer. Here she describes the insidious and controlling nature of the non-physical abuse, including financial abuse, she experienced in that relationship. The slow realisation they were in an abusive relationship is a theme reiterated by many of the focus group participants.

“But right from the get go, you don’t know it for what it is. It seems like aberrant behaviour and then there is some more aberrant behaviour but it doesn’t form a pattern until it has been there for a long time. And then time means you can already be stuck. It’s like there is a point, you know, where they say that the goal posts have moved and you think, ‘I’m at fault here’. And I think it’s then you wonder if you’re going mad a lot. The exhaustion that goes along with it – because the mental energy, the fatigue, is enormous, when you are unhappy too, when you are battling stuff. I coined a phrase for myself. It’s when you are being Alice In Wonderland that you don’t know what’s really real, everything seems mad and you can’t work it out. And other people don’t necessarily see.”

(Frances, 58, actor and writer, two adult sons, Melbourne)

3.4.2 Financial hardship and insecurity

Women in general are more likely than men to experience financial hardship post-separation. According to research by the Australian Institute of Family Studies, this is due to a number of factors, including women’s lower incomes, the unreliability of child support payments and, importantly, the fact women receive a smaller share of property relative to the amount of time the children are in their care (Fehlberg & Millward, 2013:38). The authors also note that despite most women being the primary time parents, the vast majority received less than half the property. When a history of family violence, including financial abuse, is a factor the financial impacts are magnified.

The link between family violence and women’s poverty is well-established (for example, Braaf & Barrett Meyering, 2011; Evans, 2007). The findings of this study confirm that the effects of financial abuse within a relationship continue for women long after they leave, with financial consequences for the rest of their lives. The overwhelming majority of focus group participants describe their current financial situation as markedly worse than before and during their relationship. Of the survey respondents, 46 per cent agree with the statement ‘I am now worse off financially than I was when I entered the relationship’, however 41.5 per cent do not. Significantly, almost one in three respondents (30 per cent) report that ‘I don’t have enough money to pay for essentials such as food, clothing, utilities bills, rent or mortgage repayments’. This is around the same number of respondents (33 per cent) who are solely dependent on government income support payments. These comments from survey respondents replicate the stories of the focus group and interview participants:

‘I am now worse off financially than I was when I entered the relationship.’

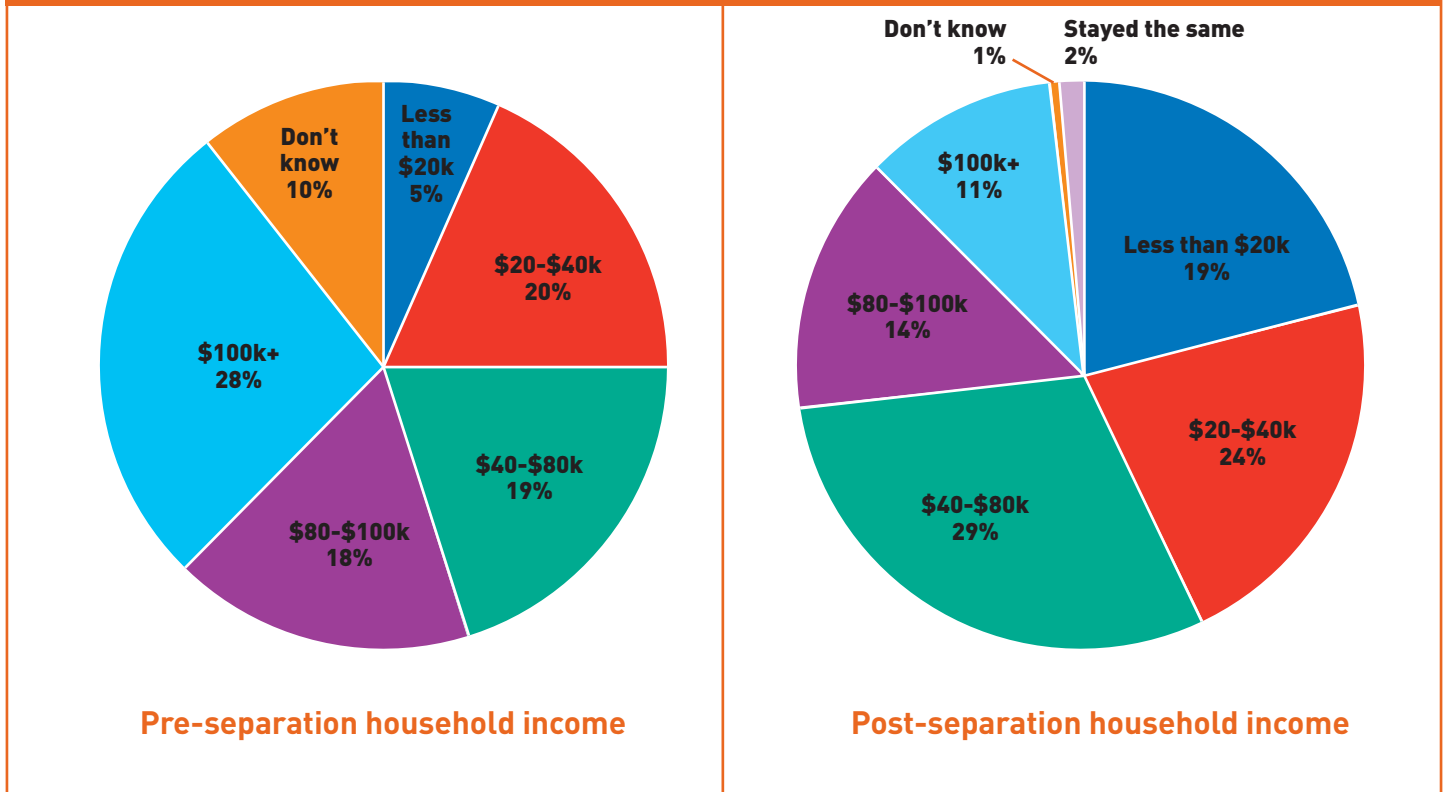
“I’ve sold all my assets to pay for debts run up by my ex-husband.”

“I am still paying off debts more than 15 years after leaving.”

All the focus group participants and interviewees experienced a significant drop in their household income post-separation and most continue to experience financial hardship and insecurity, with the exception of two women. Although most of these women did not accurately know what their household income had been during their relationship (because their former partner had not told them) their estimates ranged from less than \$20,000 for those dependent on income support to wealthy. Whatever their income had been, most now have a lower income and this is an overwhelming concern for them. The majority (73 per cent) have a household income of less than \$40,000, with 44 per cent earning less than \$20,000.

Similarly, the majority of survey respondents experienced a drop in income post-separation as Figure 1 shows. The proportion of women who report a pre-separation income of more than \$80,000 has decreased markedly, whereas those on lower incomes have significantly increased. Almost half (44 per cent) now have household income of less than \$40,000, with one in five of those earning less than \$20,000. When compared to the household income in their relationship, only one in 20 women were on less than \$20,000 and around one in three had an income of more than \$100,000.

FIGURE 1: Comparison of pre and post-separation household income by proportion of survey respondents



Almost all participants report that they left with fewer assets than they had taken into the relationship, and irrespective of the duration of the relationship most have left with debts. A number of the focus group participants were totally reliant on income support and child support payments and others have a salary, usually low paying. On this low income, most were paying off the debts as well as providing the basic essentials, such as housing costs, food, clothing, school expenses and utilities for themselves and their children. For the overwhelming majority, this continued to be a daily struggle long after they left their abusive relationship. The following comments exemplify the financial situation of most focus group participants:

“I ended up leaving the relationship scared witless in terms of the financial abuse with a one and a two-year-old [and] with \$1.57 in my bank account. A friend had to put \$150 in my bank account, had to transfer it over. I think the week before I left I had \$15 and he cancelled the credit card. He got paid, I was at home, I didn’t work.”

(Sophie, 37, two girls aged 6 and 8, Melbourne)

“He left me with the rent on the property which was at that stage, \$2k a month. It was just I didn’t earn that money. He left me with debts. I paid off \$3500 in tax bills very quickly after he left. They came after me for taxation stuff after he left. There was more I had to sort out. So I got down in my savings – I’d just managed to save up a bit. I had to pay for a solicitor. I was down to, oh God, maybe \$850 bucks when I’d finally sorted myself out, but I still had something in the bank.”

(Mary, 58, Melbourne)

“I had asked for my things from home because I had nothing. I had literally left with \$15 in my wallet and the old station wagon car.”

(Vicky, 54, three children in shared parenting, Melbourne)

Vicky separated from her lawyer husband four and a half years ago. She received \$8000 in the property settlement, had to retrain for work and now earns less than \$40,000 per annum and rents privately. She has shared parenting arrangements for her three children with her former husband, who lives in the family home and continues to fight over the children's residency and child support, which he didn't pay for four years. Vicky says he owns a number of investment properties in a family trust. Despite this Vicky reports that her former husband "constantly tells the kids that I got all his money...so the kids are under the impression that before the divorce we were rich and then after the divorce I took all his money".

The courage and strength required on a daily basis to overcome the emotional scars and economic hardship caused by financial abuse is powerfully described by Gillian:

"It's the layers of mess you are constantly having to battle, like you constantly have to explain yourself over and over again. It's the every day fall out. I don't own a car, because I can't buy a car because I don't have credit. So I use Flexicar. What you learn is to be resilient; you learn to be adaptable, and you learn to tell an empowering story about why you do what you do. I think you don't let the world see exactly why you do what you do. I think I let people believe that it's because I have a son with a disability that life becomes hard, but it's because of that man. But that's the more believable story, that's the more deserving story. So as I said to you, it's the stories you are constantly telling, to prove that you are worthy."

(Gillian, 43, social worker, two children aged 12 and 6, Melbourne)

However, despite their significantly reduced economic circumstances as a result of financial abuse, many of the women in this research describe their ability to manage in their much-straitened post-separation circumstances. The following comments illustrate this point:

"I am really good with money. And I have proven that over the last 18 months when I haven't had someone else draining the funds."

(Christa, 38, two children aged 9 and 11, regional Victoria)

"I am SO much better off financially and it still amazes me that I have bought my own home, am supporting two adult children through university and have been able to save for holidays for us all. Before, I had to justify buying underwear for myself and pay off all my bills."

(Survey respondent)

"It took a long time but now I am financially independent but lost 10 years of employment, never got any child support even though it was supposed to be mandated by the tax department and it took along time to get a credit history."

(Survey respondent)

"I started with \$5k and 30 years down the track, I ended up with nothing. I walked away with nothing, as opposed to being in debt. So I walked away from everything but debt free. Still a tormented woman but not as bad as some, so I consider myself really fortunate."

(Pauline, 55, operations manager, two adult sons, Melbourne)

3.4.3 Housing security

Housing security is a significant issue for women leaving family violence (Braaf & Barrett Meyering, 2011; McDonald & Landvogt, 2012). Almost half of survey respondents identified 'having nowhere to go' as an 'extremely important' reason for staying in their abusive relationship. Around half (47 per cent) reported that it was 'extremely difficult' or 'difficult' to find somewhere to live when they did leave and 43 per cent found it 'extremely difficult' to get their ex-partner to leave the family home.

The majority of focus group participants have relatively secure accommodation, however three women have been forced to live with their parents or other family members because they are unable to afford other housing options.

One woman recently secured supported accommodation after being homeless for an extended period. Around half of the focus group participants (28) are currently in private rental accommodation; five live in public housing; 16 are paying off their home and just six women own their own home. The survey respondents have a similar pattern of living arrangements, with fewer than one in three paying off their home and only one in seven reporting that they own their own home.

Home ownership is a key aspect of longer-term financial security for women. That so few women in this study own their home reflects the fact that many women with a history of family violence opt for safety over property in the separation process (Fehlberg & Millward, 2013). For many of the women in this study, it is indicative of a poor property settlement, given the high income of their former partners. Even though the six women who kept their home in their property settlement felt 'fortunate', this was often virtually all they had received, which means their financial resources are limited and their longer-term financial security is still uncertain.

Mortgage repayments pose a significant financial burden for the 16 women in the focus groups who have been able to remain in their family home, and a number report that all or most of their limited income goes into the mortgage. They express concern about keeping the payments up over the long term. The other women spoke of their constant anxiety around anticipated rent increases, being forced back into an increasingly competitive rental market at the whim of their landlord or having to move to more affordable outer suburbs, disrupting their children's schooling and social networks.

Staying in the family home is a mixed blessing for some of the women in the research, as it means they are not eligible for legal assistance from Legal Aid Victoria or community legal services, such as the Women's Legal Service. Eligibility for these services is means-tested and those with assets that include a house or a car are ineligible for assistance. The consequent cost of legal fees for these women is a huge impost on their limited budgets and can devastate their ability to access legal services, as Serena describes:

"I can't get any Legal Aid because I have a house but I have no income, I have no job, I can't pay a solicitor. So I went to the community legal service and they said you are the working class poor because I can't afford to pay. So I am just having to self-represent which is an absolute nightmare because you just get ripped to shreds and done over."

(Serena, 50, regional Victoria)

Gina and her two children, aged 7 and 4, have been living with her elderly parents for the four and a half years since her marriage ended. Her former partner used physical, psychological and financial abuse to control her. While she is grateful for the support of her parents, she also spoke about the stress she constantly feels trying to minimise the impact of her young children on their lives. Her hopes of renting her own home are slim:

"He gambled our house. So I have to support my children on my own. Thank God I've got my parents who I had to move in with. Financially I'm so screwed I can't even afford to put a roof over our heads, the way the rents are going. And my daughter goes to a public school but it's a nice public school in [inner northern suburb]. We're in the area, the kids have got friends; I've got my family support. I don't want to move to another area. So I can't buy; I can't even rent there because he's financially screwed me over. I'm starting to look for work."

(Gina, 42 Melbourne. Her ex-husband has rarely paid child support. Before the birth of her children she worked in childcare)

Jessie also lives with her parents, along with her four children under 12:

"So I was married for around 10 years before we separated and I have four children. I guess in the relationship he was a spender so there wasn't ever spare money. We came out with legal proceedings and no money really to pay for anything. That's expensive so that drains anything that might have been there for the kids. Through legal proceedings I lost my house and my car and moved back home with Mum and Dad who have a unit at the back of their house. So I lived with them with the four kids and Dad bought me a car. So Mum and Dad have been really supportive. The house was in both names but obviously I couldn't make repayments with Centrelink payments. I couldn't take that on."

