Missing Coercive Control in Family Court Proceedings

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MISSING COERCIVE CONTROL IN
FAMILY COURT PROCEEDINGS

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INTRODUCTION

Family violence (FV) takes many forms.¹ The New Zealand Family Violence Act 2018 (FVA) defines FV to include physical, sexual, and psychological abuse.² Psychological abuse includes threats,

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¹ This Article uses “intimate partner violence” (IPV) to describe FV and sexual violence (SV) between adult partners, “child abuse and neglect” to describe FV/SV involving a child victim, and “FV” as the umbrella term encompassing all these phenomena. At times, the Article also uses “domestic violence” (DV) because that was the phrase used in New Zealand legislation until 2019 and remains the more frequent term in the academic literature. The Article prefers “FV” to “DV” because DV can refer either only to IPV or to all forms of FV and can therefore be ambiguous.

² Family Violence Act 2018, s 9(2) (N.Z.).
intimidation, harassment, property damage, ill treatment of pets, and financial abuse.\textsuperscript{3} Psychological abuse of a child includes a perpetrator allowing a child to see FV inflicted on a member of their family or putting the child at risk of seeing that abuse.\textsuperscript{4} Under the FVA, acts that form part of a pattern of behavior may amount to abuse even if, when viewed in isolation, they appear to be minor or trivial.\textsuperscript{5} One of the crucial determinations that the Family Court, therefore, has to make in implementing the FVA is the distinction between conduct that is truly benign, minor, or trivial and conduct that may appear in isolation to be minor or trivial but in fact poses a risk of harm to its victim(s).

Despite this clear legislative framework, it has been well documented for decades that the New Zealand Family Court fails to identify FV even when presented with evidence that FV has occurred, particularly when FV involves conduct other than physical abuse.\textsuperscript{6} It is also well documented that court psychologists fail to appreciate the harm caused to victims of non-physical violence and the relationship between psychological abuse and the risk of physical or even lethal violence.\textsuperscript{7} In \textit{Living at the Cutting Edge},\textsuperscript{8} a report commissioned by the New Zealand Ministry of Women’s Affairs, Neville Robertson et al. (2007) documented the Court’s “minimisation of the impact of psychological abuse on victims of domestic violence.”\textsuperscript{9} They concluded that the Court’s “trivialisation of psychological violence and the minimisation of the risks abusers present to both their partners and their children” reflected “a significant lack of understanding of domestic violence.”\textsuperscript{10}

In 2015, the New Zealand Psychological Society (NZPS) filed submissions with Parliament to assist with its review of the New Zealand Domestic Violence Act 1985 (DVA), the precursor to the FVA.\textsuperscript{11} The Society noted that the problems identified in the \textit{Living

\begin{itemize}
  \item 3. \textit{Id.} at s 11(2).
  \item 4. \textit{Id.}
  \item 5. \textit{Id.} at s 10(2).
  \item 9. \textit{Id.}
  \item 11. THE NEW ZEALAND PSYCHOLOGICAL SOCIETY, \textit{SUBMISSION ON BEHALF OF THE NEW
at the Cutting Edge report were “still pervasive”. They noted that New Zealand’s response to domestic violence (DV) was “severely hampered” by a continuing lack of detailed understanding of DV by court personnel. They recommended that Parliament include the concept of “coercive control” in the DVA, explaining: “In our experience, judges and others working in the field of domestic violence are unclear about what is meant by ‘psychological abuse’ in the context of domestic violence.” They explained: “Domestic violence usually involves a pattern of coercive behaviour sometimes with unpredictable violence.” They explained:

We believe the lack of understanding of domestic violence as a pattern of coercive and violent behaviour is one of the most significant gaps in New Zealand’s response to domestic violence. Almost invariably, judges, the police, lawyers and others treat each event of physical or psychological abuse as a separate and isolated matter. This results in the trivialisation of the perpetrator’s behaviour, confirming to the perpetrator that he will face no legal sanctions for his conduct, and to the victim that the law will not protect her.

They also explained: “Entrapment involves coercive control and/or blackmailing the women into staying by threatening her if she attempts to leave.”

In 2018, Parliament enacted the FVA to address the shortcomings in the definition of FV. The reforms included adding “a pattern of behaviour” that “is coercive or controlling” to the definition of FV. This redefinition of FV through the lens of coercive control was consistent with evidence-based understandings of FV.

In 2019, in response to pervasive criticisms of the Family Court’s inappropriate responses to FV, an Independent Panel appointed by the New Zealand Minister of Justice released its report, Te Korowai Ture ā-Whānau. The Panel documented common criticisms of the

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12. *Id.* at 26.
13. *Id.* at 10.
14. *Id.* at 6.
15. *Id.* at 21.
17. *Id.* at 9.
Court, including that “professionals in the Family Court do not understand the dynamics of family violence” or “acknowledge[] the harm caused to children and their carers by family violence.” The Panel’s “key findings” included: “Knowledge of family violence in all its forms is still not widespread and its impact on children, including on their safety, is still poorly understood.” The Panel recommended that judges be required to consider “whether there is a historic pattern of violence or threats of violence, for example coercive and controlling behaviour or behaviour that causes or may cause the child or their carer cumulative harm.”

Unfortunately, this research demonstrates that, in the four years since Parliament added the concept of coercive control to the FVA, the Family Court has not issued a protection order based on a finding that the respondent engaged in coercive controlling behaviour or considered coercive control in determining children’s safety under the New Zealand Care of Children Act 2004 (CoCA). The Court’s unwillingness to consider coercive control in identifying and responding to FV is a major barrier to the safety of adult victims and their children trying to escape FV.

I. UNDERSTANDING COERCIVE CONTROL

Coercive control is the prevailing model through which FV experts understand its dynamics. Studies show that most intimate partner violence (IPV) involves a pattern of coercive and controlling tactics woven together over time and used instrumentally to exploit and dominate victims.

A. The Mechanics of Coercive Control

Coercive control involves a series of coercive tactics perpetrated to maintain dominance and power over another person. It is the prevalent strategy used by men to frighten, exploit, isolate, control, and ultimately dominate female partners.

Evan Stark (2007) identifies coercive control as the primary strategy that perpetrators use in inflicting IPV and identifies subjugation as a core tactic. The perpetrator inflicts seemingly isolated

21. Id. at 49, 53.
22. Id. at 6–7.
23. Id. at 50.
24. See id.
25. Lischick, supra note 19, at 192.
26. Id. at 196.
27. Id. at 192.
but repetitive acts of physical, psychological, and emotional violence and degradation on the victim to reinforce the pattern of control and subdue any attempt to exercise independent agency.\(^{29}\) The control and subjugation isolate the victim, both physically and psychologically, with no space to exercise agency over the decisions that affect her well-being.\(^{30}\) The tactics of coercive control fundamentally compromise the victim’s autonomy, including her capacity to self-direct her life and her physical integrity.\(^ {31}\)

A coercive-control perpetrator lays down “‘rules’ or ‘understandings’” that prescribe how the victim should behave.\(^{32}\) He is the judge of when a rule has been violated and interprets disagreement or an abrogation of his rules as a sign of disloyalty warranting punishment.\(^ {33}\) Eventually, the victim internalizes the perpetrator’s philosophies and blames herself for the abuse.\(^ {34}\)

The pattern of coercive strategies can involve overt and covert threats to the victim or her family or social network, actual or threatened physical, sexual, or psychological harm, and tactics like haranguing, wheedling, cajoling, coaxing, bribing, seducing, withholding love, harassing, or threatening to hurt or abandon her.\(^ {35}\) Punishments can range from physical violence to deprivation of vital resources (like keys, digital devices, or finances) to passive-aggressive responses (like staying away from home for days at a time or the “silent treatment”).\(^ {36}\) Intimidation tactics include explicit insults and threats of harm, as well as more subtle warnings like “forgetting” to pick up children from school or day care or leaving pornography in an accessible place to remind the victim of the perpetrator’s views of women’s value.\(^ {37}\) Isolation tactics can range from literal prohibitions against seeing or talking with family members, friends, or coworkers to engaging in social breaches that are so uncomfortable or embarrassing that the victim or members of her support system choose to disengage.\(^ {38}\)

\(^{29}\). Id.

\(^{30}\). Id.

\(^{31}\). Lischick, supra note 19, at 192.

\(^{32}\). Id. at 197.

\(^{33}\). Id. at 198.

\(^{34}\). Id. at 199–200.


\(^{36}\). Lischick, supra note 19, at 198.

\(^{37}\). Id.