(Jessie, 41, four children under 12, Melbourne)

Kate's Story

After three relationships in which she experienced domestic violence, including financial abuse, Kate and her two children were living with her mother in Melbourne while she waited for public housing to become available. She was working 60 hours a week in aged care. As she describes, lack of affordable housing options in Melbourne mean she has had to move to a regional city to take up public housing, leaving the children with her mother so they can stay at their school. Kate's mother receives a carer's allowance to look after the children while Kate is struggling on Newstart and forced to live away from them. Kate's story highlights the vulnerability and powerlessness many women experience as a result of financial abuse:

"I was working full time, had a good job [in aged care] everything was on track. Then this house came up here [in a regional city], and if I didn't take it then I go back on the waiting list. I'm still struggling now. It's not cheap and even the antenna doesn't work and it is not covered by Housing. I have no TV, my fridge stopped working, my car got stolen. I have got no family, no friends, nothing up here. I feel isolated. While I was in that violent relationship I developed an alcohol problem... I'm up here, I've lost my job; my kids are staying at my Mum's, going to school. Yeah I am back and forth few times a week on the train so I can see them. At the moment I am just struggling, like I said I sit at home, I have got no TV, feeling sorry for myself."

(Kate, 32, two children aged 15 and 9, regional Victoria)

Deborah describes her experience of homelessness after her separation. She is now renting privately and shares the care of her five children with her ex-partner, who is a financially comfortable small business owner:

"We were homeless, in the car. I used to go down to the waterfront and sleep in my car and go for a shower down at the swimming pool. You don't sleep; you're too scared. I worry about my kids because they are teenagers now and the peer group thing. Everyone has these plush houses. He sends them to a private school and they have big houses and I was living in my car."

(Deborah, 50, regional Victoria)

3.4.4 Employment

All the women who participated in this project experienced loss of income and increased financial insecurity as a direct result of financial abuse. However, the majority are currently in paid employment, whether full or part-time or casual work (44 per cent of the focus group participants and more than 65 per cent of the survey respondents). Around 30 per cent of the women who took part in focus groups and six per cent of women in the survey are caring for children full-time and not in the paid workforce. The impact of financial abuse on their employment opportunities is significant. Most of the participants had not worked when their children were small; some by choice, but others because their former partners prevented them from working. Many of the women describe how years lost from the labour force during their marriage mean that their qualifications and experience are no longer relevant and they are forced into poorly paid jobs or into retraining.

The majority of the participants, both survey respondents and women in the focus groups, had achieved high levels of education, with more than half completing post-graduate and bachelor degrees. Around 30 per cent in both groups had a post-secondary diploma or certificate. The wide range of occupations reported illustrates the capacity of (and necessity for) these women to find employment, however many describe how the psychological and financial abuse impacted on their ability to work during their relationship and also post-separation.

"I entered the relationship with the potential to earn a lot of money but without the ability to because someone who is mean financially is mean in all sorts of ways. It's just one little window of looking at them, and he was emotionally mean and it shut me down kind of...lack of confidence."

(Frances, 58 actor-writer, two adult children, Melbourne)

"I had about \$32,000 saved up in cash. I was working and I was working a lot, I was working a lot of hours and was doing a number of jobs going at the same time. I had plenty of money, probably for the first time I was sort of peaking in what I was earning. And also because the relationship was so abusive too my capacity to work went down as well and my income actually dropped because I wasn't able to juggle everything and my energy levels just weren't there. And when I left I was about \$7000 in debt and it was a bit heartbreaking because it's so hard to save that amount of money."

(Hilary, 46, one child aged 9, Melbourne)

Here Serena describes how post-separation financial abuse by a former partner, a wealthy business owner and local identity, impacts on her employment opportunities in a small regional centre:

"[It] was a city of 10,000, so everyone knows everyone; we were in a high profile business so that definitely had a play. I mean it had a big impact on me being able to get work because my ex-husband retained the business and it was one of the largest businesses in town and he said to me, 'Look I have blackened your name everywhere, you won't be able to get employment because no one will be game enough to employ you because I will pull the business away from them and no one will be game enough to hire you' and it was true because I applied for several jobs and I didn't even get an interview so we moved cities... So I lost my career in that my qualifications weren't transferrable and I didn't realise that when we split and so I lost the business and my home and our farm and all the assets but I was lucky enough to retain enough to have a house."

(Serena, 50, two children, her son aged 14 lives with her, regional Victoria)

3.4.5 The health impacts of financial abuse: depression, stress and exhaustion

The links between poor health and family violence are well-established (Braaf, 2012; Fraser, 2003; Mackinnon 2008; VicHealth, 2004). In addition to the immediate effects of physical abuse, there is strong evidence of poor mental health outcomes for women who have experienced family violence, including depression, anxiety, post-traumatic stress and other stress-related conditions that can last for a lifetime. For women experiencing financial abuse there are associated health effects caused by living on low income (Marmot & Wilkinson, 2009).

The women in the research talk about the stress and anxiety they experienced as a result their abusive relationship, their pressing and longer term worries about money and, in most cases, the ongoing financial abuse of their former partner after separation. This long term stress or chronic stress can affect the immune system and is a risk factor for illness and disease, including coronary vascular disease, diabetes, depression and autoimmune disorders (APA, 2014). Further concerns arise from new research that suggests the 'toxic stress' caused by living on a low income can alter an individual's genetic expression and brain structures (Khazan, 2014).

While the extent of the stress, anxiety, depression and other health issues varied, all the participants referred to experiencing these in some form. Many women spoke of feeling constantly fatigued or unable to sleep. The immediate impact of financial abuse on their health and well-being was evident, with a high risk of further consequences throughout their lives and the lives of their children. One participant, Tanya, describes the stress caused by the extreme poverty she is experiencing as a result of her former partner's ongoing financial abuse. She is unable to work and struggles to find affordable accommodation and provide food for herself and her daughter.

"I wake up in the morning and I feel just physically sick and I think, 'where do I start?' I wake up every morning and I vomit in the shower."

(Tanya, 44, one child aged 9, regional Victoria)

4

SECTION FOUR

THE SYSTEMIC CONTINUATION OF FINANCIAL ABUSE POST-SEPARATION

The premise underpinning this research is that the majority of women leaving relationships in which they have experienced family violence do not pursue their financial entitlements through the legal system. A range of reasons acts as barriers to these women engaging in legal action, to their financial disadvantage. These include fear, cost and lack of knowledge about how the system works. However, this research shows that many women do in fact pursue their legal entitlements post-separation, but for the most part it is a difficult, stressful and costly experience.

The women who took part in the focus groups and interviews are at varying stages in the process of legal separation from their financially abusive partner. For some, the legal proceedings have been completed, while others are in the preliminary phases of negotiating property settlement and parenting arrangements. A number of women in the groups talk about their ongoing interaction with the legal system over many years. A common theme in their stories is the significant financial drain of the costs associated with legal proceedings, contesting property settlement matters and then often in ongoing legal battles over disputed and breached parenting orders and changes to child support assessments that drain limited funds and create large debts. This continued engagement with their former partner through the courts, the Child Support Agency and Centrelink, continues, and in some cases facilitates, the pattern of financial abuse for years after the marriage ends.

As Table 3 illustrates, asked to rank a range of post-separation processes from 'extremely difficult' to 'very easy', three out of four survey respondents (75 per cent) said that they found ongoing financial interactions with their ex-partner 'extremely difficult' or 'difficult'. Close to two-thirds of the survey respondents said that it had been 'extremely difficult' or 'difficult' to exclude their former partner from the family home. In relation to the legal process, more than half the respondents (57 per cent) said it was 'extremely difficult' or 'difficult' to find a solicitor who understands financial abuse (57 per cent) and 50 per cent had difficulty getting adequate support and advice through the court proceedings.

The practice of men using the legal system and government agencies to perpetuate the financial abuse of their former partner, which was first reported by Branigan (2004), is a significant factor in the negative assessment of these systems by the research participants. Survey respondents were also asked to rate their experiences with key institutions and services from 'excellent' to 'very bad'. As Figure 2 illustrates, respondents were slightly more likely to describe their interactions with the legal system, the Family Courts and legal processes to be negative. Thirty-six per cent found the family law processes 'not very good' or 'very bad' and 27 per cent found the process 'excellent', 'very good' or 'satisfactory'. However, legal services such as Legal Aid or the Women's Legal Service were ranked more positively: 38 per cent found their experience to be 'excellent', 'very good' or 'satisfactory', compared to 30 per cent who reported negative experiences. The Child Support Agency was more likely to be rated poorly by the respondents, with 38 per cent finding it 'not very good' or 'very bad' compared to 27 per cent who rated it more positively. The poor ranking of the family law system and Child Support Agency supports findings in recent research by the Australian Institute of Family Studies, which found that parents who have experienced family

TABLE 3: Post-separation processes ranked as 'extremely difficult' or 'difficult' and 'very easy', 'quite easy' or 'not too difficult' [n=113]	Extremely difficult or difficult	Very easy, quite easy or not too difficult
Ongoing financial interactions with your ex-partner	75%	8%
Getting your ex-partner to leave the family home so you could stay there	61%	10%
Managing debts and utilities payments	61%	32%
Ensuring adequate and appropriate child support payments	58%	9%
Accessing support service when you first left your relationship	58%	35%
Finding a solicitor who understood financial abuse	57%	21%
Getting adequate support and advice through the court proceedings	51%	19%
Getting advice from the bank about protecting your money and limiting debt	47%	27%
Getting advice and assistance from Centrelink about the payments you were eligible to receive	44%	32%

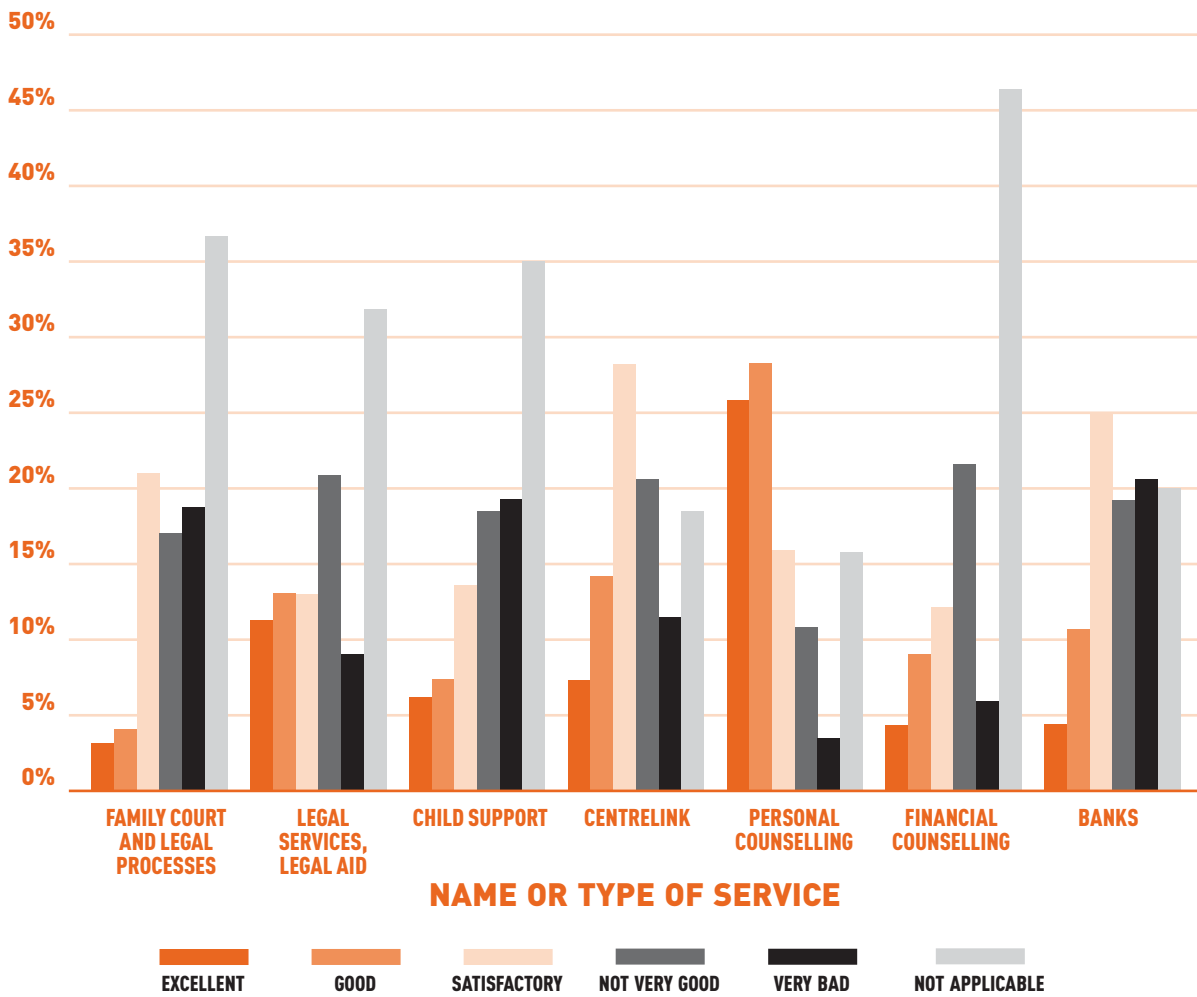
violence are significantly more likely than other parents to express a negative view about the family law system's capacity to deal with these issues effectively, and those parents were more likely to experience non-compliance of child support payments (De Maio et al, 2013).

Half the respondents rated Centrelink positively, reporting their experience as 'excellent', 'satisfactory' or 'good' and 32 per cent rated the agency poorly. An equal proportion of respondents reported having both positive and negative experiences with banks and financial counselling services. Notably, approximately 70 per cent reported positively on their experience of personal counselling.

The additional comments made by survey respondents indicate that, consistent with the women in the focus groups, their negative experience of the legal processes and Child Support Agency is primarily due to their former partner's apparent ability to continue their financial abuse through these institutions. When considered with the accounts of the women in the focus groups, this research strongly suggests that, notwithstanding the recent legislative reforms to family and child support laws, women report a significant level of dissatisfaction with the key institutions involved in post-separation processes. In both the focus groups and individual interviews, the women describe feeling exhausted, frustrated, powerless and unheard, replicating their experience of family violence.

... their negative experience of the legal processes and Child Support Agency is primarily due to their former partner's apparent ability to continue their financial abuse through these institutions.

FIGURE 2: Q.17 How would you rate your experience of these institutions and services from excellent to very bad? [n=113]



NOTE: The high proportion of 'not applicable' responses suggests that many respondents interpreted this to mean in relation to their current situation rather than during or post-separation.

4.1 The legal system: “My family lawyer told me years ago he who fights dirtiest, longest, wins.”

Families with a history of family violence are less likely to reach post-separation agreements through mediation, counselling or family dispute resolution services and are therefore more likely to use the legal system (De Maio et al, 2013; Fehlberg & Millward, 2013). Within the legal system, the negative effects of family violence are evident in the “the disputes and disadvantageous processes and outcomes for both financial and parenting (property and child support) matters”, according to a recent Australian Institute of Family Studies study (Fehlberg and Millward, 2014:242). That study indicated this could result in financial difficulties for the primary parent (overwhelmingly women) and their children. This was certainly the experience of the majority of women in this study.

Given their history of family violence, mediation was either unsuccessful or not an option for the women in this study and, as a result, the overwhelming majority of women in the focus groups ultimately had to deal with their property settlement and parenting arrangements through the Family Courts. It is well recognised that the family law system is complex, confusing and fragmented for most people (Croucher, 2014) and for the women in this research it was a hugely daunting experience facing their abusive former partner in the legal process. Furthermore, the financial abuse they had experienced meant they had little money and few assets with which to act. Most women had no knowledge of the actual financial status of their marriage when they left. A number of the women had former partners who were wealthy or whose wealthy family covered his legal costs, so he did not share the constraints of the female partner. Nonetheless, only one woman chose to walk away with nothing in a situation where her former partner was a high-income earner. Others in the groups, whose former partners had few or no assets or income other than government income support payments, had no property to settle.

This comment from one survey respondent highlights the challenges faced by many women who engage with the legal system:

“I was forced into Family Court through an application that he made up to be ‘urgent’. Family mediation was not initiated. It cost me \$18,000 and when I ran out of money I qualified for a free lawyer to finish up the hearings. I could not afford to go to trial, did not qualify for Legal Aid (due to working part-time) and sought assistance from a community law service to finish up but they could not assist with trials. I was stuck and out of choices and was forced to agree to a destructive shared parenting routine.” (Survey respondent)

4.1.1 The tactics of financial abuse in the legal system

In order to recognise when the legal system is being used to perpetrate financial abuse, comprehensive understanding of this form of family violence is essential. However, a recurring theme in focus group discussions about the legal system was the apparent failure of the legal profession to identify financial abuse in the context of family violence. This includes not identifying the existence of financial abuse during the relationship as well as not understanding the practical and psychological impact of this form of abuse. Importantly, there was little recognition of the ways in which financial abuse continued after separation via legal processes and systems. The experiences described by the research participants are consistent with research that shows that even when family violence and safety concerns are disclosed to family law professionals, it only affects outcomes in around half of cases (De Maio et al, 2013).

Many participants report that the lack of understanding among legal professionals and their ability to recognise the signs of financial abuse exacerbate the problems they face:

“I found the entire legal system oppressive, not understanding, ignorant of abuse in any form, especially child abuse and indifferent to the needs of my child.” (Survey respondent)

“That’s the thing, it’s who the best liar wins in the justice system...all the official court people, all they knew was the presentation and what a nice struggling man he was. They didn’t hear that he chucked her out a week before Christmas and the 16 years of the controlling behaviour – she didn’t have her own bank account. I don’t know how they worked it, but it ended that she got all the debts; she had her name on everything.”

(Beatrice, 57, talking about her daughter, Melbourne)

“I was unable to get Legal Aid because my husband had a trust, even though I had no assets, enormous debts and relied on Centrelink. My husband used the legal process to continue his abuse of me for almost five years beyond the end of our marriage. The courts (including judges and lawyers/barristers) do NOT take financial abuse seriously.”

(Survey respondent)

The research participants identify a range of tactics adopted by their former partners to drag out legal processes over years and increase the financial and psychological costs for them. The tactics include repeatedly sacking solicitors or self-representing, thus ensuring continual contact with his former partner’s solicitor to deliberately drive up her costs, and challenging his former partner’s mental health and capacity to parent, as demonstrated in the following comments.

“My ex is a lawyer. He knew a lot more about the law than I did so he used a lot of those skills against me. So for example, I’ve not yet been able to get him into mediation, I can’t get him there. I can’t get him to engage in a lot of things. Originally when we started proceedings for settlement he acted for himself, which meant he could run up every interaction like a bill. I saw my lawyer maybe four times and he spoke to her everyday for five months. Yeah, so that was his first little trick.”

(Vicky, 54, three children, Melbourne)

“Well my ex-husband is definitely, blatantly, obviously using the system to abuse me. Like I said I am about to go to court for the eighth time for child support. He is taking me to court. He has a [child support] debt; he won't pay it. He is not going through the child support system because he has already appealed it and they have said no. So he is going through the legal system because he has the money and he is spending more on legal fees than the child support. It is just a control thing and it is just about breaking me down and he is doing all sorts of things within the system to abuse me.”
[Serena, 50, two children, one son aged 14 lives with her, regional Victoria]

“Once the ex ‘sacked’ his lawyer and self-represented the process got worse. So many times I attended court with my lawyer without him turning up. Therefore my costs escalated, ultimately affecting his child as well as me.” **[Survey respondent]**

Hiring aggressive and adversarial legal representatives was also a common tactic employed by many participants' former partners, as an extension of their abusive behaviours during the relationship. This phenomenon of 'overly combative family lawyers giving misguided advice' and 'putting families through unnecessary, drawn out legal battles' has been noted by a recently retired judge of the Family Court (Lee, 2014). The impact of the stress and sense of urgency created by the adversarial system is described here by one research participant:

“What I discovered was because my ex-partner was a bully in a very passive aggressive way, all his lawyers were bullies and there was a sense of urgency and the stress of it. It was very bullying. But anyway, I went into the property settlement, if I'd been more prepared for the bullying urgent kind of stuff, I would have been better.”
[Heather, 55, academic, three children, Melbourne]

Many women report that their former partner explicitly stated his intention to 'destroy' them through the courts. As one woman observed, this is a sharp contradiction to the dominant social misconception of men 'being taken to the cleaners' by their former wives.

Many women report that their former partner explicitly stated his intention to 'destroy' them through the courts.

“He has got all the assets and he is saying to friends that he is not going to stop until he has totally destroyed me and he is going to do it on a financial level. And he has said that in advance that he is going to use everything in the court system to destroy me financially because I cannot afford the legal fees. I have paid \$65,000 so far.”
[Susan, 53, four children, Melbourne]

Cathie's former partner is a wealthy property developer. She has one son and they separated when the child was one year old. Cathie formerly worked in the banking sector. She is currently unable to work due to the stress she has experienced since her marriage ended.

“We went through the settlement process which was a nightmare. There was money missing but he kept his super. I ended up with, apart from the car, about \$70,000 and it all went in legal costs. As far as child support goes, that is and it still is, a disaster. We go through the assessment process and every time we get an assessment at the end of the year, he used to threaten litigation; he's going to go for full custody. And he always follows through. So we've had 10 years of going through the family law courts. I am really angry. I know my case is not an isolated case. I want to know what the legal system is doing to protect the health and well-being of our kids. The abuse is being enabled through the legal system.”
[Cathie, 52, one son aged 12, Melbourne]

The survey findings are consistent with the experiences described by women in the focus groups. Respondents were asked to rate the accuracy of nine statements relating to the costs, outcomes, advice and complexity of legal processes. Close to half (46 per cent) have been through the court process, with around a third reporting this had been a positive experience. However, more than half (53 per cent) found the statement that 'all my experiences of legal proceedings have been positive' to be 'hardly true' or 'not true at all'. Half the respondents report that that the statement 'I didn't have the money to pay for the legal costs of going through the Family Court' to be 'exactly true'. One in four survey respondents said that the statement 'My ex-partner has dragged me through the courts for

years' to be 'exactly' or 'moderately true'. Around one in five respondents say that they had to represent themselves, as they could not afford a solicitor, and approximately one in four say the statement 'I found the courts to be straightforward and fair when dealing with child custody and property settlement matters' was 'not true at all'. A number of women in the survey and focus groups report that they could only afford their legal costs with the assistance of their parents or family members.

Because contested property and parenting arrangements are resolved in the Family Courts, these courts make specific orders as to how the decisions on these matters are to be implemented by the separating parties. While this gives a degree of certainty initially, it means that future breaches or challenges to these arrangements can only be dealt with in the family courts system. As a result, because of the abusive nature of the relationship, even ostensibly minor disagreements over decisions relating to children are forced back into the Family Courts, with significant financial and psychological stress for the women.

4.1.2 The emotional cost of continuous cycle of legal proceedings

"God, I have to raise three children. I grieve for all those years I had to spend in those court rooms... you have to miss so much. It's like I've had to live fighting the court system."

(Louisa, 45, three children aged 9, 7 and 4, Melbourne)

Most of the women say they were ultimately unable to afford the costs of legal representation and a number were forced to represent themselves at multiple court appearances.

The decision to take on the legal battle for their financial entitlements and parenting arrangements was difficult for most of the participants, given the high costs and their fragile emotional state. In many cases, the women were subjected to a continuous cycle of court appearances in which their ex-partner dragged out the property settlement or contested parenting or other court orders. Most of the women say they were ultimately unable to afford the costs of legal representation and a number were forced to represent themselves at multiple court appearances. They feared that failure to respond to their former partner's continuous legal applications would result in the loss of their children, for breaching a court order. The women describe the devastating impact this has on their lives in terms of cost and lost time, as well as the constant stress and anxiety.

"Thirteen years in court. I have lost my kids' childhood because all I am doing is sitting on the computer writing legal documents." **(Susan, 53, four children, Melbourne)**

"I remember I asked once for a reprieve from being constantly dragged back to court, so we could get on with our lives. But basically, everyone has the right to bring a case to court. So here we are 10 years down the track – he's earning his millions and I am pretty much living from week to week. Couldn't afford to continue with my studies, pretty much lost my career and I'm turning 52 next week..."

(Cathie, 52, one son aged 12, Melbourne)

Like Cathie and Susan, it was a common experience for women to be unable to get back into paid employment as a result of their former partner's ongoing legal actions. The following comments illustrate the ways in which abusive former partners continue to exert power and control over a woman's capacity to work and create some financial independence and security.

"What I still feel very vulnerable about is about being taken back to court. If he thinks I have any asset base he is just going to take it back and get rid of it anyway. So that's a real fear that I have and so I don't feel like I am protected. That he can start another legal proceeding and that's tens of thousands of dollars for me by the time it's finished."

(Jessie, 41, four children, Melbourne, about going back to work as a primary school teacher)

"I was finishing my studies last year at RMIT but I had to give up the studies because I couldn't get Legal Aid...I had to do all the court stuff myself because I had no money and so I had to give up my studies. Because it is a full time job as well as looking after the children, running them around to everything and spending the other half of your week in court, writing up documents, writing up contravention to this blah blah. People go on about 'Go get a job, go work, be financially independent' and it's like, if only you understood how I spend my week. I am not just hanging out at home with my feet up between 9 and 3.30. I am up at night so stressed, just so stressed financially. I have gone a million times to Women's Legal Services but it's like how many years spending hours and hours on a Thursday, trying to fight the next thing. I have just spent all these years just waiting and waiting and the anxiety." (Sophie, 37, two girls aged 8 and 6, Melbourne).

4.1.3 Disputed parenting orders

Disputed parenting orders are a common reason the women in the focus groups have been repeatedly engaged with the legal system. Disputes over parenting arrangements, including children's residency arrangements and a range of other issues relating to the children's lives, most often end up in the Family Courts for families with a history of family violence. As these women explain, the disputes can be over relatively minor matters, which they believe is a deliberate strategy by their former partners to drain their finances. Their frustration and loss of control is evident in the following quotes:

"Any decision that needs to be made about the children, because there is a current parenting order it needs be a joint decision or have the orders changed, so I wanted to change my daughter's school and I had to go back to the court to do that because he wouldn't agree to change that. And then that is an added expense for me and it is actually a debt I have not yet repaid - about \$3000. And the day before he was saying that he would agree for her to transfer but he wasn't consenting yet so I had to go through on the court day and incur legal fees so it was all a bit of game play really..." (Jessie, 41, four children, Melbourne)

"It's really awful...even though we've got court orders, like we have court orders to pay [child support], he can just decide 'I don't want to pay it'. So I still have out of pocket expense because someone's got to pay...The only way you can enforce it, because you can enforce it because it's a court order, is back to court. And you can't afford that. It's hard to explain, but yeah the whole system..." (Karen, 44, nurse, five children aged 3 to 16, Melbourne)

The women in the focus groups report other consequences of disputed or breached parenting orders that affected not only their own health but also their children's. It is significant that the overwhelming majority of women with dependent children expressed the view that they wanted their children to have an ongoing relationship with their father, notwithstanding the abuse the women continued to experience. Louisa graphically describes the impact of constant anxiety about legal costs and the fear of losing her children if she doesn't comply with the proceedings repeatedly initiated by her former partner.

"...but this is the fear, this is the torment, the money. It makes you feel like you are going mad even though you know you are sane. Every day is a living nightmare, you lie in bed and you wonder, 'how am I going to pay that?' It is just terrible. All I do is I have a table and it has child support, court, medical [on it] and every night you come home from school, you do all the readers and then you look and you go 'I am exhausted'. And I think 'which one am I going to do tonight?' I have to write to that person, I have a court order, if I don't do it they will take my children. (Louisa, 45, three children aged 9, 7 and 4, Melbourne)

Disputes around their children's health needs, including their former partner's refusal to provide court ordered private health insurance cover, were a common occurrence reported by several participants. Sophie describes how her former partner's abusive refusal to comply with parenting orders affects the most basic aspects of her daughters' lives:

“Every email to do with money or abiding court orders is always ignored [by her ex-partner] ...like the girls have private health insurance (and) I think, he won't give me the numbers. I ring the private health insurance and they [say] ‘you need him to give you authority to deal with us’ and he won't because he is abusive. So the girls have not been to the dentist in a year. I have all these things, he should have paid for (such as) swimming; he should have paid for child support.”
(Sophie, 37, two girls aged 8 and 6, Melbourne)

Another strategy employed by former partners of several women is contesting parenting orders on the grounds that the woman, with whom the children primarily live, is an unfit mother. The following comments illustrate the impact on the women when this tactic is repeatedly used. Sarah's description of her former partner's attempts to make her appear mentally unstable is reflected in various ways among the other women in the focus groups.