\(^{38}\). Id. at 199.
Ultimately, the victim cannot achieve the unquestioned obedience being demanded because the perpetrator continually modifies the “rules” to reflect his changing moods or immediate needs.\textsuperscript{39} The more irrational, arbitrary, or petty his demands are, the more power he has and the more degradation the victim experiences as she attempts to comply.\textsuperscript{40}

The victim of coercive control responds by constructing what Cynthia Lischick (2009) terms a “survival self”, which includes the belief that, if she changes her behavior to reflect the perpetrator’s concerns and demands, it will placate him or at least prevent him from escalating his coercive behavior.\textsuperscript{41} Lischick labels this belief “pseudo-control”: the response to being threatened that offers the victim a feeling of being able to control the batterer in a context of coerced powerlessness and constrained options.\textsuperscript{42} Because the coercive controller’s demands are designed as displays of power to trigger a specific behavior from the victim, however, the victim’s accommodation reinforces the perpetrator’s control.\textsuperscript{43} Other exposed individuals, including children, may be forced to construct survival selves that include pseudo-control, believing that they too can change the behavior of the coercive controller by placating him.\textsuperscript{44} Victims often work hard to keep up appearances and excuse perpetrators’ behavior, which can create the illusion of a normal relationship to outside observers.\textsuperscript{45}

Fear of repeated abuse gradually becomes all-consuming for the victim.\textsuperscript{46} Over time, as the victim experiences the violence that follows failing to live up to the perpetrator’s rules, the perpetrator achieves the ability to instill fear and terror simply by a threatening look or gesture.\textsuperscript{47} Even when the perpetrator appears to lose control in an uncontrollable rage, the rages are voluntary, instrumental tactics designed to re-establish control, like installing a tracking device or withholding affection.\textsuperscript{48} The perpetrator’s use of coercive control, therefore, is a tactical choice with specific costs and benefits.\textsuperscript{49}

\textsuperscript{39} Id. at 197.
\textsuperscript{40} Id.
\textsuperscript{41} Lischick, supra note 19, at 197.
\textsuperscript{42} Id.
\textsuperscript{43} Id.
\textsuperscript{44} Id.
\textsuperscript{45} Id. at 200.
\textsuperscript{46} Lischick, supra note 19, at 200.
\textsuperscript{47} Id. at 198.
\textsuperscript{48} Id.
\textsuperscript{49} Id. at 198–99.
B. The Absence of Physical Violence

Physical violence can play a role in reinforcing the effects of other tactics deployed in coercive control, but, in many cases, coercive control is achieved with little or no physical violence.50 Coercive control cannot only succeed without significant or frequent physical violence, but it can succeed when the coercive controller is not physically present and even in the absence of direct physical coercion of any kind.51 In relationships marked by coercive control, physical violence may be inconsequential, infrequent, minor, or completely absent.52 Perpetrators may only employ physical violence when other coercive strategies fail to produce the desired results.53 Lischick’s research demonstrates that only 29% of IPV perpetrators inflict significant physical violence on their victims and a majority of IPV perpetrators do not use any physical violence.54 Coercive-control perpetrators who do not employ physical violence cause as much harm to their victims as perpetrators of physical violence.55 Women who have experienced both physical and psychological abuse almost universally report that the psychological violence had deeper and longer lasting impacts.56

C. Psychological Harm, Degradation, and Loss of Liberty

The consequences of coercive control are cumulative rather than incident-specific, and they exist primarily in relation to the effects of coercive control on victims’ autonomy and freedom.57 Coercive control involves control over victims’ personhood, including their autonomy to make life decisions, have or express opinions, or be self-directed.58 Through coercive control, perpetrators impose culturally

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51. Lischick, supra note 19, at 192.
52. Id. at 201.
53. Id.
54. Id. at 205.
55. Crossman et al., supra note 50, at 456; Stark & Hester, supra note 35, at 94.
57. See Westmarland & Kelly, supra note 50, at 1108.
58. Lischick, supra note 19, at 202.
dictated subservient roles as wife, mother, or sexual partner on women, facilitating the culturally endowed privileges of maleness.\textsuperscript{59}

FV victims suffer disproportionately from a range of medical, behavioral, and mental health problems well beyond those experienced by the general population of assault victims.\textsuperscript{60} The emergence of these symptoms cannot be explained by the relatively minor physical violence to which victims have typically been subjected.\textsuperscript{61} The presence or absence of physical assault is, therefore, a poor indicator of whether a victim has suffered the consequences of FV and requires assistance and protection.\textsuperscript{62}

The goal of a coercive-control perpetrator is to stop his partner from doing or acting as she chooses or coerce her into doing things that she does not want to do.\textsuperscript{63} Coercive control eviscerates the victim’s rights as a free person and inflicts deep and abiding wounds to her psychological self and sense of personhood.\textsuperscript{64} In addition to physical and psychological injury, coercive control inflicts what Stark terms “liberty harms”, by compromising victims’ rights to social connection, autonomous decision-making, and basic freedoms like the freedom of speech, movement, and access to money and other necessities.\textsuperscript{65}

Family Court professionals tend to view psychological abuse as limited to verbal abuse like insults and name-calling, but coercive control extends beyond insults to humiliation and degradation.\textsuperscript{66} Because the apparatus of coercive control prevents the victim from disengaging from or responding to verbal abuse, insults and name-calling can be much more damaging when they occur in the context of coercive control.\textsuperscript{67}

\textbf{D. Financial Abuse}

Financial abuse is often a component of coercive control.\textsuperscript{68} Coercive controlling tactics can include taking a victim’s house or car keys, disabling her means of transportation, or depriving her of

\textsuperscript{59} Id.
\textsuperscript{60} Id. at 195.
\textsuperscript{61} Id.
\textsuperscript{62} Id.
\textsuperscript{63} Lischick, \textit{supra} note 19, at 196–97.
\textsuperscript{64} Id. at 192–93.
\textsuperscript{65} Id. at 196.
\textsuperscript{66} Id. at 209.
\textsuperscript{67} Id.
access to money or credit cards. Financial abuse is a critical aspect of coercive control and social entrapment because it severely limits victims’ capacity to resist or escape from abuse. Wilson et al. (2019) document how women are “not only entrapped by their partner’s violence and their insecurity which then led to their misuse of power and engaging coercive control strategies, but also in most instances their inadequate access to resources and services to leave their partner,” including lacking the money, housing, and security necessary to care for their children. The New Zealand Family Violence Death Review Committee (FVDRC) explains that “it is not unusual for victims to have no money because financial control is one of the strategies abusive partners use. Access to money, housing and food are essential for victims wishing to leave and set up a new life for their children.”

E. Surveillance and Stalking

Coercive control often involves surveillance and stalking behaviors like monitoring the victim’s movements, mileage, and digital devices and requiring her to “check in” and report her activities. Coercive control can also involve pervasive interrogation about the victim’s daily activities, emotions, social contacts, conversations, and expenditures. As a result, victims or their family and friends often decide to limit their social connections rather than being monitored and intimidated, further isolating the victim.

F. Entrapment and Attempts to Leave

Studies show that women who experience IPV are not “ambivalent” about leaving. On the contrary, IPV victims often attempt repeatedly to leave violent relationships. It is coercive control that entraps them. The proximate consequence of being subjected to coercive control is a sense of fear and vulnerability that can paralyze

69. Lischick, supra note 19, at 199.
70. Id.
71. WILSON ET AL., supra note 56, at 32.
72. FAMILY VIOLENCE DEATH REVIEW COMMITTEE (FVDRC), HEALTH QUALITY & SAFETY COMMISSION, FIFTH REPORT: JANUARY 2014 TO DECEMBER 2015 43 (2016).
73. Lischick, supra note 19, at 199.
74. Id.
75. Id.
76. Id. at 195; WILSON ET AL., supra note 56, at 26.
resistance or independent action. The tactics of coercive control increase the victim’s dependency on the perpetrator over time. The victim’s disempowerment is enforced through a range of objective constraints on basic resources and relationships, like a hostage’s dependence on their captor.

IPV is a form of social entrapment with three primary dimensions: (1) the social isolation and fear that the violence creates (threats, stalking, financial abuse); (2) the indifference of powerful institutions to the victim’s suffering (lack of help, failure to address the perpetrator’s violence); and (3) the ways in which the structural inequities of sexism, classism, and racism aggravate coercive control and institutional indifference (victim blaming, unaddressed childhood abuse, economic disadvantage). As the FVDRC explains: “The very nature of coercive control makes it almost impossible for many victims to remove themselves and their children safely from an abusive partner, particularly when the coercive control intensifies.”

Victims of coercive control engage in ongoing risk assessment, weighing the risks of resistance or flight against the risks of retaliation and additional violence. Separation often produces neither safety nor freedom, with perpetrators continuing and intensifying their coercive control post-separation. This is why effective and appropriate systemic responses are so crucial: poor responses can serve as “unseen fences” holding women and their children in violent relationships. In Wilson et al. (2019)’s study of Māori women’s experiences of IPV, 100% of their research participants reported that “they associated leaving with the fear of repercussions and consequences.” Victims who receive a poor systemic response to help-seeking are less likely to disclose violence again or to trust that if they seek help again they will receive a more helpful response.

78. Lischick, supra note 19, at 196.
79. Id. at 199.
80. Id. at 197.
81. FVDRC, supra note 72, at 39.
82. Id. at 42.
83. Lischick, supra note 19, at 199.
85. WILSON ET AL., supra note 56, at 25.
86. Id. at 28.
87. FVDRC, supra note 72, at 32.
G. Post-Separation Risk Assessment

FV does not cease when partners separate, and child-contact handovers can be a particular risk point for victims if they share children with their perpetrators.88

1. Women’s Safety

When IPV victims leave violent relationships, the abuse rarely ends, but rather tends to change its form.89 Separation often marks a change in perpetrators’ tactics, escalating to more severe violence, stalking, and using children to punish the victim.90 Studies have repeatedly shown that, when victims separate from IPV perpetrators, they are at a higher risk of injury or death at the hands of their perpetrators than when they remain in the violent relationships.91 The risk to the victim of serious injury or death is highest immediately following separation.92

Coercive control creates a significantly elevated risk for post-separation violence, including lethal violence.93 The NZPS document how “psychological violence is a useful predictor of dangerousness” noting that “psychological abuse predicts physical dangerousness.”94 Care and contact exchanges can become new settings for abusers to continue their violence and control.95

2. Children’s Safety

“It is now well established that children exposed to IPV may suffer lasting psychological harm even when they are not physically

89. Lischick, supra note 19, at 183.
90. Id.
91. Id.
injured.”96 There is a strong correlation between coercive control, IPV, and child abuse and neglect (CAN).97 Violent fathers damage “children’s well-being, mental health, and development.”98 They are likely to father in ways that are authoritarian, rigid, neglectful, un-involved, and/or overly permissive and pose a high risk of perpetrating physical and emotional abuse against their children.99 The same personality factors that contribute to men’s abuse of their partners—entitlement and self-centeredness—also lead to harmful fathering practices.100

Parental separation does not ensure children’s safety. After separation, children can become the perpetrator’s target when the adult victim is no longer available.101 Studies demonstrate that FV perpetrators use coercive control against their children after their ex-partner has separated from them.102 Violent fathers are more than twice as likely to seek primary care of their children after separation than non-abusive fathers, and fathers are awarded primary or shared care of children approximately seventy percent of the time.103

Children and young people can be direct victims of coercive control, and they experience it in similar ways to adults—by feeling confused and afraid, living constrained lives, and being entrapped and harmed by the perpetrator.104 Children who are exposed to FV suffer from a host of adverse physical, psychological, and cognitive impacts later in life.105

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96. FVDRC, supra note 72, at 53.
98. Katz et al., supra note 77, at 312.
100. BANCROFT ET AL., supra note 77, at 322.
102. Katz et al., supra note 77, at 322.
104. Katz et al., supra note 77, at 312.
In the post-separation phase, fathers can use the same tactics of coercive control against their children that they use against their former partners, causing children the same psychological and emotional harm and constraining their lives.106 Child contact can also provide fathers who perpetrate coercive control opportunities to continue to abuse their children and former partners.107 Children who have post-separation contact with violent fathers experience acute fear, distress, and physical ill health and are subjected to physical, emotional, and/or sexual abuse during contact.108 As the FVDRC notes: “Children have been killed by an abusive parent after the victim has separated from him. In these cases the perpetrator, usually a father, is essentially saying ‘If I cannot have you I am going to take your child from you.’”109

As I have previously documented, court psychologists exhibit a “pro-contact ideology”, which causes them to prioritize children’s contact with fathers regardless of the threat that it may pose to their safety.110 As the FVDRC admonishes, “there are still many practitioners working with children who fail to appreciate the significant and long-lasting effects (even into adulthood) that result from emotional abuse in early childhood and, in particular, exposure to family violence.”111 They also note that “men who are abusive to their partners have been accepted as bad husbands but presumed to be ‘good enough fathers’ for the purposes of unsupervised child contact.”112

II. THE RELEVANCE OF COERCIVE CONTROL

Coercive control is highly relevant in two contexts in the Family Court. The first is in determining whether to issue a protection order under the FVA. The second is in determining care and custody arrangements for children in cases involving FV under CoCA.

Prior to issuing a protection order, the court must determine whether the respondent inflicted FV on the applicant and, if so, whether issuing the protection order is necessary for the applicant’s protection.113 In determining what care and contact arrangements are in a child’s welfare and best interests, the court’s priority should

106. Katz et al., supra note 77, at 311.
107. Id. at 312.
108. See Beeble et al., supra note 84, at 54; Harne, supra note 99, at 19; Humphreys et al., supra note 84, at 327; Mackay, supra note 84, at 146–47.
109. FVDRC, supra note 72, at 54 n.116.
110. Leonetti, Endangered by Junk Science, supra note 105, at 18.
111. FVDRC, supra note 72, at 53.
112. Id. at 56.
be determining the child’s safety and protection of the child from all forms of violence.\textsuperscript{114} In practice, this involves two steps that are like the two steps that the court follows under the FVA. The court must determine whether one parent has inflicted FV on either the child or the other parent and, if so, whether the care of the child being sought by the violent parent is safe for the child.\textsuperscript{115}

In both cases (issuing a protection order or making a parenting order for a child’s care and contact), the first step involves fact finding (whether FV occurred), and the second step involves risk assessment (whether the FV is likely to occur again).\textsuperscript{116} The risk assessment in the context of the FVA asks whether FV is likely to repeat if the court refuses to issue a protection order.\textsuperscript{117} The risk assessment in the context of CoCA asks whether the child is likely to be exposed to FV if the perpetrator is granted the contact being sought.\textsuperscript{118}

Coercive control is relevant to all these determinations. The Family Court cannot engage in accurate fact finding in determining whether FV has occurred without considering whether one party has engaged in the coercive control of the other.\textsuperscript{119} If FV has occurred, the Court cannot engage in accurate risk assessment without considering whether coercive control played a role, since coercive control affects both the level of harm that FV causes for victims and the ongoing risk that the perpetrator poses.\textsuperscript{120}

\section*{III. Missing Coercive Control}

Unfortunately, court psychologists tend to treat acts of psychological violence or patterns of coercive control as if they are insignificant or do not amount to violence if they are committed without the intent to cause physical harm.\textsuperscript{121} They equate IPV with incidents of physical violence, assess its severity by the means employed and

\begin{itemize}
  \item[114.] Care of Children Act 2004, s 5(a) (N.Z.).
  \item[115.] See Family Violence Act 2018, s 79 (N.Z.).
  \item[116.] See id.
  \item[117.] Id. at s 82.
  \item[118.] See Care of Children Act 2004, s 5A (2–3) (N.Z.).
  \item[119.] See Family Violence Act 2018, s 79 (N.Z.) (requiring that the court be satisfied that FV has occurred).
  \item[120.] See id. at s 82 (requiring that the court assess whether FV will repeat, and thus whether the family requires protection).
their tangible outcomes, such as physical injury, and link its causes to intimate conflicts gone awry.\footnote{122}{Lischick, supra note 19, at 193.} They cling to the outdated conceptualization of FV as discrete acts of physical violence or the tactical use of physical force to solve a particular disagreement.\footnote{123}{Id. at 196.}

For example, in \textit{Reese v. Reese},\footnote{124}{Reese v. Reese, [2020] NZFC 1238.} Father was facing criminal charges for assaulting Mother.\footnote{125}{Id. at [3].} The court psychologist indicated that he did not “have any concerns of the children being at physical risk with any of the adults,” including Father.\footnote{126}{Id. at [47].} The court explained: “The allegations of violence are allegations between the adults, of violence to each other, and there is, as I say, no concern on behalf of [Father] of physical harm to the children.”\footnote{127}{Id.} This thinking is archaic. The beliefs that IPV between parents bears no relationship to child safety or that “low level” physical violence is not significant have been belied by social-science research and public policy for decades.\footnote{128}{Lischick, supra note 19, at 193.}

Because most acts of coercive control are not criminal in New Zealand, court psychologists tend to treat coercive controlling behaviors as if they are beneath the court’s threshold of concern. In the absence of explicit threats of imminent physical harm, they do not recognize the coercion of emotional duress and social expectations as family violence.\footnote{129}{K. Chantler & M. McCarry, \textit{Forced Marriage, Coercive Control, and Conducive Contexts: The Experiences of Women in Scotland}, 26 VIOLENCE AGAINST WOMEN 89, 94 (2020).}

Empirical research demonstrates that court psychologists perform poorly at identifying and appreciating the safety implications of coercive control.\footnote{130}{See Megan L. Haselschwerdt, Jennifer L. Hardesty & Jason D. Hans, \textit{Custody Evaluators’ Beliefs About Domestic Violence Allegations During Divorce: Feminist and Family Perspectives}, 26 J. INTERPERSONAL VIOLENCE 1694, 1706–08 (2011).} For example, a study of court psychologists’ care recommendations in the United States by Hans et al. (2011) demonstrates that they place far less importance on coercive control and psychological abuse than physical violence.\footnote{131}{See id.} Two groups of court evaluators were given a vignette involving FV and child custody.\footnote{132}{See id. at 1703–04.} One involved a father who committed acts of physical violence against a mother; the other involved a father with a history of coercive control.\footnote{133}{See id. at 1704, 1707.} The evaluators who reviewed the case involving
physical violence were far more likely to recommend primary care
of the children to the mother than the report writers who reviewed
the case involving coercive control.\textsuperscript{134}