“He told me one thing one day and told our court psychologist the opposite thing the other day and painted me really badly, made out that I was crazy and went for full custody of our daughter. [He] employed some really horrible techniques to make it possible for him to get custody after what I have been through. It was crazy making stuff. Because I had lived in a refuge and there was some evidence that he had been abusive. He had a big team of lawyers and the only way they could paint it so that he could still have control in the situation was to make me look crazy. Before the appointment with the court psychologist I was followed in cars and I mentioned that to the court psychologist so I looked crazy, I looked paranoid which is often how women are painted in family court.”
(Sarah, 33, two children aged 14 and 5, Melbourne)

As Serena explains, she has lost the battle to share the care of her daughter and is still fighting for her son. She has no option other than to continue to appear in court and argue her case:

“...I physically have to spend so much time on all these constant legal things, it's like a full time job just navigating all these things. Having money helps you with that, you get the really good advice and use the system. If you fling enough mud you end up having to keep answering it. I have had three custody charges and lost my daughter in one. I have [been accused of being] a drug addict; I have been a child abuser. I have been this and that, for any excuse to get it in the courts and then you have to answer it. It's just using the system.” **(Serena, 50, regional Victoria)**

4.1.4 The debilitating impact of legal costs

Access to justice is a matter of growing concern in Australia, as demonstrated in the Productivity Commission's inquiry into this issue (Productivity Commission 2014). The costs involved mean that many Australians cannot afford to access the justice system or secure legal representation. Some estimates suggest that over a five-year period around two million people miss out on legal services (Denniss, Fear & Millane, 2012). Funding reductions over recent years have resulted in increasingly restricted eligibility criteria for access to Legal Aid services and community legal services. This has had a major impact on many of the women who participated in this research, who were ineligible for these services but could not afford to pay for legal representation. The cost in terms of money, time and mental health is significant.

The fees charged by solicitors and barristers are a huge financial impost on the limited budgets of women who have experienced financial abuse. Women in the focus groups report having legal debts ranging from \$20,000 to \$100,000, including the cost of numerous psychological assessments and other specialist consultations ordered by the court. To save on legal costs, most of the women spoke of doing much of the 'legwork' themselves, such as tracking down and photocopying documents. Although this reduced their legal bills, there were still costs attached which cut into their budgets.

Several women found that employing a forensic accountant to investigate what their partner had done with their family savings and assets was beneficial, although other women found the cost of this service to be prohibitive. Some were advised by solicitors that employing a forensic accountant or other specialist to pursue their former husband's financial history would cost thousands of dollars, which would have to be paid up front. One woman noted that the \$3000 cost of having the business that she had run jointly with her ex-husband independently valued was beyond her budget, living as she did, week to week.

Sally's Story

Sally works as an editor and lives in one of Melbourne's 'leafy' eastern suburbs. After recently leaving her marriage after 17 years of family violence, she has discovered that her former husband, a corporate executive, had accrued substantial debts through high-risk gambling on the stock market throughout their marriage. He had remortgaged their family home, their two investment properties and their holiday house, without her knowledge. She was now forced to use her entire salary to pay the mortgage on the family home in order to sell it and buy another home for herself and her three children. At the time of the focus group, Sally was paying for groceries and petrol on her credit card. Sally has worked throughout the marriage to help provide a financially secure future for her family, as well as being the family's primary carer. Sally is determined to pursue her fair share in a property settlement, but has no money to pay for the legal representation she believes she will need for this.

"I want to tell you this but I am so ashamed and embarrassed, but I want to say this. Do you know how I am paying for my lawyer? I am having sex with him. He offered to do this at our first meeting. When I have an appointment with him, we have sex. And do you know what? It's not bad – it's just sex. And my ex-husband says, 'You're wasting all the kids' money on legal costs' and I think, 'If you only knew how I am paying for it!' That's partly why I can do it. Because I know he would just go mad if he knew. And if I didn't do it, I wouldn't know any of the things he was doing with the money. I wouldn't know anything."

(Sally, 52, three teenage children, Melbourne)

According to several members of the legal profession, when asked to comment on this situation, anecdotally at least, Sally's experience is not unique.

However a number of women did say that the money they spent on legal representation was worth it when they received a reasonable property settlement. Others, such as the following survey respondents, were also satisfied with the process:

"I feel very lucky that I had a solicitor who was very supportive and gave me a rate to pay which was affordable." **(Survey respondent)**

"I had a lawyer who specialises in family law. It was an expensive process but they arranged a payment plan for me that was fair. He was very good and I believe fair. It was the first time in 22 years of marriage that I had someone advocating on my behalf! Someone willing (and able) to stand up to my ex-husband's controlling and bullying behaviour! He [the lawyer] wasn't at all scared or threatened, like I was. It was priceless to witness and worth every cent in legal fees :)"
(Survey respondent)

For most women in the study, legal costs were a formidable barrier to pursuing their entitlements, and they had few options but to accrue large debts. Sally's story, while not typical, illustrates the financially desperate situation of some women leaving an abusive relationship.

4.1.5 Costs, poor advice, fatigue and fear: reasons for not pursuing entitlements

The vast majority of women in the study pursued their property and parenting settlements through the legal system, despite the challenges it posed. Two women chose to walk away, based on the legal advice they received. As Sarah's comments illustrate, the adversarial nature of the family law system creates contradictions and misinformation when the context of family violence and gendered parenting roles are not recognised, properly unpacked and considered.

“All along I have been just concerned with protecting the kids. One lawyer said, ‘You should start a bun fight, he has got a house and you are not asking for anything’ and I didn’t go with that lawyer because I didn’t want to start a fight. It would be helpful to have some service tell me actually you have financial rights because I have been told by lawyers since then ‘Just don’t go there, don’t ask for anything because if you focus on the child’s well-being it’s actually better for the child.’”

(Sarah, 33 two children, aged 14 and 5, Melbourne)

Pauline is 55 and works as an operations officer. After 30 years of marriage, she is now living with her sister because she can’t afford to rent or buy a home herself. Her two sons live with their father. After being told by her solicitor that going to court for a property settlement with her ex-husband would cost her between \$60,000 and \$100,000, Pauline felt she had no choice.

“I was not prepared to do [that] with the possibility of losing everything plus being in debt. So I opted out and basically walked away with nothing. I am 55 and starting my life again.”

4.1.6 Vexatious litigation in the context of financial abuse

The overwhelming majority of women involved in this research are concerned about the lack of mechanisms in legal and family systems for preventing ongoing financial and emotional abuse. As discussed previously, these women consider the legal actions of their former partners to be vexatious – deliberate and malicious, a continuation of the pattern of abuse they established in the relationship. They express their frustration that the legal system appears to do nothing to protect them from this abusive behaviour.

Balancing the rights of access to justice, the best interests of the children and protection of those subjected to abusive actions is a complex and difficult task for the judiciary, particularly in cases with a history of family violence. Where financial abuse is a part of the family violence, it is critical that this is identified and considered in the conduct of applications to the courts. One legislative mechanism for preventing financial abuse through the legal system is the finding of vexatious litigation.

A recent judgment of vexatious litigation in the Family Court (*Cannon & Acres* [2014] FamCA 104) highlights the technical complexity of this process. The judgement in this case came after seven years of litigious action by the father that began at separation when the child was five. The mother’s constant attempts in this case to meet the exacting requirements of all the consent orders over many years, for fear of losing her daughter if she was found to be in breach, illustrates the powerlessness felt by women in this situation. Even then, the final determination appears to be made only when the child finally refused to have any further contact with her father, rather than a decision based on the impact of his actions on his former partner or his child. As this judgment highlights, making a determination of vexatious litigation is always complex and even more so in the emotionally charged context of family law. However, as the experiences of the women in this research demonstrate, the costs for women who feel they are that not protected by the legal system are substantial and carry life long consequences.

4.2 Child Support: dodging, weaving and dummifying the system

The failure of their children’s father to pay regular child support, to avoid or challenge child support arrangements, creates ongoing problems for the women in this research. This is a principal cause of financial hardship for most of the participants with dependent children, because it is costly to pursue their former partner for under-payment or non-compliance and can also result in loss of income as they are forced to take time off from work. In some cases, women have to bear the costs of responding to the former partner’s repeated challenges to existing child support assessments.

The gendered nature of the Australian child support system is evident in the fact that of the 1.5 million separated parents and 1.1 million children affected by the system, approximately 87 per cent of resident parents, that is

those in receipt of child support payments, are women. Moreover, these women are likely to be in the lowest income group, with the best available data showing that in 2003, **74 per cent of the recipient parents had an annual income of less than \$20,000. By contrast 57 per cent of payers had an annual income between \$50,000 to \$100,000** (Cook, 2013:44). A recent analysis found that the child support system, despite reviews conducted by the Ministerial Taskforce on Child Support in 2005 and subsequent reforms, continues to reinforce a dominant view of fatherhood and male financial autonomy, promoting the interests of men at the expense of women and their children (Cook & Natalier, 2013; Cook, 2013).

That analysis of the child support system is reflected in these research findings. Again, women with a history of family violence are further disadvantaged in the child support system, with a study of recently separated parents finding those who have experienced family violence have higher proportions of non-compliance of child support payments than those who had not experienced family violence (De Maio et al, 2012). Using the child support system as a means through which to perpetrate financial abuse has been identified in previous research (Branigan, 2004, 2007; Patrick, Cook & Taket, 2007) and this research confirms that the practice remains common and widespread.

4.2.1 Using the child support system to continue financial abuse

As identified in previous studies, this research found that men with a history of family violence commonly employ a variety of strategies to reduce or avoid child support payments, including “quitting their job, declaring bankruptcy, working cash-in-hand, minimising their income under their own or their family business, failing to complete returns, hiding income and assets in bank accounts and investments, filing for exemptions on the basis of inability to pay, for example drug and alcohol or health issues or being uncontactable” (Patrick, Cook & Taket, 2007:23). Many women describe how their former partners routinely left jobs, were paid cash in hand, transferred income to their new partner or hid income in family trusts or businesses or applied for changes of assessment based on dubious claims of parenting arrangements.

Despite some women in the study reporting that the Child Support Agency was ‘absolutely fantastic’ and provided ‘100 per cent support’, the majority felt their ex-partners were able to ‘game’ the system with apparent ease because of ineffective or unfair rules and procedures. The changes to the legislation introduced between 2006 and 2008 do not appear to have improved the reliability of child support payments. The majority of focus group participants expressed frustration with the agency’s lack of power to compel recalcitrant fathers to consistently pay their child support at the assessed amount. A particular point of frustration is the apparent lack of recognition of financial abuse in the context of family violence and its ongoing consequences, as described by this woman:

“Child Support don’t recognise [financial abuse]. They rang me, when he put in his claim to have his income reduced at the beginning of the year, they rang me the very next day to discuss it with me and I said, ‘Look, I have left this relationship because it was abusive and I believe that he is doing this to abuse me further and control me’ and they did not take any word of my conversation on board... [H]e provided no evidence of needing to take that reduction and when he put in the claim they didn’t ask for anything; they just took his word for it. They didn’t even listen to what I said. I think that was the worst thing, they didn’t even listen.” (Loren, 36, two children aged 4 and 2, Melbourne)

The strain of ongoing battles with their former partner through the Child Support system forces many women to simply give up the pursuit of child support altogether. For example, Jessie’s ex-husband paid no child support for their four children for six months when they separated. His payments have continued to be intermittent and minimal. Jessie says she finds it easier not to ask him to help out with money for school excursions or clothes because it is always a battle. Jessie’s ex-husband previously worked for Centrelink so “he knows the ins and outs of the system”.

“So...we have been through the child support issues. He initially said very clearly to my Dad that his aim was to pay the least child support as possible and he also dropped his work hours as well. At this stage it’s me with one hundred per cent care of the children. They have for various reasons been refusing to go [to their father]. [So I am] living on Centrelink payments with Mum and Dad and he has now re-partnered.” (Jessie, 41, four children under 12, Melbourne)

4.2.2 Calculation of child support payments

Given the financial hardship experienced by the majority of women in this study, the recent changes to child support – particularly the calculation of payments, which lowers the cap on income to be assessed and is adjusted according to the age of the children and both parents' income – have an immediate and detrimental impact on women's lives. The calculation of parental incomes based on the premise of wage equality fundamentally disadvantages women in general because of the gender pay gap, which is currently around 17 per cent (WGEA, 2014). This is particularly true for many women who have experienced financial abuse who have been prevented from working or studying during their relationship. This often means that post-separation, their qualifications and skills are no longer relevant and they have to retrain or opt for low paying, low skilled work.

Although the majority of women (58 per cent) who participated in this research are in paid work, close to half (22.5 per cent) are in part-time or casual employment and most are in relatively low paid positions. Their income generally is substantially lower, less reliable and more susceptible to fluctuations in the labour market than their former partner's, particularly in cases where their former partner is on a very high income. Further, the increase in the prescribed purposes amount of the payer's child support contribution to be spent directly on children has reduced the amount of discretion women have over their family budget. As argued by Cook and Natalier (2013), these changes have the demonstrable effect of financially disadvantaging women while protecting the financial interests and increasing the control of the men involved in such cases.

4.2.3 Compliance and non-payment debt collection

These research findings indicate that the child support system is failing to account for the extremely limited budgets of many women, thus making them reliant on every dollar to cover the essentials for their children. Consistent with other research that shows that experience of family violence increases the likelihood of non-compliance (De Maio et al, 2013), the majority of women in this study reported that their former partner did not comply with their assessed child support payments.

The focus group participants generally shared the view that the Child Support Agency is under-resourced and understaffed to properly fulfill their role. Their key concerns focus on the agency's lack of power to enforce compliance and the lack of evidentiary rigour applied to their former partner's claims for reassessment. This inability to enforce payment compliance is a persistent and historical criticism of the child support system. More than a decade ago, the House of Representatives inquiry (2003) recommended an extension of the agency's enforcement powers, yet no changes have been legislated.

As a result of the Child Support Agency's apparent under-resourcing some women are compelled to gather evidence themselves to disprove their former partner's claims about his financial status and capacity to pay. Gina has two children, aged 4 and 7. She has lived with her elderly parents since her separation because she was left with no money or assets and cannot afford to rent her own home. Her former partner has a history of financially abusing her, including leaving her with substantial debts. He has only rarely made financial contributions to his family through child support payments. As Gina describes, there is an expectation from the Child Support Agency that she do the groundwork to track down her former partner, a recidivist non-payer, to provide the evidence that he is working.

"I feel like I'm constantly following child support – 'look I've found out that he's working here and he's not totally getting cash in hand'. [Child Support says] 'Could you follow it up?' I feel like I'm stalking him. But the second I get him, he's off to another job and it's cash in hand and they have to start all over again and I have to start all over again. Now I have to suss out where he's working. I have to literally get the photos for Child Support. It might take him a couple of months, I might get a couple of payments but then he's out. So you know he's out and then it's gone again. I find Child Support are fine and they're very professional and they are following a guideline but the guideline is not good enough, it's just not good enough. You know, he can work two jobs. I'm sure he has to be paying tax somewhere but the Tax Office doesn't communicate with Child Support.⁶ So you're doing your own

6. Communication between the Australian Taxation Office and the Child Support Agency is legislated for income assessment purposes and recent amendments have tried to strengthen those powers, but Gina's comments reflect the frustration voiced by many study participants who feel their children's father can slip through the legal cracks to avoid child support payments.

legwork; you're chasing him like some kind of stalker – that's what I do, I chase him like some kind of stalker, to get some financial help from him. Then to be verbally abused by him and have my children verbally abused. He was telling them 'your mum is selfish; your mum is greedy'. To me that is abuse."
(Gina, 42, two children aged 7 and 4, Melbourne)

Additionally, the policy that allows the Child Support Agency to collect debts only after three months of non-payment (and nine months in special circumstances) creates significant additional financial hardship for women who are forced to wait out the three months without child support payments before they can be reimbursed. This is a particular burden for the women who are solely reliant on government income support payments, however the subsequent reimbursement of child support debts in a lump sum can create problems for women in paid work, as discussed in the following section on Centrelink.