A recent study of children’s experience of coercive control after
parental separation in the United Kingdom and Finland by Katz et
al. (2020) found that coercive-control perpetrators engaged in “dan-
gerous fathering” behaviors after separation, including behaviors
that were intrusive, threatening, and/or punishing, and that these
behaviors were largely unrecognized by family court professionals.\textsuperscript{135}
Many children in the study felt that their fathers were constant and
omnipresent figures and were persistently afraid that they would
appear to harass, manipulate, upset, kidnap, and/or attack them or
their mothers.\textsuperscript{136} This caused the children to experience physical
manifestations of fear and trauma, including anxiety, panic attacks,
bed-wetting, and nightmares.\textsuperscript{137} Through their omnipresent father-
ing, the fathers maintained control, domination, and emotional power
over the children even when they were not physically present.\textsuperscript{138} The
study found that, post-separation, coercive controlling fathers alter-
nated between dangerous, intrusive, threatening, and/or punishing
behavior and portraying themselves as “admirable” caring, indul-
gent, concerned, and/or vulnerable-victim fathers who had been
unfairly separated from their children.\textsuperscript{139} It concluded that family
court professionals needed to take a more critical stance towards
fathers who perpetrated coercive control, especially regarding per-
formances of “admirable” fathering, and to protect children from
ongoing abuse.\textsuperscript{140}

This study was intended to analyze how the New Zealand Parlia-
ment’s addition of coercive control to the FVA affected the Family
Court’s response to FV. The hypothesis prior to the study was that,
by considering coercive control, court professionals would be able to
identify FV more accurately and respond more appropriately to the
ongoing risks that it poses for victims. Unfortunately, however, that
turned out not to be the case.\textsuperscript{141} Instead, the research revealed a
rather shocking incidental finding. In the four years since Parliament
added the concept of coercive control to the FVA, no Family Court

\textsuperscript{134}. See id.
\textsuperscript{135}. Katz et al., supra note 77, at 316.
\textsuperscript{136}. Id. at 319.
\textsuperscript{137}. Id.
\textsuperscript{138}. Id.
\textsuperscript{139}. Id. at 320.
\textsuperscript{140}. Id.
757 at [35]; Noah v. Chief Executive, MSD [2015] NZFC 3917 at [37] (In only three cases
has the court discussed coercive control).
judgment issued under the FVA or CoCA has made a factual finding of “coercive control” or “coercive controlling behaviour” or considered coercive control in determining the risk of ongoing violence.\(^\text{142}\)

A search of the databases of Family Court decisions on the Ministry of Justice, Westlaw, and LexisNexis databases for the years 2014–2022, inclusive, revealed only three instances in which a judge in New Zealand discussed the existence of “coercive control” or “coercive controlling behaviours” in a judgment.\(^\text{143}\) The first was a proceeding involving an application to annul a marriage.\(^\text{144}\) The second was a criminal sentencing proceeding in which the defendant offered evidence of coercive control as a mitigating circumstance.\(^\text{145}\) The third was a proceeding under the New Zealand Oranga Tamariki (Child, Youth, and Family Services) Act 1989 in which the Judge based the decision to deny Mother’s application to get her children back on the fact that she was a victim of coercive control by her former partner.\(^\text{146}\)

Samantha Jeffries (2015) has documented how court psychologists in Australia, the United Kingdom, and the United States lack expertise in identifying coercive controlling violence.\(^\text{147}\) While the New Zealand Family Court’s general failure to recognize or understand the implications of coercive control has already been extensively documented, a total failure to acknowledge the existence of the phenomenon in determining whether to grant protection orders or protect children from contact with violent parents in the four years since Parliament directed it to do so is incredible.\(^\text{148}\) The results of this study suggest that a major legislative change has had no effect on the behavior of court professionals. They continue to ignore the existence of coercive control and do not acknowledge one of the most important reforms of the FVA.\(^\text{149}\)

The inability or unwillingness to recognize coercive control and take it into consideration in assessing victims’ safety could be attributed to the lack of specialized expertise that court psychologists have about FV in general and patterns of coercive control in particular.\(^\text{150}\)

\(^{142}\) Id. (The only three cases even mentioning coercive control, do not find the existence of coercive control).

\(^{143}\) Id.

\(^{144}\) Mays v. Underwood [2020] NZFC 8013 at [1].


\(^{146}\) Noah v. Chief Executive, MSD [2015] NZFC 3917 at [37–38].


\(^{148}\) See Mays, NZFC 8013 at [1]; R., NZHC 757 at [2]; Noah, NZFC 3917 at [37–38].

\(^{149}\) See id.

\(^{150}\) J.R. Johnston & N.V. Steegh, Historical Trends in Family Court Response to
Not only do court professionals seem unable to adapt to Parliament’s addition of coercive control to the FVA four years ago, but they do not appear to have been trained on its definition or significance. The New Zealand Government’s new FV strategy calls for specialized training for court professionals, although the strategy does not specify which professionals will be trained, what the training will cover, and when the training is scheduled to occur. With the change in government in New Zealand’s most recent national elections, the ongoing existence of the strategy is now in question.

IV. CASE EXAMPLES OF COERCIVE CONTROL

Several Family Court cases, which were litigated after Parliament added “coercive control” to the FVA, demonstrate clear signs of coercive control. In these cases, court professionals failed to identify the coercive control or its nature as FV. They also failed to recognize the relationship between coercive control and victim safety.

A. Child Safety

Court professionals failed to recognize coercive control by violent fathers and its relevance to the safety of their children in their care. In McLeod v. Nepe, Mother was a vulnerable seventeen-year-old when she began a relationship with Father, who was older. She was eighteen when Son was born. When Son was one, Father assaulted Mother, resulting in her hospitalization. The assault occurred after Father bragged to Mother that he had sex with another woman. When she asked him to leave, he refused and struck her.
repeatedly. He punched her in the face so hard that he broke three of her teeth and sent her flying across the room. Mother had a serious concussion and had to have her jaw wired. When Mother reported other assaults by Father and Father’s neglect of Son in his care, hospital staff filed a report of concern with Child, Youth, and Family Services (CYFS).

Mother left Father and was granted a protection order against him. Mother alleged that Father had been violent throughout their relationship. He called her a “bitch” and a “slut” and suggested that she kill herself. He dragged her across the ground when she was pregnant. He pushed her to the ground when she had Son in her arms. He grabbed her around the throat. The violence made Mother feel “worthless.”

Father was charged with assault and had a no-contact bail condition. Father went through Mother’s phone and turned up at her home intoxicated, in breach of both his bail conditions and the protection order.

Father failed to complete his non-violence program. Mother reconciled with Father and became pregnant with Daughter when she was nineteen. Mother’s protection order was still in effect. Mother attempted to leave Father again. Mother reconciled with Father after Daughter was born, and a health professional made a report of concern to CYFS about Father’s emotional abuse. CYFS developed a safety plan for Children, but Father refused to attend parenting or anti-violence courses as part of the plan. Mother reported that Father had thrown Daughter against the wall.

161. Id.
163. Id.
164. Id. at [21].
165. Id. at [10–12].
166. Id. at [31].
168. Id.
169. Id.
170. Id.
171. Id.
173. Id. at [21].
174. Id. at [12].
175. Id. at [14], [34].
176. Id. at [15].
178. Id.
179. Id.
180. Id.
Mother had to destroy the SIM card in her phone to stop Father from harassing, abusing, and threatening her.181 Son reported that Father and his family said “mean things about his mother.”182 Mother sought for years to get Father to share care of Children with her, but he refused.183 Instead, Father insisted that he should have care of Son and Mother should have care of Daughter, and Mother felt that she had no choice but to agree.184

The Family Court granted Father an interim order for sole care of Children with only supervised contact to Mother.185 Father told the Family Court that he completed an anti-violence program even though he could not produce a completion certificate and the court files indicated that he failed to complete the program.186 Mother attended a parenting information program, but Father refused to do so.187 Father described Mother as “unstable” and “bipolar” and claimed that Children were better in his care.188 He falsely accused Mother of drug abuse and lied about his own history of using and selling drugs.189 Son reported that Father told him that he had to choose between his parents and that he would have to change schools if he chose Mother.190 Mother explained that her priority was trying to have regular contact with her children.191

The judgment awarding Father continuing day-to-day care of Children and continuing to restrict Mother to supervised contact did not give any consideration to the impact that Father’s history of violence might have on Children’s safety and well-being. Instead, the judge inexplicably characterized Mother as “not coping,” having “difficulty processing stressful situations,” and having “instability in her life.”192 In discussing Mother’s claim that Father threw Daughter against the wall when she was an infant, he stressed that there was “no evidence of bruising,” minimizing the violence by claiming that Daughter merely “got a fright.”193 He emphasized that Father’s assault charge stemming from his violent attack that hospitalized Mother was discharged without conviction (after Father pleaded

181. Id.
183. Id.
184. Id.
185. Id. at [2], [16].
186. Id. at [32].
188. Id. at [33], [34].
189. Id. at [34].
190. Id.
191. Id. at [42].
193. Id. at [21].
guilty to assault) and that he had not been charged criminally since that time.\footnote{Id. at [38], [40].} He also emphasized that Mother had criminal convictions for drink driving and disqualified driving.\footnote{Id. at [39].} He found: “It is important the children are not embroiled in the parental dispute and not compromised by discussing adult issues in their presence. The agreement reached between the parents minimises the risk of the parents encountering each other.”\footnote{Id. at [43].}

The McLeod case is a textbook example of the failure to recognize coercive control, the harm that it poses to victims, and the risk that it poses to children.\footnote{See supra Section I.A; id. at [12], [21], [31], [34–35].} Parents’ age difference and Mother’s vulnerability, Father’s use of physical violence to punish Mother when she objected to his infidelity or attempted to leave him, name calling, strangulation, breaches of protection orders and refusal to complete court-ordered programs, digital abuse of Mother (surveillance, harassment, abuse, and threats), denigrating and attacking Mother in front of Son, and refusal to care for Children when Mother wanted him to, followed by seeking court-ordered care of Son to turn him against Mother are all classic tactics of coercive control.\footnote{See McLeod v. Nepe [2021] NZFC 3141 at [21], [31]; FVDRC, supra note 72, at 40.} Father’s behavior was FV, and Father’s pattern of behavior suggested that he was at high risk to commit physical or even lethal violence against Mother and/or Children.\footnote{Id. at [21], [42].} Court professionals detected the significance of none of this abusive behavior, focusing instead on Mother’s vulnerability and instability, which resulted in part from Father’s sustained campaign of abuse and the inappropriate responses that she received from Police, CYFS, and the Family Court.\footnote{See infra text accompanying notes 11–19.} This is precisely the pattern of behavior that Parliament had in mind when it added “coercive control” to the FVA, but, one year later, the Court’s decision-making reflected no understanding of the concept.\footnote{Roberts v. Lister [2021] NZFC 6541.}

In Roberts v. Lister,\footnote{Lister v. Roberts [2021] NZHC 2964 at [8].} Father was twenty-three years older than Mother.\footnote{Roberts v. Lister [2021] NZHC 2764 at [6].} Mother had always been Child’s primary caretaker, and there were lengthy periods of time during Child’s life when Father did not live with the family.\footnote{See id. at [1], [9–10].} Shortly before the parties’ separation, when Child was ten, Father inflicted psychological and physical abuse on Child several times when he was in his care.\footnote{See id. at [1], [9–10].} The abuse caused
such significant impacts on Child that he began to see a therapist.\textsuperscript{206} The last assault occurred in public and ended when bystanders intervened to protect Child.\textsuperscript{207} One bystander slipped Child a note with instructions how to contact the Police and Victim Support, which Child later gave to Mother.\textsuperscript{208} Child reported to Mother that he was afraid that Father was going to kill him.\textsuperscript{209} Mother left Father and filed a police complaint on behalf of Child.\textsuperscript{210}

Father filed for a parenting order seeking shared care of Child.\textsuperscript{211} Mother opposed unsupervised overnight contact between Father and Child because she did not believe that Child was safe alone with Father.\textsuperscript{212} Mother offered extensive evidence of Father’s history of more than ten years of coercive control and psychological abuse of her over their marriage.\textsuperscript{213} She offered evidence that Father threatened to kill himself to manipulate her and one time threatened to kill Child.\textsuperscript{214} Mother offered independent evidence to corroborate her claims. She provided an email in which Father apologized for calling her “a bitch, an asshole, a douchebag, a horrible person,” and a “bad mother” and saying that Child “would be better off” without her.\textsuperscript{215}

Child reported to his children’s counsel that, prior to his parents’ separation, Father kicked him and pushed him down the stairs.\textsuperscript{216} He also reported that he thought that Father was going to seriously hurt him before the bystander intervened to protect him.\textsuperscript{217} He told his lawyer for the child that Father “just ‘does these things in a blind fit of rage.’”\textsuperscript{218} He repeatedly told his lawyer for the child that he wanted his contact with Father to be supervised because he did not feel safe alone with him.\textsuperscript{219} He also repeatedly reported that Father had been pressuring him during unsupervised contact to stop telling the Court that he harmed him and to agree to overnight contact at Father’s home.\textsuperscript{220}

Father minimized his physical abuse of Child and blamed Child for attacking him first.\textsuperscript{221} He claimed that the bystanders intervened

\begin{footnotes}
\footnotetext{206}{See id. at [14].}
\footnotetext{207}{Id. at [10].}
\footnotetext{208}{Id.}
\footnotetext{209}{Id. at [12].}
\footnotetext{210}{Id. at [11].}
\footnotetext{211}{See Roberts, NZHC 2764 at [7].}
\footnotetext{212}{Id. at [42].}
\footnotetext{213}{See id. at [53–54].}
\footnotetext{214}{Lister v. Roberts [2022] NZHC 1842 at [47].}
\footnotetext{215}{Lister v Roberts [2023] NZHC 1583 at [136].}
\footnotetext{216}{Roberts, NZHC 2764 at [9].}
\footnotetext{217}{Id. at [10].}
\footnotetext{218}{Id.}
\footnotetext{219}{Roberts, NZHC 2764 at [45–46].}
\footnotetext{220}{See id. at [14].}
\footnotetext{221}{Id. at [10].}
\end{footnotes}
to protect him from ten-year-old Child.\textsuperscript{222} He could not explain why one covertly passed Child a note with instructions for contacting Police.\textsuperscript{223}

The Court ordered that Child spend alternating weekends living with Father.\textsuperscript{224} The judgment did not consider any of Mother’s evidence of Father’s coercive control and IPV against her.\textsuperscript{225} Instead, the judge found that only the child abuse inflicted on Child shortly before the parties’ separation was relevant to Child’s safety in Father’s care.\textsuperscript{226} She characterized Father’s decade of IPV against Mother as relationship “difficulties.”\textsuperscript{227} She did not consider Father’s history of verbal abuse and degradation of Mother, explosive rages, punitive silent treatments and abandonment of Mother and Child, threats to harm Child if Mother left him, or financial abuse to entrap Mother in determining whether Child was safe in Father’s unsupervised overnight care.\textsuperscript{228}

The judge minimized the significance of Father’s direct child abuse on Child’s safety.\textsuperscript{229} She found that Father was angry, “lost a degree of self-control,” resorted to inappropriate “physical contact” and physical discipline of Child, and deployed “moderately excessive force” in his discipline of Child.\textsuperscript{230} She found that Father was psychologically abusive and that Father’s physical violence caused Child to be afraid of him.\textsuperscript{231} She also found that the abuse was not “as minor” as Father claimed.\textsuperscript{232} Inexplicably, however, she nonetheless found that Father’s history of FV did not pose a “future risk” to Child and opined that Father merely needed to develop “better parenting methods to ensure [Child’s] compliance” with his directions.\textsuperscript{233} She characterized Father’s abuse as “poor parenting” and Child’s complaints about Father’s abuse as “trivial.”\textsuperscript{234} She found that Child’s fears of Father did not represent “a real risk” to him.\textsuperscript{235} She found that Child’s “pattern of complaining” about Father’s abuse needed “to be disrupted.”\textsuperscript{236} She found that it was “imperative” that Child “not lose

\begin{footnotes}
\item[222] Id.
\item[223] See id.
\item[224] Roberts, NZHC 2764 at [22].
\item[225] See id. at [12], [20–21].
\item[226] Id. at [9], [12].
\item[227] Id. at [8].
\item[228] See Roberts, NZHC 2764 at [19–22], [69–71].
\item[229] Id. at [12], [20].
\item[230] Id. at [12–13].
\item[231] Id.
\item[232] Id. at [28].
\item[233] Roberts, NZHC 2764 at [12].
\item[234] Id. at [34], [44], [50].
\item[235] Id. at [20] (quoting Roberts v. Lister [2021] NZFC 6541 at [45]).
\item[236] Id. at [34].
\end{footnotes}
his relationship with his father” and that it was “important that there be more extensive contact” between Father and Child. She concluded: “The only way in which to preserve and strengthen [Child’s] relationship with his father is to ensure there is frequent, regular contact whatever [Child’s] view may be.”

B. Necessity of Protection

The Family Court also fails to appreciate the harm that coercive control inflicts on victims and its relationship to their need for protection from ongoing FV in FVA cases. In *Leslie v. Witika,* Mother and Father were in a relationship for four years, resulting in one Child. After an argument, Father became angry at Mother and strangled her. Father derogated Mother throughout their relationship. He swore at Mother, calling her a “fucking idiot” and telling her to “go fuck [her] self.” He called Mother a “sh*t wife” and “sh*t mother.” He told her that she made the worst mistake in her life by marrying him and threatened to make her life “a misery.” Father cheated on Mother and became angry when she objected. He pinned her by the throat against the wall. He threatened to kill Mother. The Police issued a temporary policy safety order, and Mother sought and obtained a temporary protection order. Father became angry and intimidating and threatened to get a sledgehammer and smash up Mother’s house. At a contact handover, Father criticized Mother for dressing in way that he considered provocative, which caused Mother to become “shaken.” At another contact changeover, Father became angry and verbally abused Mother in front of Child when she suggested that Father take Child to the park.