4.2.4 Changes to assessment and the burden of proof

Many women in the study expressed frustration that there appear to be no effective mechanisms by which to accurately assess or validate their former partner's actual income; that the system simply accepts his account. The process by which payers can apply for a change of assessment appears to support the perceptions of the study participants. In particular Reason 8 of the 10 reasons listed for applying for a change of assessment due to special circumstances is regarded as overly broad and non-specific, leaving it open to exploitation. It also includes the additional clause:

Alternative option if your income has reduced *If your current income has reduced by at least 15%, you may be able to lodge an estimate of your income instead of a Change of Assessment application. This can easily be done online or over the phone and might mean you don't need to make a Change of Assessment application. An estimate can only be applied from the date you lodge it.*

According to many of the research participants, their former partner uses this option to alter his payments, leaving them with two choices: challenge or adjust to the changes. Here Vicky outlines the strategy employed by her former partner, a lawyer, with whom she shares parenting of their three children.

"My ex, he contacts Child Support, it must be every week. I get a letter from them every week where he's reviewing and reviewing and arguing. I just don't open them anymore. First of all he's a lawyer and he quit his job – he says he's quit. He told my lawyer, 'I'm not working because I'm not going to pay child support. He'd say [to Child Support] 'I don't have that this month, can I make an arrangement with you to make the payment?' But they're not required to follow up for three months or something, so I would get nothing for three months. So then I'd ring up and say 'so how's it going?' and they'd say 'yes, your ex-husband has contacted us about that. He's made a new arrangement'. And he did that for four years."

(Vicky 54, three children, Melbourne. The legal costs prevent Vicky from taking her ex-husband to court to recoup the unpaid child support money)

A number of participants felt the Australian Tax Office (ATO) should play a greater role in policing the assessable income of their former partner. Recent attempts by government to address this issue and increase payment

compliance through the lodgement of tax returns is unlikely to impact on the non-compliant payers. Under the new legislation, if tax returns are not lodged, the ATO estimates the annual income based on previous tax returns. However, as Cook (2013) points out, this is likely to be ineffective because non-compliant men would only be compelled to submit a tax return if the ATO estimates their income to be more than their actual income. Many of the women in this research describe their former partner as wealthy, financially astute and adept at using the system to avoid tax or minimise their taxable income, but the women do not have the resources necessary to prove that this happening.

Many of the women in this research describe their former partner as wealthy, financially astute and adept at using the system to avoid tax or minimise their taxable income.

“My counsellor said ‘why don’t you subpoena him?’ [to get proof of his actual income]. I said, ‘Do you know how much it costs?’ Just to get a barrister for the day is a thousand dollars, to prepare for that day is another thousand, so it’s going to end up costing me nearly five thousand dollars.”

(Margie, 35, mother of two girls aged 3 and 5, Melbourne)

Cathie’s story highlights the inadequacy of the current child support system to investigate or validate the payer’s income assessment. She points out that one mechanism for ascertaining a realistic assessment of eligibility could be to access bank loans. Cathie, 52, has been engaged in a decade of legal battles with her wealthy ex-husband, from whom she separated when their son was one year old. Her former husband, a property developer, has used a variety of strategies to avoid paying child support, including minimising his income while apparently borrowing substantial sums for lucrative building projects. As Cathie explains:

“Why aren’t we looking at the amount of debt, not the income but the amount of debt they can service? Because you know, when you take out a loan with the bank, generally the bank won’t allow no more than 30 to 40 per cent of your monthly income can go towards loan repayments. So how is it that someone who is supposedly earning \$60,000 can service a debt of millions? So one day I got really angry, because yet again he was taking me to court. He’s not paying a decent amount of child support but he can come up with \$8000 to \$12,000 for a legal team, take me to court when that’s money that could be going to his son. So I got angry one day and did a bit of research – I don’t know why Child Support can’t do the research – it was outsourced to an investigator. The outcome of this was that they said he had to be earning a minimum, a minimum of \$250,000 a year to service the loan. So you know, the child support went up, but he got angry and we ended up back in court. So he’s been taking me to court to try and get more and more custody so he doesn’t have to pay child support. I couldn’t afford to put my son through private school so he was trying for full custody.”

(Cathie, 52, one son aged 11, Melbourne)

4.2.5 Personal disclosure of information

The disclosure of personal information in relation to child support was raised as an issue by a number of women in this study. It was also raised by the Australian Law Reform Commission (ALRC) review of family violence and commonwealth laws (ALRC, 2011, 2012). The ALRC identified the increased vulnerability of ‘victims of family violence’ when their personal details, including income, are provided to the other party in the initial assessment and any subsequent changes, objections or reviews. While this requirement is based on the need for procedural fairness, the impact can be detrimental in situations of family violence, particularly in regard to safety. As the following comments illustrate, there are other negative effects of this process on women who are already vulnerable. Karen, whose former partner left her and their five children a year ago, describes the emotional impact of reading documents submitted by him.

“So I came down to [the Child Support office in] Flemington with all my receipts and I said here are all the receipts for everything I have paid and they photocopy everything. And it’s open disclosure, which means that if I wanted to tell them that he’d been to the moon and back, he actually gets a copy of every document and they record it, which is really dangerous, I feel. Because if I tell them that he’s working cash in hand, he actually gets a copy that I’ve told them that, whereas Centrelink protects my privacy... So when I did that [disputed the child support he was paying] he disputed the children’s paternity, you see and I found this out in all these documents, which is great! That’s the sort of information that they’ll reveal to you. Yep, he disputed all the children’s paternity because he didn’t want to pay child support, that’s right! And it’s very confronting. Yeah, so off I go and of course I’ve read that he’s questioning their paternity so of course I’m angry and I’m upset and I can’t believe this man.”

(Karen, aged 44, five children aged from 16 to 3 years, Melbourne)

“[And] with the Child Support when you do a change of assessment I had to do full financial disclosure and then they don’t have to reciprocate...and you feel vulnerable and laid out, absolutely raped you really do. And then you get questioned over everything. I had a Child Support person say ‘You shouldn’t have a cat. You shouldn’t in your budget be spending money on cat food...’”

(Serena, 50, her son 14, lives with her while her daughter lives with her father, regional Victoria)

4.2.6 Child Support and the Family Courts

As discussed in the previous section, many of the research participants' former partners repeatedly challenged court order and child support assessments through the legal system, exhausting her financial and emotional resources. In one case, Serena has been battling with her wealthy ex-husband over parenting arrangements and child support since their separation 12 years ago. She is about to go to court for the eighth time. She has to represent herself because she can't afford to pay for legal representation. Currently Serena's son lives with her and her daughter lives with her father. As she says:

"It's all to do with money and it's about child support. It's ridiculous; it shouldn't even be in the court system... And I would get abused by him and questioned by everyone and it just wasn't worth it. So I was like, 'well, OK don't pay child support' because I can't cope with the workload of doing all these applications and getting nothing out of it and just getting abused and questioned from all sides."
[Serena, 50, two children, 14-year-old son lives with her, regional Victoria]

All the participants who had interactions with the child support system told stories of non-compliance, avoidance and manipulation of the child support and legal systems by their former partner. The financial hardship this caused is evident and the emotional cost is profound. Sophie's story is representative of a number of other women whose former partners had high incomes.

Sophie's Story

Sophie's ex-partner is a financial advisor and comes from a wealthy family. According to Sophie, he has quit his \$250,000 plus job to avoid paying child support and routinely appeals his assessments through the courts and the Social Security Administrative Tribunal. The Child Support Agency estimates that he owes Sophie more than \$20,000 in child support payments. Sophie and her two daughters, aged 6 and 8, have been living in a bungalow at the back of her mother's home for the last four years. She lives on a single parenting payment and is unable to work as a teacher because of the demands of caring for two young children and the continual stress of dealing with her ex-partner. He regularly moves around Australia without notifying her, the Child Support Agency or Centrelink of his changed address, despite being ordered by the court to provide the information. This creates an intolerable situation for Sophie when she is required to send her daughters for their court ordered visits with their father. Last year Sophie suggested she would not send her daughters for their visit, as she was not certain of his most recent residential address in northern Australia. The fear of not complying with the court order and losing the children, coupled with her natural anxieties about the welfare and safety of her children, are overwhelming for Sophie:

"This is what happened a year ago and his lawyer threatened that I would go to jail and lose my children, causing more extreme anxiety. It is the same when you see it written down and you know it's not true but the anxiety and the stress it causes you. When you don't have Legal Aid, you don't have Women's Legal Service, when they have barristers you don't know what they can do. Maybe it is his address but I don't know. I don't know where he is." (Sophie)

All the participants who had interactions with the child support system told stories of non-compliance, avoidance and manipulation of the child support and legal systems by their former partner.

In the context of family violence situations, payment of child support, like other post-separation processes, needs special consideration. The costs entailed in pursuing non-payment through the legal system are significant, and, as this respondent's comment highlights, mediation in these circumstances is also pointless and unfair.

"[G]iving CSA/Centrelink greater power to investigate into the child support which hasn't been paid to receiving parents by the ex-spouses (especially by those who are self-employed and dummy the system). I could have taken my ex to court regarding unpaid monies but was advised that even after a ruling in my favour, they could not enforce the payment of the monies and I would have to go back to court to fight his non-payments. At over \$5K for each appearance, and I would have had to represent myself (hence time taken off work for each hearing) and hold down a fulltime job and care for three of my four children and support them, I decided it would be a worthless exercise for \$2000. Mediation is a joke. They do not account for parents working full time, and although some mediation would have benefited our situation, finding someone to look after my children, take time off work to travel 50km, plus pay for 3 compulsory sessions at \$70 an hour each (most sessions taking 90 minutes) while my ex could pay nothing was utterly incomprehensible."
(Survey respondent)

4.2.7 Child support through the financial abuse lens

The Australian Law Reform Commission (2012) made a number of recommendations about Child Support and Centrelink staff routinely screening for family violence. While these recommendations are focused on safety issues, the findings of this research demonstrate the need for specific screening for and identification of financial abuse by these two agencies. There are two important reasons why financial abuse should be expressly identified: one is that men with a history of financial abuse will commonly use the system to continue the financial abuse of their former partner. This is a critical factor to be taken into account in the assessment and compliance process, particularly where there are repeated applications for changes to assessment and non-compliance. The second reason is that, as this research has highlighted, many women who experience financial abuse do not identify it as family violence and would therefore neither consider nor raise it as a relevant factor in their case. Although financial abuse occurs in association with other non-physical forms of family violence, many women do not recognise their situation as family violence because there is no physical abuse. An understanding of the impact of financial abuse on women and their families should be a key consideration in the process of pursuing their legal entitlements and maximising their income security.

While the Australian Law Reform Commission (2012) also noted that it was important for women who have experienced family violence to be advised of their eligibility for an exemption from the maintenance action test, that is 'take reasonable action to obtain maintenance' to receive more than the Family Tax Benefit Part A (FBT Part A). However, as earlier research points out, while this means they avoid contact with their former partner, women are often financially disadvantaged in doing this, particularly in cases where he is a higher income earner. It also allows their children's father to escape his financial responsibilities (Patrick, Cook & Taket, 2007). With the exception of a small number of women in the study, who are exempted due to their history of physical family violence, the majority sought child support payments to maximise their limited income. However, as these findings demonstrate, this has fallen far short of protecting their financial security and that of their children.

4.3 Centrelink: "You ask 30 people and you get 30 answers."

Centrelink is often the first port of call for women leaving a family violence situation with no money and limited resources. The information about income support options, family assistance and child support provided at this time and, importantly, before this when a woman is thinking about leaving an abusive relationship, is critical. Notwithstanding the recommendations from the 2003 child support inquiry addressing this issue, the findings of this research show that women find the system to be complex and difficult to navigate; that information is hard to find and often inconsistent; and that co-ordination and communication between the Child Support Agency and Centrelink is frustratingly inadequate. Women who have left middle- or high-income households and who have had no previous contact with these agencies most often noted this.

4.3.1 Inadequate access to information

Many women in financially abusive relationships have little or no access to cash, even those in paid employment. Knowing what income support they are eligible for – and can access immediately when they leave – is essential to supporting that choice. A number of women report that their failure to get information about their financial options if they left their relationships means that they remained in abusive situations far longer than they should have. This is supported by the survey data: asked to rate the reasons for not leaving their abusive relationships from ‘extremely important’ to ‘not important at all’, the majority rated ‘not having enough money to manage on my own’ (59 percent) and ‘being overwhelmed by the whole process (legal, child custody, support and Centrelink)’ (53 percent) as ‘extremely important’.

Vicky’s story highlights the barriers she faced when seeking information from Centrelink about income support and child support payments when she was contemplating leaving her abusive relationship. She had not worked throughout her marriage and her former partner, a lawyer, had controlled their finances.

“And when I went to them and said ‘well what would happen if I did this, if I was separated, if I was divorced, what would happen?’ And they’d say, ‘oh we can’t say there are too many variables’. And I didn’t know; I had no idea. So I’d say ‘what’s the Centrelink allowance? Like how much money would I get? So could I go and rent an apartment?’ ‘Oh we can’t tell you that because there are too many variables.’ So I said ‘here are a few variables’ and they said, ‘oh we can’t tell you that’. So I had no information.”

(Vicky, 54, three children, Melbourne. She ended up moving in with her brother with \$15 in her pocket)

The lack of consistency of information from and between the Child Support Agency and Centrelink is a common problem for the women in the research. They also report receiving little assistance to work through the details of their financial situation, so that they can make reliable and accurate estimates of their income options.

“Unfortunately with Centrelink I found you can go three separate times and speak to three different people with the same question and you will get three different answers. It is the same with Child Support.”

(Marie, two children aged 11 and 14, Melbourne)

“A really practical thing that would help me at the moment is knowing how much I could earn before everything changes in terms of child support, my Centrelink benefit because there is value in doing work but at the moment I think if I earn anything I am going to lose this and that. I did ask but they gave me in terms of just them but didn’t think about the child support aspect.”