237. *Roberts,* NZHC 2764 at [16]; *Lister v. Roberts* [2021] NZFC 6541 at [35], [56].
238. *Id.* at [59].
240. *Id.* at [3–4].
241. *Id.* at [17].
242. *Id.* at [25].
243. *Id.* at [20].
244. *Lesley,* NZFC 7570 at [32].
245. *Id.* at [20].
246. *Id.* at [29].
247. *Id.* at [34].
248. *Id.* at [39].
249. *Lesley,* NZFC 7570 at [1], [39].
250. *Id.* at [45–46].
251. *Id.* at [52].
252. *Id.*
Child reported that Father hit him on his arm and bottom shortly after Child had a cast removed from his arm after it had broken.\footnote{253. Id. at [53].}

Mother sought a permanent protection order.\footnote{254. Id. at [54].} She testified that she felt intimidated by Father at contact changeovers and wanted protection.\footnote{255. Id. at [6], [40].} Father admitted that he psychologically abused Mother, calling her names and putting her down, but he repeatedly minimized and justified his use of FV.\footnote{256. Id. at [64–65].} Even though the Family Court Judge found that Father strangled Mother, threatened to kill her, and repeatedly put her down and criticized her, he nonetheless found that it was not necessary to issue a permanent protection order.\footnote{257. Id. at [48].} He based his decision on the fact that the physical violence had not continued after separation, only psychological abuse and death threats.\footnote{258. Id. at [64–65].} He also based his decision on Father “endeavouring to make changes” in his behavior, his faith that Father would “stick[] to the safety plan” dictated by his anti-violence program, and Father’s claim that he was “a changed man” who had no wish to be involved with Mother other than as a co-parent.\footnote{259. Lesley, NZFC 7570 at [50–55].} He inexplicably found that Mother’s allegations of physical abuse of Child had “not been made out” and he “put those to one side.”\footnote{260. Id. at [70–71].} He characterized Father’s intimidation of Mother at contact changeovers as “arguments” and found that it did not necessitate a protection order because Mother had not reported the breaches of the temporary protection order to police and Father had offered an “undertaking” to refrain from further violence.\footnote{261. Id. at [70–71].} He concluded:

I have come to the conclusion that whilst [Mother’s] perception that she has a fear of [Father] (and I accept that, that is from her perspective a genuine fear), it is largely based on past behaviour which is now some years ago, and the recent behaviour complained of was not considered by [Mother] as sufficiently serious to warrant the intervention of authorities, and in those circumstances I do not consider from an objective perspective that her view would warrant the Court making a protection order for her future protection.\footnote{262. Id. at [73].}
V. DEPLOYING COERCIVE CONTROL

One reason why court personnel may struggle to identify coercive control is because court personnel deploy tactics of coercive control against FV victims. I have previously documented the Court’s punitive responses to victims who resist or protest its unsafe decision-making.263 These responses often involve inflicting the same types of bullying, intimidation, threats, and exercises of power and control that victims are simultaneously trying to escape.264 For example, in G.L.E. v. M.M.W.,265 Father left Mother and Child when Child was nine, moved in with a new partner, and Father and his new partner had a child together.266 Father was a detached and uninvolved parent prior to his separation from Mother.267 He left without saying goodbye to Child or giving him any explanation for the separation, leaving Child in Mother’s sole care.268 Child thrived in Mother’s solo care.269

After years with no contact, Father began to show up at Child’s sporting events.270 Child found Father’s sudden interest in his sports to be “weird.”271 Father filed an application for a parenting order at the behest of his parents, Child’s paternal grandparents.272 Child, who was almost eleven, adamantly opposed contact with Father because of his memories of Father’s verbal and psychological abuse of him and Mother prior to their separation.273 Mother arranged for Child to obtain therapy to address the breakdown in his relationship with Father.274 The therapist opined that it would be “counter to good practice and therapeutically abusive” of Child to try to coerce him into reunifying with Father when he was so strongly opposed to reunification, and refused to “treat” him for the purpose of changing his mind.275


265. GLE v. MMW, [2021] NZHC 1862.

266. Id. at [10].

267. Id. at [11].

268. Id.

269. Id. at [45].

270. GLE, NZHC 1862 at [25].

271. Id. at [31].

272. Id. at [8], [10].

273. Id. at [30].

274. Id. at [25].

275. GLE, NZHC 1862 at [9], [25].
The court psychologist, on the other hand, opined that Mother needed to tell Child that she “believes 100 percent that such contact is best for him” and that “there would be consequences for [Child] if contact is not supported by him or is undermined by him.”276 As I have previously documented in “Combatting a Dangerous American Export,” this belief in forced contact is not evidence-based and violates the best-practice principles of trauma-informed care.277

By the time of the hearing on Father’s application, Child was almost fourteen years old and mature for his age.278 The judge conducted a judicial interview with Child.279 During the judicial interview, Child told the judge that he would not comply with any order for forced contact with Father.280 The judge threatened Child that “if the Court made an order, it needed to be complied with and, if it was not, there would be consequences, not for him but for his mother.”281 He threatened that, if Child refused court-ordered contact with Father, Mother could be prosecuted for contempt of court and imprisoned because of his decisions.282 He also told Child that Mother would “[go] to hell” if he did not have contact with Father.283 He “reiterated to [Child] that if he sabotaged the orders the Court made, the consequences would be likely to be borne by his mother and that it was for [Child] to choose whether his mother may potentially be ‘punished’ because of decisions he chose to make.”284

After meeting with the judge, Child was distraught.285 He was upset, cried regularly, and was unable to attend school and complete his schoolwork.286 He was sick to his stomach and had insomnia.287

The judge ordered that Child reside with Father on alternating weekends.288 He specifically ordered that, if Mother failed to deliver Child to Father, additional proceedings be assigned to him.289

Mother initially forced Child to have contact with Father.290 Child assented to contact because he was “very upset and very worried.

276. Id. at [33].
278. See GLE, NZHC 1862 at [1], [49].
279. See id. at [17].
280. See id. at [18].
281. Id. at [17].
282. See id.
283. GLE, NZHC 1862 at [25].
284. Id. at [19].
285. Id. at [25].
286. Id.
287. Id.
288. GLE, NZHC 1862 at [1].
289. See id.
290. Id. at [26].
about [Mother] going to jail,” but he sobbed and cried throughout the contact, became sick to his stomach, and vomited.\textsuperscript{291} Eventually, Child ran away from Father and back to Mother, “very upset.”\textsuperscript{292}

Child’s psychologist, who, unlike the court psychologist, specialized in FV and trauma, offered evidence that:

the judge’s threat that [Mother] would go to prison if [Child] did not go to the ordered contact was an unfair burden to place on him as it would introduce both fear and guilt into the relationship between [Child] and his mother and deepen the rift between father and son, as well as deepening the trauma that is the outcome from the first meeting.\textsuperscript{293}

Child’s lawyer for the child indicated that “he would have great concerns for [Child]’s emotional and physical health if he [was] forced to have further contact with his father.”\textsuperscript{294}

A Family Court Judge bullying a thirteen-year-old child is shocking. He forced Child into unwanted contact with Father after Child’s specialist therapist indicated that doing so would be unethical and harmful.\textsuperscript{295} He threatened Child with the incarceration of his mother to force him to comply with the court order, which was already being made over Child’s express and well-reasoned objections to forced contact with a father who harmed him and his mother and then abandoned him for a new family.\textsuperscript{296} His threats caused Child to experience post-traumatic stress symptoms.\textsuperscript{297} The court’s use of these tactics of power and control to force the submission of a traumatized child, and their implicit condonation by the court-appointed psychologist, explain why court personnel might be unable to recognize the abusive and harmful nature of coercive control when it is inflicted by abusive parents.\textsuperscript{298}

In \textit{G. v. N.},\textsuperscript{299} the same judge presided over a care dispute involving five-year-old Child. Child had lived exclusively with Mother since her parents separated shortly after her birth.\textsuperscript{300} Father had

\begin{itemize}
  \item \textsuperscript{291} Id. at [26–27].
  \item \textsuperscript{292} Id. at [27].
  \item \textsuperscript{293} \textit{GLE}, NZHC 1862 at [30], [32].
  \item \textsuperscript{294} Id. at [39].
  \item \textsuperscript{295} Id. at [9].
  \item \textsuperscript{296} See \textit{id}. at [10–11], [17], [30].
  \item \textsuperscript{298} See \textit{GLE}, NZHC 1862 at [5], [16].
  \item \textsuperscript{299} \textit{G. v. N.}, [2018] NZHC 2763 at [1].
  \item \textsuperscript{300} Id.
\end{itemize}
been convicted of assaulting Mother twice and admitted to having lightly smacked Child.\textsuperscript{301} Mother offered evidence that both she and Child were traumatized by Father’s violence and that Child needed counseling for her trauma.\textsuperscript{302} The parties agreed to supervised contact between Father and Child, but the contact failed when Child refused to be separated from Mother at the supervision center.\textsuperscript{303} The judge convened a telephone conference in which he characterized Father’s assaults on Mother and Child as “minor incidents” and chastised Mother for not forcing Child to have contact with Father.\textsuperscript{304} He admonished that, if Mother continued to hold the view that Child was not safe with Father, “it may well be that the option for the Court is to change the care arrangements for [Child].”\textsuperscript{305}