(Penny, three children, aged 5, 7 and 10, Melbourne)

4.3.2 Managing income and balancing the budget

Changes to any aspect of the complicated financial arrangements involving child and income support, as well as earned income, can have a significant impact on small and tightly managed family budgets. For many women, the persistent patterns of non-payment or minimisation of child support and contested parenting arrangements make maintaining a stable income impossible, particularly for women who have part-time or casual work. As Cook (2013: 55) points out, “men are afforded autonomy over their finances and obligations, whereas women’s lives are increasingly regulated as they are required either to comply with increased Centrelink surveillance or forego their FBT(A) entitlements”. The women in the focus group explain the impact on their lives as they constantly try to balance interactions between Centrelink and the Child Support Agency, worrying that changes will lead to further reductions to their income.

“The other thing is the way people always have to balance the child support, the income and the Centrelink. For example, if I ever earn more than him, because he’s not working, but if I do then the less I get in the other payments. And if I earn more than him because I’m trying to get ahead, then I will have to pay him child support. So it’s a balancing act.”

(Karen, 44, nurse, five children aged 16 to 3, Melbourne)

The women are also acutely aware, as Anne's story illustrates, that the current system allows their former partner to continue to exert power and control over their lives. When Anne's private arrangement with her ex-husband expired after seven years, it took six months to sort out his child support payments. Her ex-husband is a plasterer who works as a sub-contractor and 'hasn't done his tax for a number of years'. He refused to talk to the Child Support Agency and subsequently his income was over-estimated, causing Anne's Family Tax Benefit A, on which she depended, to drop. As a result of her former partner's failure to comply, Anne's already limited income was substantially reduced for more than six months.

"It took six months to sort out, going round and round in circles to find out there was this disbursement method through Centrelink. I had to ask the Child Support Agency to collect, knowing that they wouldn't...hold on, I had to wait three months of non-payment then I had to ask CSA to collect. Learn the right words. So then they had to try to collect for three months when they couldn't contact him, so six months now. Then they informed Centrelink that, 'No, they are not collecting' and then I had to request this disbursement method from Centrelink...that I am not receiving that child support. So I had this recalculation eventually by August last year where all the systems do their calculations and catch up and I finally got back paid for all the family tax benefit. How can what he does or doesn't do still affect me? That pisses me off. I had nothing. The only thing I had was the house, no furniture, nothing in the bank account but it was only after I did a bit of counselling that I realised I am still being financially controlled by my ex because what he still does or doesn't do affect Centrelink, child support and everything else." (Anne, 52, two sons aged 16 and 13, regional Victoria)

The current process means that when women are eventually reimbursed for the child support non-payment debts, they are paid in a lump sum. This further destabilises their budgeting, as they are then required to readjust all their income assessments over that payment period so as not to receive an overpayment. This income instability is a continual challenge for most of the research participants, making saving and longer-term financial security virtually impossible.

4.3.3 Surveillance and regulation of women experiencing financial abuse

When this complex balance of payments is challenged, the consequences can be severe for the woman affected. Although Centrelink offers limited information about potential income support options to women contemplating leaving their relationships or the circumstances in which FBT (A) can be increased, the agency is very diligent in providing information about the risks of over-payments due to income under-estimation, including repayment and possible fraud charges (Cook, 2013). The complexity of the system means that the women who rely on it are constantly in fear of inadvertent overpayment and the implications for their budget of the consequent repayment of the debt.

In Natalie's case, the decision of her children's father to dispute their parenting arrangements means she is potentially facing a substantial repayment to Centrelink. She reflects the views expressed by a number of women in the focus groups, that the onus is on her to prove her case that she has been the primary carer, whereas her former partner's claim has no such requirements. Further, the cause of the problem, according to Natalie, is the contradictory advice and different assessment tools used by Centrelink and the Child Support Agency at the time of separation. This case highlights the need for consistency, clarity and good communications between the two agencies.

Natalie, 37, has two children and works casually as a nurse. The father of her children has only made irregular child support payments since their separation. She has recently applied for an intervention order against him and Natalie believes he is now deliberately using the child support system to financially abuse her.

"He has paid a minimum and there have been issues of collection. I haven't been paid anything since December. They say they're chasing it. Same old story. So now he has made clear threats that he is going to make sure that I can't get any money. So he is going to ruin me financially. So he has now gone to Centrelink claiming that he has always had 50-50 care of the children when he hasn't obviously... I was the majority carer, you know, paid for everything. So since the restraining order, he has gone to Centrelink and is claiming that it is shared care. So I have to prove that I am the primary carer which I have a lot of documentation about but what they are saying is that because the Child Support says it is 50-50 care I am probably going to be in debt quite a lot of money. Yeah, for three years of half the payments and I will be cut... So I am now in a battle for that. I am quite frightened

that I [will] have a big debt and I am not going to get support if he gets half of family payments. I can only work so much and I am going to be financially in trouble. So that's where I am at the moment."
(Natalie, 37, two children, regional Victoria)

The experiences of the women in this research illustrate the ways in which the child support payment and income support systems work to replicate the financially abusive relationship that the women have left. The overwhelming majority of women who took part in this research express the view that the child support system appears to enable their former partner to continue financially abusing them, giving him the ability to exert control over their lives after separation. As the recipient of child support payments in almost all cases, their common perspective is that the child support system gives their children's father the freedom to choose whether or how much child support is paid with few requirements of proof and no power to enforce compliance. As a result, they are left to deal with financial uncertainty and the impact this has on the management of their limited budgets.

By contrast, the women reported that they are required to meet extensive and stringent documentary evidence standards to justify changes to their income as a consequence of their former partner's actions. The women in this research reported feeling stressed by the surveillance and regulation of their financial affairs by Centrelink. Many say they live with the constant anxiety of having their income reduced or having to repay substantial debts through unintentional overpayments. This situation shares stark similarities to their experiences of financial abuse in their relationship.

FINANCIAL ABUSE AND WOMEN IN REGIONAL AREAS

Geographic isolation, limited crisis and support services and a general lack of confidentiality are among the factors that affect women's experience of domestic and family violence in regional and rural communities (Hastings & MacLean 2002, WHGNE, 2012). To learn more about how rurality affects women's experience of financial abuse in the context of family violence, focus groups were held in three Victorian regional cities. Seventeen women participated in these three focus groups and while their stories were broadly similar to participants in the metropolitan groups, the rural women identified a range of factors, both positive and negative, which influenced their experience of financial abuse. While it is recognised that women who experience family violence in a family farming situation face specific problems in relation to financial abuse and property settlement (WHGNE, 2012), there are however no such women in this study.

Some women spoke of the positive aspects of living in smaller communities, where everyone knows each other. Anne, for example, describes how her small community has established a supportive network to help women and their children living on low incomes with practical needs, such as sourcing cheap equipment like a lawnmower. Similarly, in a small town where everybody knows each other, social sanctions and personal contacts can work in a positive way. Christa explains that because her ex-husband's new partner was a high profile member of the community, he is now complying with his child support payments for the first time. Marjorie says she rang her partner's boss from the supermarket checkout to say there was no money in their account and the boss transferred the money immediately.

However, the negative effects of small communities are also evident in the stories of other women. A number of women spoke of their conflicted sense of loyalty to their ex-partner and the desire to protect his reputation, as well as the shame and embarrassment they feel about the financial abuse and domestic violence in their relationship. The likelihood that solicitors, police and bank managers will be associates of an abusive partner, whether through sporting, business or other activities, is obviously increased in small communities; this exacerbates a woman's vulnerability and isolation, as well as making it harder for her to find help.

Serena describes how her ex-husband, a well-known businessman and influential member of the community, deliberately made it impossible for her to get a job after their separation. Tanya, who had travelled from a smaller rural town, talks about the

Geographic isolation, limited crisis and support services and a general lack of confidentiality are among the factors that affect women's experience of domestic and family violence in regional and rural communities.

inadequate police presence there and a lack of understanding of family violence, particularly financial and other non-physical forms abuse. It is evident from these stories that the lack of legal and support services is a key issue, as is long waiting lists to see a financial counsellor. Importantly, in regard to legal proceedings, along with limited solicitors in small regional communities, a number of women raised the issue of the cost of travelling to court sessions in Melbourne or outer Melbourne suburbs for court appearances, only to find their matter had been postponed. This is a significant financial impost on their very limited budgets.

FINANCIAL ABUSE AND WOMEN FROM CULTURALLY AND LINGUISTICALLY DIVERSE BACKGROUNDS

There is strong evidence to show that women from culturally and linguistically diverse (CALD) groups also have particular factors that influence their experience of family violence and of financial abuse (Braaf & Barrett Meyering 2011; Dimopoulos 2010). To attract research participants from this group, contact was made with a number of services working specifically with women from overseas countries who may be in Australia as migrants, refugees or asylum seekers. Six women in the focus groups were from CALD backgrounds and of them, two had been referred by a service and the remainder heard about the project through the flyer or WIRE newsletter or website. None of the CALD participants were asylum seekers or refugees. It is not possible to generalise from the experiences of these women, however there were consistent themes in their stories of financial abuse, most notably their sense of social isolation and different cultural conceptions of money and family relationships.

Women report feeling isolated and trapped in Australia.

All of the women had come to Australia as migrants with or to be with their former partners. All were highly qualified and had been developing successful careers in their country of origin or in Europe or the United Kingdom. On arrival in Australia it was a common pattern for their former husband or partner to take control of the finances, including the women's salaries. They report their partner became increasingly abusive and controlling over their lives. In the case of two women, one from India and another from Malaysia, the abuse also involved exploiting the financial contributions from the women's family. All but one of these women report feeling isolated and trapped in Australia, because they could not take their children out of the country and also because the higher salaries here enabled them to repay their

debts to their families, including loans for student fees, house deposits and gifts. Only one woman in this group experienced exploitative financial abuse from her former partner, who kept his financial situation secret and made no financial contributions to their household. It was only after the birth of her daughter that she found out her former partner was wealthy and owned a million dollar apartment in the city. She worked throughout her pregnancy to support her family and continues to be wholly financially responsible for herself and her child.

Basanti's story illustrates some of the issues faced by women from culturally and linguistically diverse backgrounds when they experience financial abuse in Australia. Because it was an arranged marriage, Basanti's family had been expected to pay for an expensive wedding in India and subsequently to lend her money following her move to Australia, which they could ill-afford. Her husband, and his family who lived with them, became increasingly abusive, physically violent and controlling. Basanti, a software engineer, was forced to work in her high paying job until two days before her baby was born; all her salary going into a joint account over which she had no control. Once she ceased working and the loan for the house purchase secured, her husband closed the joint account and transferred the money into his own account. Basanti says she had trusted her ex-husband because he was an accountant, but she now believes that he and his family were using her to buy a house in Melbourne.

As the abuse became increasingly violent, Basanti was forced to flee with her new baby with nothing: no job, no clothes and nowhere to live. With the help of domestic violence and other support services, Basanti is now trying to get back some of the \$80,000 her family had invested in her marriage. The financial loss to her family in India is a source of great stress and anxiety to her, as are the legal costs to pursue the property settlement with her ex-husband. She has been advised by a lawyer that she would end up paying \$60,000 to \$100,000 in legal costs to get back the \$30,000 she had paid towards the house deposit. Fortunately, with the help of a legal support service, Basanti has found a lawyer who is working on her property settlement pro bono. As Basanti says, "Even if I get \$10,000 or \$15,000 I can pay back my relatives."

5

SECTION FIVE

INFORMATION: LANGUAGE, FORMAT AND SOURCES — WHAT DO WOMEN NEED?

This research project arose out of a widely recognised need for more and better targeted information about financial abuse for the community generally and for service providers and professionals working in the family violence sector (Marsden, 2012; Corrie & McGuire, 2013). As discussed previously, this research has found that many women in financially abusive relationships lack understanding about the issue generally and, importantly, do not know that financial abuse is a legally recognised form of family violence. This is unsurprising, given that there is limited understanding of non-physical forms of family violence in the community generally. The fact that financial abuse occurs in a complex web of social beliefs, values, gender stereotypes and cultural expectations make it even more difficult to identify. This makes it important to develop information about financial abuse that is relevant, appropriate and accessible. The women who participated in this study were asked to identify useful language, formats and sources of information that might have helped them recognise their situation and explain the various post-separation options and processes.

5.1 Accessing information

Focus group and survey participants identify domestic violence support services, counsellors, family and friends as their primary sources of information about financial abuse prior to participation in this study. Those who had not contacted domestic violence or other support services were unlikely to know about financial abuse unless it had been raised in personal counselling or financial counselling. For many, the advertising for this project was their first encounter with the term. The small number of survey respondents still in financially abusive relationships identifies a friend, family member or an internet search as the primary source of information about the issue. It is significant that mainstream media sources, such as television, radio and social media, are nominated as the least likely sources of information, and doctors, bank managers and financial advisors or accountants are reported by both focus group and survey participants as unlikely to provide this information.

However, when asked to identify the three most useful ways they might have accessed the information they needed when they were thinking about leaving a financially abusive relationship, the preferred option (46 per cent) was face-to-face conversations with service providers such as doctors, crisis support workers, counsellors and social workers. Being able to access ongoing personal counselling is reported by a number of women in the focus groups as being extremely beneficial in helping them to manage the immediate and ongoing issues of their abusive relationship, including financial abuse. They also raise concerns about the affordability of and limited access to these services. Similarly, a number of participants note the advantages of seeing a financial counsellor but add that long waiting lists for such services severely limit access. Online websites were chosen by 28 per cent of respondents, while 15 per cent selected a face-to-face support group. Unlike the focus group participants, who thought Youtube

videos and interactive online forums would be useful, there is virtually no support for these options among the survey respondents.