An additional attempt at supervised contact was unsuccessful, and Father applied for an admonishment of Mother.\textsuperscript{306} At the conference that followed Father’s application, the judge threatened:

\begin{itemize}
\item “I have given serious consideration today . . . to reversing the care arrangements for [Child] [even though doing so] creates issues for [Child] in that she has never lived in her father’s care and it is an option that is fraught with risk . . . .”\textsuperscript{307}
\item “I intend to make an order which provides that if contact does not occur in terms of this order then [Child’s] care arrangements will automatically change.”\textsuperscript{308}
\item “I want to be quite clear to you, [Mother], that if you do not comply with this order then you will lose the care of your daughter . . . .”\textsuperscript{309}
\item “I have sent parents to jail before for ignoring orders of this Court so do not think you can continue to ignore orders of this Court without there being any penalty. Your daughter needs a relationship with her father and if you stand in the way of that you will lose your daughter . . . .”\textsuperscript{310}
\item “. . . I understand your daughter will be anxious and upset and distressed at going to see her father, she is
\end{itemize}

\begin{itemize}
\item \textsuperscript{301} Id. at [10].
\item \textsuperscript{302} Id.
\item \textsuperscript{303} Id. at [12].
\item \textsuperscript{304} G., NZHC 2763 at [13].
\item \textsuperscript{305} Id.
\item \textsuperscript{306} Id. at [15].
\item \textsuperscript{307} Id. at [25].
\item \textsuperscript{308} Id.
\item \textsuperscript{309} G., NZHC 2763 at [25].
\item \textsuperscript{310} Id. (emphasis added).
\end{itemize}
nearly five. If she was anxious and distressed and upset at going to school you would send her to school. If she decided that she refused to eat anything you would make her eat her food. You are the parent here so be the parent. She will see her father and you will support that.”

- “So do not take on this Court because your daughter will lose and you will lose the custody of your daughter. This is your last chance.”

At a subsequent hearing, the judge threatened that “any non-compliance could result in [Mother] being imprisoned. Moreover, the judge implied that [Child] would be placed in [Father]’s care, which was not even an outcome that [Father] himself was then seeking and which was entirely impractical because [Father] had never had the day-to-day care of [Child] before that.”

In G. v. N., it was uncontested that Father inflicted FV on both Mother and Child, that Child expressed fear of being in Father’s care, and that Mother held genuine concerns as to Child’s safety in Father’s care. At the time of the judge’s threats, Mother had a final protection order against Father. The judge nonetheless bullied, intimidated, and threatened a FV victim at the behest of the perpetrator who was legally prohibited from doing it himself.

While both cases involved the same judge, there is no reason to believe that his exertion of power and control over FV victims is limited only to the cases over which he presides. In November 2021, the same judge was chosen to present at a continuing legal education forum on “Family Violence Dynamics” for the New Zealand Law Society, which was sponsored by the Ministry of Justice. According to his biography in the training materials, he is a member of the Principal Family Court Judge’s Advisory Board and is “leading

311. Id. The judge’s views on parenting advocate an authoritarian, coercive, controlling parenting style: responding to a young child’s distress and fear of attending school by forcing the child to school or responding to a child’s refusal to eat a particular food by “making” the child eat the food. Studies show that authoritarian parenting has significant negative long-term consequences for children exposed to it. BANCROFT ET AL., supra note 99, at 34–35.


313. Id. at [29].

314. Id. at [10], [12].

315. Id. at [10].

316. See id. at [10], [25].


318. Id.
a project for the PFCJ on making changes to improve the experiences of victims in the Family Court.” 319 In other words, this Family Court Judge is training other court personnel about FV and appears to be leading the Principal Judge’s response to the treatment of victims in the Court. 320

Research conducted by the Backbone Collective demonstrates that the use of power and control to punish victims of FV is widespread in the New Zealand Family Court. 321 Women who have experienced violence report being “punished, denigrated (put down) and accused of trying to alienate their children from their father” when they try to “protect their children from ongoing harm, trauma and abuse.” 322 They repeatedly report feeling threatened by court personnel and traumatized by court processes. 323 They report that “their experience in the Family Court mirrors the abuse they experienced from their abusive ex-partner. They feel, controlled, frightened, terrorised, put down, silenced and punished for speaking out about the abuse.” 324 They report being abused by Family Court judges, lawyers, and psychologists. 325 They report “bullying, intimidation, fear, stand over tactics, power, control and coercion being used by individuals within the Family Court system and of feeling trapped.” 326 They report being “verbally abused,” “belittled,” “mocked,” “put down,” “shouted at,” and “told to be quiet” by court personnel. 327 They report being forced or coerced by the Court into participating in joint activities with their perpetrators, even when they have protection orders. 328 They report being threatened with contempt of court or loss of their children if they do not agree to shared care with the perpetrators. 329 They report that perpetrators use the Court as their “new weapon of abuse and control.” 330 They describe a “dynamic of collusion,” through which court personnel work together to support perpetrators and control

319. Id.
320. See id.
322. Id.
324. BACKBONE COLLECTIVE, ALL EYES, supra note 321, at 21.
325. BACKBONE COLLECTIVE, OUT OF THE FRYING PAN, supra note 323, at 20.
326. BACKBONE COLLECTIVE, ALL EYES, supra note 321, at 21.
328. BACKBONE COLLECTIVE, OUT OF THE FRYING PAN, supra note 323, at 24.
329. See id. at 21.
330. BACKBONE COLLECTIVE, ALL EYES, supra note 321, at 24.
Victims. Ninety-three percent of participants report that their involvement with the Court caused them to experience serious health issues. They also report that their children suffered serious health effects from being forced into the care of violent fathers, including psychological damage, physical somatic symptoms of stress and trauma, and self-harm. Backbone concludes that “those working in the Family Court have adopted the same attitudes, beliefs and controlling tactics as the abusers.”

VI. LIMITATIONS

The inconsistent availability of Family Court judgments in New Zealand is a significant limitation on the results of this study, particularly in the five years since the FVA came into force. Even when judgments are publicly released, there are often multi-year delays between the issuance of the oral judgment and the publication of the written one. It is thus very hard to draw any firm conclusions about the Court’s recognition of coercive control from such a limited database. It is noteworthy, however, that, of the limited judgments available for research, there appear to be cases involving coercive control that court personnel failed to identify as such.

VII. THE IMPLICATIONS FOR HUMAN RIGHTS AND GENDER EQUALITY

Gender-based violence impairs women’s enjoyment of human rights and fundamental freedoms under general international law and human-rights conventions, and constitutes discrimination within the meaning of Article 1 of the Convention on the Elimination of All Forms of Discrimination Against Women. Coercive control is a crime against women’s liberty and autonomy, not merely their physical or psychological being. The United Nations Committee on the Elimination of Discrimination Against Women (the Committee) has determined that State Parties to the Convention can be held responsible for the acts of private individuals if they fail to act with due

331. BACKBONE COLLECTIVE, OUT OF THE FRYING PAN, supra note 323, at 34.
332. Id. at 27–28.
334. BACKBONE COLLECTIVE, ALL EYES, supra note 321, at 21.
336. Lischick, supra note 19, at 223.
diligence to prevent rights violations or to investigate and punish acts of violence and compensate victims.337

The case of González Carreño v. Spain338 demonstrates the harm to victims when courts fail to recognize coercive control and appreciate its relationship to child safety.339 Angela González Carreño married FRC in 1996 and had one child, Andrea, shortly after.340 During and after the marriage, FRC inflicted physical and psychological violence on González Carreño.341 For that reason, González Carreño left FRC several times during 1999.342 She left for the final time after FRC threatened her with a knife in Andrea’s presence.343 The Madrid District Court initially granted González Carreño guardianship and care of Andrea with supervised visits to FRC and ordered FRC to pay child support to González Carreño.344

FRC continued to harass, intimidate, and threaten González Carreño.345 During visits, he asked Andrea about González Carreño’s relationships, derogated González Carreño to Andrea, called González Carreño a “whore,” and accused González Carreño of infidelity.346 This caused Andrea to fear FRC and reject spending time with him.347 FRC systematically failed to pay child support to González Carreño, causing her financial hardship.348

On one occasion, FRC approached González Carreño and Andrea, insulted González Carreño, and attempted to pull Andrea away.349 FRC followed them, continued to insult González Carreño, and threatened to abduct Andrea.350 FRC grabbed González Carreño by the hair and attempted to throw her to the ground while she was holding Andrea.351 On another occasion, FRC followed González Carreño and Andrea, approached González Carreño’s car, and shouted and demanded that she hand over Andrea.352

337. CEDAW, supra note 335, ¶¶ 21–24.
339. Spain, like New Zealand, has high rates of DV. Id. ¶ 7.5.
340. Id. ¶ 2.1.
341. Id.
342. Id.
344. Id. ¶¶ 2.2–2.3.
345. Id. ¶ 2.4.
346. Id.
347. Id.
349. Id. ¶ 2.4.
350. Id.
351. Id.
352. Id.
González Carreño repeatedly made police complaints and sought protection orders to prevent FRC from having contact with her and Andrea. She applied for an occupation order for the family residence, since FRC’s failure to pay child support made it hard for her to secure alternative accommodation.

FRC was charged with, and convicted of, a single count of criminal harassment for stalking and harassing González Carreño and ordered to pay a small fine. The courts granted González Carreño protective orders but did not extend them to prevent FRC from having contact with Andrea because they did not want to “hamper[] the visit regime” between FRC and Andrea or “harm relations between father and daughter.” Andrea told court personnel that she did not like visiting with FRC because he “did not treat her well” and “tore up her paintings.”