The need to provide information that is sensitive to the needs of women in family violence situations through a range of options is highlighted by the following comments from two survey respondents, one who is in paid work and one who is not:

“I’ve chosen this option [a doctor] because I could lie about needing to see a doctor about a woman’s health issue. Anything else could easily be discovered [on the] browser history at home on the internet.”
(Survey respondent)

“Websites are good because I can check them at work. I cannot get to a doctor or counsellor without him knowing (we work at the same firm so he knows where I am most times). Flyers/brochures can be found and then I could get into trouble at home. For other people without internet, I can imagine they are helpful! I am just too afraid to have them found on me.”
(Survey respondent)

The fear of being discovered while trying to access information through a telephone support service is graphically described in this comment:

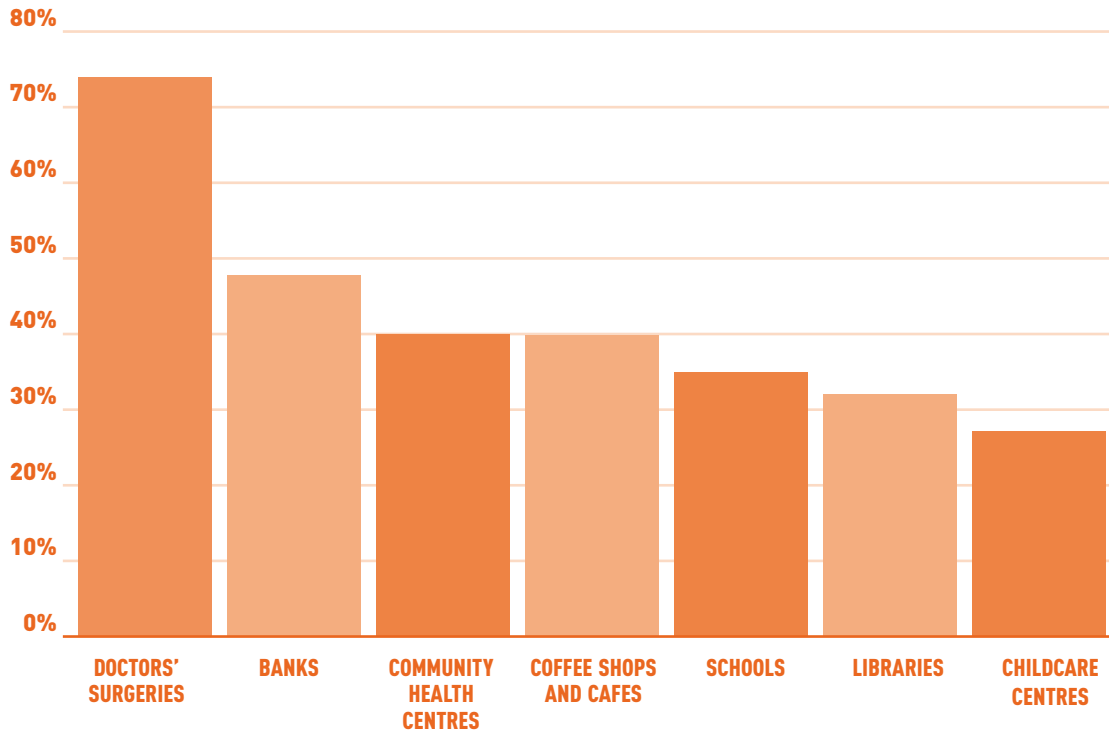
“I contacted a domestic violence service help line but only called once. I made the call in secret. The cost of the call on my bill, which he monitored to see who I was calling, was ridiculously expensive. I lived in fear of discovery and was put off calling again for any more advice or support. Calls from mobile phones should not be charged at premium rates. It is a deterrent to access such services as it only heightened your situation and causes more anxiety when you have the courage to call. You’re paranoid about discovery after. How do you hide the phone bill or stop him from seeing you’ve made the call?” **(Survey respondent)**

Doctors’ surgeries are the most popular location suggested by participants for the placement of information about financial abuse. As Figure 3 shows, when asked where written information should be placed in order to be most helpful, the overwhelming choice of location was doctors’ surgeries, selected by almost three out of four respondents (73 per cent). Banks were the next most popular (47 per cent) followed by community health centres and cafes (40 per cent) and primary and secondary schools (35 per cent). Other recommended locations include libraries (32 per cent) and children’s centres (27 per cent). Additional suggestions included ‘anywhere women need to take children’ and ‘the movies, especially at ‘mums and bubs’ sessions’.

These findings highlight the need for general practitioners and their staff to be informed about financial abuse. The study suggests that women believe general practitioners could be the most valuable source of written and spoken information, despite respondents reporting that doctors are among the least likely service providers to raise this issue. Similarly, banks and other financial institutions, real estate agents and utilities companies are all routinely exposed to interactions in which intimate partner financial abuse could be identified. The following comment illustrates the benefits of key service providers being aware of financially abusive behaviours, in this case bank staff. It also illustrates the emotional complexity of intimate partner abuse, as discussed in previous sections of this report.

“Safety planning and ensuring all the money in our combined account doesn’t suddenly disappear is important to me. I have one bank account that I started after speaking to the bank about our loan – the lady had advised me to start my own account to shield myself in case anything happened. I feel bad and guilty about this ‘secret’ account. I know I shouldn’t – I know he has more than one account that I am not supposed to know about, as well as shares that I do not know the total of. I just do not know his total debt and am stressed about it.” **(Survey respondent)**

**FIGURE 3: Where do you think the information should be made available?
Please choose three (3) locations you think would be most helpful**



As demonstrated in that comment, banks play a central role in family finances and are therefore well placed to identify financial abuse and provide advice to women regarding this complex and often invisible issue. However, 44 per cent of survey respondents indicate that 'getting information from the bank about protecting their money and limiting debt' was found to be 'extremely difficult' or 'difficult'. A number of women in the focus groups feel banks could have done more to advise them about changes made to their financial arrangements by their former partner or to assist them with information and documentation post-separation. Notwithstanding the obvious privacy constraints, there are significant benefits for women in financially abusive relationships if bank staff were better informed about financial abuse and able to identify key signals when dealing with customers.

The Australian Banking Association's (ABA) industry guidelines: *'Protecting vulnerable customers from potential financial abuse'* focuses on the issue of elder abuse and this could usefully be extended to include intimate partner financial abuse. Similarly the ABA's customer fact sheet *'Protecting yourself from financial abuse'* would be helpful for those experiencing financial abuse in a family violence context if it explicitly referred to intimate partner abuse. Financial abuse could also be explicitly identified in industry guidelines and fact sheets distributed by other relevant professional groups. The widespread coverage of elder abuse in mainstream media has resulted in a marked increased in public awareness of the issue. By comparison, the lack of mainstream recognition of financial abuse in intimate relationships is a further reflection of the way in which financial abuse is obscured by social and cultural practices and beliefs. The protection of older people from financial exploitation and control by their family members is considered to be a community concern, whereas financial abuse in intimate relationships is still considered to be private and a matter of personal responsibility. Yet, as this research shows, the powerlessness of women in this situation makes them and their children vulnerable to financial hardship.

TABLE 4: Words or phrases to use in an internet search for information about financial abuse [n=145]

Relationship problems and money	43%
My partner controls all our money	35%
Money problems with my partner	30%
Whenever I ask about our finances, my partner gets angry	29.5%
I don't trust my partner with our finances	23%
My partner spends all our money on himself	22%
I don't know where all the money is going	18.6%
I'm not allowed to be involved in decisions about money	18.6%
Guilt and money in a relationship	14.5%
My partner makes me account for every cent I spend	11.7%
I don't have access to our family finances	11.7%
My partner refuses to work	11%
If I say I want my own bank account, my partner accuses me of not trusting or loving him	7.6%
My partner prevents or discourages me from studying or working	6.2%

5.2 Identifying effective language for addressing financial abuse

Developing information that uses language and terminology that resonates with women is an essential first step to increase knowledge and understanding about financial abuse. Acknowledging that the term 'financial or economic abuse' is not widely recognised or understood, research participants were asked to identify terms or expressions that best describe their experience. These suggestions were then tested in the online survey, in which respondents were asked to select three expressions that would be most useful in an internet search for finding out about financial abuse.

As shown in Table 4, the three search terms selected as most useful by all survey respondents are: 'Relationship problems and money' (43 per cent); 'My partner controls all our money' (35 per cent) and 'Money problems with my partner' (30 per cent). Other search terms selected were: 'Whenever I ask about our finances, my partner gets angry' (29.5 per cent); 'I don't trust my partner with our finances' (23 per cent) and 'My partner spends all our money on himself' (22 per cent). One respondent suggested the term 'money control' and another, '*I knew I was being financially abused because I never had any money of my own*'.

As previously discussed, statements describing aspects of financial abuse such as those used in the focus group flyer (Appendix A) were also considered to be a useful information tool by the participants.

5.3 Types of information

The women who took part in this research reinforce the need for accurate and accessible information about the nature and impact of financial abuse, as well as the process of pursuing their legal and financial entitlements. However, this research has highlighted the many barriers to financial security for women posed by structural problems in legal, child support and income support systems that facilitate the continuation of financial abuse.

The survey included a question about the types of information and support that would be most useful for women thinking about leaving a financially abusive relationship. As shown in Table 5, of the range of 13 types of information – including general information about financial abuse, information about financial and legal processes post-separation and counselling – the two most helpful types of information identified by the majority of respondents are: 'How can I financially support myself when I leave the relationship?' (52 per cent) and 'What am I legally entitled to?' (51.5 per cent) followed by 'Access to an expert who can investigate my ex-partner's

financial situation’ (36 per cent); financial counselling (31.5 per cent) and counselling (30 per cent). The respondents who are still in a financially abusive relationship [n=31] were more likely to selected financial counselling and general information about financial matters as more helpful than those who have left their relationship, suggesting an understandable lack of confidence in managing financial matters independently.

In response to another question about information and support regarding property settlement, survey respondents strongly identify having ‘Access to a free or low cost lawyer who deals with property settlement’ as the most helpful. This was selected by 68 per cent of respondents, while 62 per cent chose ‘Someone to talk to you about your legal rights’. More than half the respondents (55 per cent) think that written information about ‘Financial abuse as a legally recognised form of family violence’ would be helpful, and 36 per cent want information about lawyers with expertise in financial abuse.

The findings of the research highlight the critical importance of good legal representation, in particular finding lawyers who have a sound understanding of financial abuse. This is a strong theme arising from the focus groups. Many women reported that their lawyers do not adequately understand their situation of financial abuse, and more than half the survey respondents report difficulties finding a solicitor with knowledge of financial abuse. This research indicates that information about and access to a family law solicitor with expertise in financial abuse would greatly increase the chance of better property and parenting outcomes for women and children in this situation.

Focus group participants also emphasise the need to provide information that helps prevent women from getting involved in financially abusive relationships. They propose including this information in the financial literacy education programs in schools, promoting the values of, and processes for, respectful, equal relationships in relation to finances and financial responsibility. In this context, money and financial decision-making is decoupled from the emotional and gendered context of the relationship, so it can be managed openly and transparently. The research participants strongly endorse young women being taught financial literacy skills and strategies for maintaining their financial autonomy. The women in this study say identifying the warning signals of financial abuse is also important for the prevention of financial abuse, and they consider that secrecy or excessive emotion, including anger about financial matters or controlling behaviours, meanness or extravagance with money, could be indicative of future problems and should be presented as potential signs of financial abuse in information and training programs.

TABLE 5:
Most helpful information women need when leaving an abusive relationship [n=146]

How can I financially support myself when I leave relationship?	52%
What am I legally entitled to?	51.4%
Access to an expert who can investigate my ex-partner’s financial situation	36%
Financial counselling	31.5%
Counselling	30%
Hearing the stories of other women who have experienced financial abuse	27.4%
Family or friend to support me	25.3%
What is financial abuse	21.2%
How does the Family Courts process work	20.5%
Help with safety planning	19.2%
What are the costs involved with in the court process?	18.5%
General information about financial matters –banking, budgeting, investing	17.8%
How do I find a lawyer?	12.3%

Financial hardship and insecurity caused by financial abuse in the context of family violence is a serious concern for women, particularly considering the increasing feminisation of poverty in Australia. Financial abuse in intimate relationships is widespread and common, but because this form of abuse is deeply embedded in a complex web of social, gendered and personal beliefs and norms, it is often hidden and unrecognised, even by women who experience it. The findings of this research provide insights into the complex and multifaceted nature of financial abuse in the context of family violence, highlighting financial disadvantages, as well as a range of significant individual and systemic consequences for women and children. Despite important changes that include the recognition of financial abuse in relevant state and commonwealth laws, there is poor public awareness or understanding of the issue amongst professionals, service providers and agencies working in the legal, income support and financial sectors. Addressing this significant information gap is critical to improving women's access to their financial entitlements when they leave an abusive relationship. This study outlines a number of effective approaches for overcoming this significant information gap. The key findings address four broad areas:

- the nature of financial abuse
- the impact of financial abuse
- post-separation financial abuse
- the need for general and professional information about financial abuse.

The nature of financial abuse

This research reveals a range of financially abusive behaviours typically linked to psychological, emotional and often physical abuse. The financially abusive former partners of the participants fall into three broad types: the controllers, who use a combination of abusive behaviours to exert power over their family; the exploiters, who eschew financial responsibility but also use various forms of abuse to exploit their partner for their own financial needs; and the schemers, the men who had a specific plan to systematically steal the woman's financial resources and leave. While the controllers and exploiters use financial abuse as one component in a range of behaviours to control their partner and get their needs met within the relationship, the primary goal of the schemer is to use the relationship to take her money and assets. Regardless of the type of financial abuse experienced by the research participants, the impact on their lives has been devastating.

The women's stories build a vivid picture of the ways in which social and personal norms and values combine to create a platform for financial abuse in intimate relationships. These powerful influences also work to hide financial abuse in plain sight. They include social and personal beliefs about love and trust in intimate relationships, meaning the women trusted their partner to act in the best interests of their family, and the ways in which traditional gendered stereotypes about roles and attitudes to money inform the division of labour within relationships and create fertile ground for controlling and exploitative abuse around finances. The women in this research graphically describe the confusion and mixed emotions they felt when their love and trust was betrayed. The psychological impact is evident as they speak of their loss of confidence, guilt and shame.

The impact of financial abuse

The household income of all the participants was reduced substantially after leaving their relationship. Almost half (44 per cent) had a household income of less than \$40,000 post-separation, with one in five women earning less than \$20,000. When compared to their household income during their relationship, just one in 20 women had less than \$20,000 and around one in three had an income of more than \$100,000. This low post-separation income affected the lives of these women (60 per cent of whom were the primary parent of dependent children) and their children in a variety of ways. Finding affordable, stable housing is a significant issue for most of the women. Most (43 per cent) are renting, and of these one in three is in the private rental market, making them and their children

vulnerable to rent increases and the uncertainties of tenancy. None of the women currently renting envisage being able to afford to buy a home. Just 14 per cent of all the research participants own their own home and those paying off their homes worry about meeting mortgage repayments. This vulnerability in the housing market has the potential to increase as they age, as evidenced by the increase in homelessness among older women in Australia.

Structural disadvantages for women in the workplace, such as lower pay, fragmented employment patterns and minimal superannuation, work against women's long-term financial security. These disadvantages are magnified for women who experience financial abuse. Many of the women in this study recount their difficulties in finding and maintaining well-paid work while managing childcare, as well as the stress of dealing with their former partner and his ongoing demands on her time. The majority of the participants (59 per cent) are in paid employment, however one in four of these have part-time or casual work. The overwhelming majority of women in this study have tertiary qualifications: overall, 55 per cent have bachelor or post-graduate degrees and 30 per cent have a diploma or certificate. Because many of the women have been prevented from working during their relationship, they have had to retrain or take lower paid, less skilled work when they returned to the workforce. Most report that the psychological and emotional abuse they experienced in the relationship had damaged their confidence and self-esteem, making it hard to seek work; for many the stress and anxiety in their lives make it impossible to undertake paid work. It is significant that, despite the abuse they have been exposed to, particularly in relation to their financial skills, most of the participants consider themselves to be more competent with money than their former partner.

The ongoing consequences: post-separation financial abuse

This research details the ways in which financial abuse of women by their former partners continues after separation. It is common for financially abusive men to use legal, child support and income support systems as a way of directly or indirectly controlling the woman and threatening her ongoing financial security and self-sufficiency. This practice has been identified in two previous studies (Branigan, 2004; Patrick, Cook & Taket, 2007). This study provides insights into the contemporary context of financial abuse, in light of reforms to state family violence protection laws and commonwealth family law that explicitly recognise financial (or economic) abuse within broader definitions of family violence. It also reveals the particular disadvantages experienced by women who are employed, who own or are paying off their home and whose former partner has a high income.

Systemic forms of financial abuse - in which women are repeatedly forced back into the legal system to respond to disputed parenting arrangements, breaches of court orders and non-compliance, and frequent changes of assessment to minimise or avoid child support payments - is a common experience of participants in this study. One in four survey respondents report that their former partner 'dragged me through the courts for years'. The effect of these protracted dispute processes, whether intentional or indirect, is the exhaustion of women's financial and psychological resources. The women in this study report feeling that they are at the mercy of their former partner's whims, that they have no choice or control about spending all their time preparing responses and representing themselves in various tribunals and courts. They describe experiencing high anxiety, powerlessness and frustration as a result of this process, which replicates the experience of their abusive relationship. There appear to be no mechanisms within these legal and family support systems for identifying and preventing this further abuse.

This study finds that women with paid work, some assets and former partners with high incomes are more likely to be subjected to financial abuse through ongoing legal disputes over parenting and child support arrangements. The former partners with lower incomes were more likely to avoid paying child support altogether. In particular, women with former partners earning high incomes experience:

- high legal costs that cause financial hardship - they are usually ineligible for Legal Aid and community legal services because they have an income and assets, such as a house or car;

- former partners who are more likely to contest court orders and minimise child support payments through strategies to hide or reduce income, such as using small businesses, family trusts and changes to business trading names; and
- high stress and anxiety caused by continual legal disputes and court appearances that require them to prepare and respond to documents and often to represent themselves in court and tribunal hearings. The constant fear of losing their children and covering the costs of court ordered psychologists and other specialists increases the impact of these processes.

This research identifies the need for greater access to low cost or free legal, financial and personal counselling services for women experiencing financial abuse in the context of family violence. It also highlights the need for mechanisms that identify and prevent the use of the legal, child support and income support systems for perpetuating the financial abuse of women and children by their former partners and fathers. Options proposed include: legislative reforms to strengthen the definition of financial (or economic) abuse, provisions for vexatious litigation applications where financial abuse is occurring, and the adoption of a diagnostic screening tool for financial abuse to be routinely applied in legal and banking systems, as well as by the Child Support Agency and Centrelink.

The need for general and professional information and education about the nature and impact of financial abuse in the context of family violence

This research highlights the lack of awareness, understanding and recognition of financial abuse in the community generally. This means that not only are the women who are experiencing it unable to identify and address their situation, but also that there are no strategies in place for prevention and early intervention. Significantly, the lack of understanding among key professionals, service providers and agencies engaging with women in this situation means that perpetrators are able to continue their abuse by using the systems that are in place to protect women from family violence.

This research reinforces the need for education and information about financial abuse in the context of family violence. In addition to the general public, information should be specifically directed to service providers, legal and health professionals and those working in relevant institutions, including banks and other financial services, real estate agencies, schools and child care facilities as well as government agencies such as the Child Support Agency and Centrelink. Accessible and appropriate information for women about financial abuse and post-separation processes and options is also required. It is proposed that education campaigns with a prevention and early intervention focus be introduced into schools in conjunction with financial literacy skills programs.

The women who took part in this research have provided valuable information about access points and the types of information about financial abuse that women need when they are in an abusive relationship and when they leave it. These findings should inform community campaigns and professional education materials. In particular, examples of financially abusive behaviours was considered to be the most effective way of helping women to identify their experience as financial abuse. Doctors' surgeries are suggested by an overwhelming majority of survey respondents (73 per cent) as the best location for appropriate information about financial abuse), while 47 per cent recommend banks. Face-to-face conversations with service providers, such as general practitioners, social workers, counsellors and crisis support workers are identified as the most effective ways for information to be provided. This points to an increasingly important role for general practitioners and their staff in screening and supporting women experiencing financial abuse.

To address the significant negative financial, psychological and health consequences of financial abuse in the context of family violence on women and their children, this report recommends:

1. The Federal Government and State Governments:
 - a. make financial abuse in the context of family violence a priority area for family violence research, including the development of a diagnostic screening tool for financial abuse for use by key service-providers, aimed at prevention, early intervention and later stage intervention strategies for combating financial abuse.
 - b. in collaboration with relevant national and state key stakeholders, as a matter of priority develop and implement a public information campaign about financial abuse using the full range of media technologies available.
 - c. assist women who are experiencing financial abuse to identify their situation by funding the provision of information about financial abuse and ensure this information is made available in a variety of access points, including targeted online searches and printed materials in a variety of locations such as doctors' surgeries, schools, childcare facilities, banks and other financial institutions. Information should use accessible language and formats and include, for example, the types of behaviours typical of financial abuse, case studies, early warning signals and prevention strategies. The information should be built into school- and community-based financial literacy programs and be included on financial literacy websites such as ASIC's MoneySmart.
2. Funding is made available to relevant professional bodies and government agencies to provide professional development and training on financial abuse as a form of family violence for key professionals and service providers, legal professionals, general practitioners and their staff, school principals and teachers, financial counsellors, bank personnel and financial advisors, and people working in the real estate and utilities industries.
3. Centrelink, the Child Support Agency and peak bodies for legal services and general practitioners adopt a diagnostic screening tool for financial abuse.

To improve women's access to support and advice services to address the impact of financial abuse in the context of family violence:

4. The Federal Government expand the number of rebates (up to 20) available per calendar year for individual services for women who have experienced family violence through the Better Access to Mental Health Care program to increase access to free or low cost personal counselling services.
5. State Governments:
 - a. increase funding for financial counselling services to provide women who have experienced financial abuse with advice and advocacy, as well as assist the women to navigate the income and child support systems post-separation.
 - b. fund community legal services to provide forensic accounting services and make these services free or low cost for women experiencing financial abuse.
 - c. allocate a special funding grant to women's support services to help women experiencing financial abuse access free or low cost photocopying and assistance with online research and other facilities, thus reducing the financial burden of providing documentary evidence to courts and agencies and the legal costs and stress associated with self-representation.
6. The Federal Government and State Governments increase funding to support services assisting women in rural and regional areas who are experiencing financial abuse, particularly enabling them to provide personal and financial counselling.

To increase access to and improve outcomes through the legal system:

7. The Federal Government and State Governments increase funding to Legal Aid and community legal services to enable the provision of specific legal advice and representation in family law matters that involve property where there is a history of family violence.
8. The Australian Law Reform Commission:
 - a. develops a diagnostic screening tool for financial abuse to be adopted as a routine assessment in family law and family violence matters, and reviews the specific inclusion of financial abuse on relevant application forms, such as family violence intervention orders.
 - b. undertakes a review of measures to protect a woman's financial security in cases where financial abuse occurs, such as amending state-based family violence protection legislation to allow Magistrates Courts to order the freezing of bank accounts to prevent transfer of funds and facilitate access to necessary financial documents.
 - c. considers legislative reform to strengthen vexatious litigation applications in cases where the legal system is being used as a mechanism of financial abuse.
 - d. considers expanding definitions and examples of financial abuse in the *Family Law Act 1975 (Cth)* and state and territory family violence protection laws to address the complexity and multifaceted nature of this form of family violence.
9. Peak legal bodies:
 - a. provide information about family law specialisation and the value of using family law solicitors who have an understanding of financial abuse in cases where there is a history of family violence.
 - b. regularly deliver programs of judicial development on the nature and impact of financial abuse, including the practice of systemic post-separation financial abuse, for legal professionals at all levels of the system, including judges, solicitors and barristers, and court staff.
 - c. provide forensic accounting services to clients with a history of financial abuse.

To strengthen the responses of the Child Support Agency and Centrelink to financial abuse:

10. The Federal Government introduce amendments to:
 - a. the *Child Support (Assessment) Act 1989* to make the requirements for changes of assessment more rigorous, particularly in reference to cases in which there is a history of family violence, and strengthen penalties for malicious or false requests for changes to assessment to minimise payments or frustrate the process.
 - b. the *Child Support (Registration and Collection) Act 1988* to increase the enforcement powers of the Child Support Agency and provide appropriate resourcing to enable the agency to enforce payment compliance.
 - c. the *Child Support (Registration and Collection) Act 1988* so that in situations of financial hardship (including where there has been a history of financial abuse) the three-month delay in pursuing non-payment of child support is reduced to one month in the case of repeat offenders.
 - d. relevant tax legislation to prevent the use of family trusts, businesses and other income minimisation strategies to avoid child support payments, and increase the powers of the Australian Taxation Office to investigate cases of income minimisation or avoidance in relation to child support payments.
11. The Child Support Agency and Centrelink:
 - a. provide professional development training in family violence for all staff, as recommended by the Australian Law Reform Commission (2012), that specifically addresses the nature and impact of financial abuse and the behaviours associated with ongoing financial abuse through the child support system.
 - b. develop protocols and guidelines, and adopt a diagnostic screening process, for family violence that include specific references to financial abuse in order to identify, support and prevent ongoing financial abuse of women through these systems.
 - c. undertake steps to improve inter-agency co-ordination and communication, including, where possible, co-location.
12. That the Family Courts, Child Support Agency and Centrelink make 'history of financial abuse' a key consideration in their policies, practices and assessments, to minimise opportunities for ongoing abuse and further financial and psychological suffering for women post-separation.

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RECRUITMENT FLYER

APPENDIX A



SHARE YOUR STORY

*"He controlled all the money.
I had to account for every cent I spent."*

"I trusted him with our money, now I'm left with all his debts."

*"When we got married I had some savings, a job and a car.
The marriage is over and I've got nothing."*

*"I don't care about the money.
I just want to feel safe, get away, and start again."*

Sounds familiar?

If you've been through a situation like this or supported a friend or family member who has, then **WIRE Women's Information** wants to hear from you.

When a relationship ends, women often find it hard to claim their fair share of the financial assets. It's even harder for women who have not had control of their finances.

Please come to one of our focus groups and share your story.

Help us learn what information and support women need to make decisions about their financial wellbeing when a relationship breaks down.

You will help women facing challenges like these, meet other women who've had similar experiences, and also gain skills and information from one another.

Light refreshments will be provided and all participants will receive a \$30 voucher.

**Coming soon in
February & March 2014**

FOCUS GROUP SESSIONS
in Melbourne and
regional Victoria

Like to attend a focus group or want to find out more?

Please email Prue Cameron at researcher@wire.org.au to express your interest in coming to a focus group either in Melbourne or regional Victoria in February or March 2014.

Leave a message with **your name, address and contact number**, and Prue will get back to you when dates and times are confirmed. Thanks!

You can also visit www.wire.org.au/shareyourstory for more information or call Prue on **(03) 9348 9416 (Option 9)**.

For information, referrals and support call **1300 134 130** or visit www.wire.org.au
Women's Information and Referral Exchange Inc. ABN 98 957 157 895 Reg. No. A122

DEMOGRAPHIC PROFILE OF RESEARCH PARTICIPANTS

AGE	17-24	25-34	35-44	45-54	55-64	64+
Focus group/interviews	2	5	21	21	9	1
Survey participants (n=115)	0	9	30	46	22	8
In relationship (n=30)	0	2	6	11	8	3

TIME SINCE SEPARATION <small>(not all respondents completed the survey)</small>	STILL IN RELATIONSHIP	LESS THAN 6 MONTHS – 2 YEARS AGO	2 YEARS – 5 YEARS AGO	5 YEARS – 10 YEARS AGO	MORE THAN 10 YEARS AGO
Focus group/interviews	2 (3%)	25 (42%)	14 (24%)	8 (14%)	10 (17%)
Survey participants (n=198)	41 (21%)	39 (20%)	29 (15%)	35 (18%)	54 (27%)

RELATIONSHIP STATUS	SINGLE	PARTNERED	DIVORCED	SEPARATED	WIDOWED	WITH ABUSIVE PARTNER
Focus group/interviews	20	8	27	1	1	2
Survey participants (n=145)	40	31	26	14	2	30

DEPENDENT CHILDREN	WITH CHILDREN	WITH DEPENDENT CHILDREN
Focus group/interviews	54	39
Survey participants (n=115)	105	64
In relationship (n=30)	26	18

DEMOGRAPHIC PROFILE OF RESEARCH PARTICIPANTS

INCOME	LESS THAN \$20K	\$20-\$40k	\$40-\$80k	\$80-\$100k	\$100k+	DON'T KNOW
Focus group/interviews	26	17	12	4	0	0
Survey participants (n=114)	22	28	34	16	13	1
In relationship (n=30)	2	6	8	1	9	4

LIVING ARRANGEMENTS	RENTING - PRIVATE	RENTING - PUBLIC	PAYING OFF HOME	OWN HOME	LIVING WITH FRIENDS OR FAMILY	HOUSING SUPPORT SERVICE	HOMELESS
Focus group/interviews	28	5	16	6	3	1	0
Survey participants (n=115)	34	13	41	16	8	1	2
In relationship (n=30)	8	0	13	6	3	0	0

EDUCATION	POST GRADUATE DEGREE	BACHELOR DEGREE	DIPLOMA OR CERTIFICATE	YEAR 12 OR EQUIVALENT	YEAR 10 OR BELOW
Focus group/interviews	8	23	15	9	2
Survey participants (n=113)	36	23	40	8	6
In relationship (n=30)	10	10	6	3	1

EMPLOYMENT	FULL TIME WORK	PART TIME WORK	CASUAL WORK	UNPAID WORK HOME DUTIES/ CARING	WORKING AND STUDYING	SEEKING WORK	RETIRED	STUDYING	NOT WORKING - OTHER
Focus group/interviews	13	5	8	18	1	8	1	5	0
Survey participants (n=114)	48	21	5	5	8	8	5	7	7
In relationship (n=30)	6	13	1	4	0	3	2	0	1

NOTES



WIRE
WOMEN'S
INFORMATION

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