A court psychologist conducted a custody evaluation and found that FRC experienced “pathological jealousy” toward González Carreño. The psychologist nonetheless found no “warning signs or risks to the child in the interaction” with FRC. The psychologist recommended that visits between FRC and Andrea should be “normalized” by gradually increasing them to full-day unsupervised visits each weekend with the expectation that visits would eventually increase to overnight visits at FRC’s house. The court ordered gradually increasing unsupervised visits between FRC and Andrea, which were intended to expand to alternating weekend contact. The court did not address FRC’s non-payment of child support.

After daytime unsupervised contact began, Andrea reported to court personnel that she did not want her contact with FRC to be increased because FRC continued to insult González Carreño and question her about González Carreño’s new partner. The court requested a review of the visitation regime from social services, which noted that FRC “was very insistent and dominant in his relationship with his daughter,” but nonetheless concluded that their relationship was not “unusual.” Based on the report, the court ordered

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354. Id.
355. Id. ¶ 2.6.
356. Id. ¶ 2.7.
357. Id. ¶ 2.8.
359. Id.
360. Id. ¶ 2.11.
361. Id. ¶ 2.12.
362. Id.
364. Id. ¶ 6.3.
that the unsupervised contact increase to overnight visits. When González Carreño applied to discharge the order for unsupervised contact, the court denied her application because “relations between [FRC] and his daughter” were “gradually normalizing.”

Three years after González Carreño first complained to the courts about FRC’s non-payment of child support, the public prosecutor finally took action against him, and the court ordered a garnishment of his wages. A few days later, FRC approached González Carreño and threatened “that he was going take away what mattered most to her.” Later that day, FRC shot and killed Andrea and then himself.

The Spanish Government conceded that the courts did not perceive any danger to Andrea until FRC murdered her. None of the court psychologists or social workers had “the slightest clue” that “there existed a danger to the life or physical or mental health of the child.”

The Spanish Government claimed that Andrea’s murder was not foreseeable. They insisted that there was nothing in the court psychological or social-service reports that could have predicted the danger that FRC posed to Andrea. The UN Committee rejected Spain’s claim. The Committee noted that the parties’ separation “was preceded by many violent incidents directed at the author, which the child often witnessed.” They noted: “The courts issued protective orders, which F.R.C. would disregard without this implying any legal consequences for him.” They also noted that “despite [González Carreño’s] requests, the orders of protection issued by the authorities did not include the child . . . in order not to jeopardize relations between father and daughter.” They also noted that “during the months of unsupervised visits, . . . there were inappropriate situations consisting of repeated questions by the father of the daughter concerning the private life of the mother . . . .” The
Committee also observed that “F.R.C., from the start of the separation, systematically and without reasonable justification shirked his obligation to provide child support.” 379

The Committee found that “during the time when the regime of judicially determined visits was being applied, both the judicial authorities and the social services and psychological experts had as their main purpose normalizing relations between father and daughter . . . .” 380 They explained: “The relevant decisions do not disclose an interest by those authorities in evaluating all aspects of the benefits or harms to the child of the regime applied.” 381 They also noted that the courts “ushered in a regime of unsupervised visits” without consideration of FRC’s non-payment of child support. 382 The Committee concluded:

All of these elements reflect a pattern of action which responds to a stereotyped conception of visiting rights based on formal equality which, in the present case, gave clear advantages to the father despite his abusive conduct and minimized the situation of mother and daughter as victims of violence, placing them in a vulnerable position. In this connection, the Committee recalls that in matters of child custody and visiting rights, the best interests of the child must be a central concern and that when national authorities adopt decisions in that regard they must take into account the existence of a context of domestic violence. 383

They explained:

[The decision to allow unsupervised visits was taken without the necessary safeguards and without taking into account that the pattern of domestic violence that had characterized family relations for years . . . was still present . . . . At the time F.R.C. continued not to pay child support with impunity; and . . . continued using the family dwelling in spite of [González Carreño’s] claims in that regard.] 384

The failures of the Spanish courts mirror the failures of the New Zealand Family Court to take seriously IPV and coercive control and protect victims from its recurrence. Like in González Carreño, the Family Court, including its psychologists, continues to ignore the connection between IPV, jealous surveillance, and risks to children’s

379. Id.
380. Id. ¶ 9.4.
381. Id.
382. Id.
384. Id. ¶ 9.5.
Like in *González Carreño*, court personnel ignore or place no weight when men derogate and insult former partners or show inappropriate interest in their personal lives. Like in *González Carreño*, they fail to consider fathers’ refusal to pay child support and other forms of financial abuse as issues affecting the safety and well-being of women and children. Like in *González Carreño*, they place no weight on men’s threats to take children from their mothers. Like in *González Carreño*, they fail to see the connection between fathers’ bullying and intimidation of mothers and the risks that they pose to children. Like in *González Carreño*, their main priority is contact between violent fathers and children rather than women and children being free from the risk of ongoing violence. Court personnel even employ the same pro-contact terminology as the Spanish courts—“normalisation”—as a code for their unwavering belief that children’s contact with fathers must always be increased to overnight contact, regardless of the danger that their fathers may pose. Like in *González Carreño*, court personnel do not meaningfully assess the full range of harms to children of being placed in the care of violent fathers in determining their best interests. Like in Spain, they minimize and trivialize the harm experienced by women and children who experience abuse. Like in *González Carreño*, they place little weight on children’s expressions of fear or resistance to contact with violent fathers. Like in *González Carreño*, they minimize men’s violence as merely poor parenting, which does not warrant sanctions or protection. Like in *González Carreño*, they fail to provide due supervision for children who are forced into contact with violent fathers. Like in Spain, in New Zealand, women’s safety is expected to be subjugated to the primary priority of contact between fathers and children. Like in *González Carreño*, court personnel have a gender stereotype-based rather than evidence-based

386. *Lesley*, NZFC 7570, at [20–32], [73–74]; *Lister*, NZHC 2764, at [21]; *McLeod*, NZFC 3141, at [31], [34].
388. See id. at [14–16].
389. *Lesley*, NZFC 7570, at [20], [39], [45], [64–65], [70–71].
390. See *GLE*, NZHC 1862, at [33]; *Lister*, NZHC 2764, at [9–12].
391. *Lister*, NZHC 2764, at [14–16].
392. Id. at [9–16].
394. See *GLE*, NZHC 1862, at [30]; *Lister*, NZHC 2764, at [9–11], [18–20].
395. *Lister*, NZHC 2764, at [12].
396. Id. at [18–20].
397. Id. at [15–16].
understanding of FV. Like in Spain, the Court has been the subject of persistent criticism for its poor responses to FV victims and failed to reform its practices even as Parliament has reformed FV laws. Like in Spain, when children die in court-ordered care arrangements, court personnel insist that their deaths were not foreseeable.

VIII. PROPOSALS FOR REFORM

A. Specialized Training and Demonstration of Expertise

Unlike severe physical abuse, the shrouded nature of coercive control requires expertise to detect. To understand the nature of FV and its harms and to respond appropriately, court personnel must shift away from their current focus on physical violence and appreciate the full range of intimidating and entrapping tactics understood through the model of coercive control. Katz, Nikupeteri, and Laitinen note that courts “need to be knowledgeable about the complexity of children and young people’s experiences of coercive control. This is especially important in light of adults’ responsibilities to help children and young people to realise their rights for secure living environments and abuse-free lives.”

Te Aoreeakura, the New Zealand Government’s strategy to address FV and sexual violence (SV), calls for training in the justice system to enable court personnel “to understand the different types and dynamics of abuse including psychological abuse, grooming, stalking and coercive control,” although the Government has already failed to comply with the deadlines for training set forth in the Action Plan accompanying the strategy.

Studies have shown that increased training and education about FV and child safety is associated with judicial decisions and evaluator recommendations that are more focused on keeping victims and children safe and together after parental separation.
(2005) document that IPV-related knowledge was positively associated with judicial care and contact decisions that prioritize victim safety.\textsuperscript{406} Davis et al. (2010) similarly document a relationship between demonstrated FV knowledge and court psychologists’ consideration of safety in their reports and recommendations.\textsuperscript{407}

It is important to note, however, that the Morrill and Davis studies measured the relationship between judges’ and psychologists’ knowledge of IPV.\textsuperscript{408} They did not rely on judges’ and psychologists’ self-reported levels of FV expertise.\textsuperscript{409} Merely offering specialized FV training or labeling training as FV-related, therefore, is insufficient to enhance judicial decision-making. To be effective, FV training must be accompanied by an assessment of whether court personnel acquire and retain expert knowledge because of the training.

B. Evidence-Based FV Screening

Family courts in some parts of the world utilize FV screening and risk-assessment instruments as part of their standard responses to FV.\textsuperscript{410} The New Zealand Family Court does not employ validated risk-assessment methods.\textsuperscript{411} Instead, judges and court psychologists assess risk based on their human intuitions.\textsuperscript{412} They observe parents, hear about their conduct, and make subjective assessments about their character and credibility to assess the likelihood that family violence will recur.\textsuperscript{413} In Te Aorerekura, the Government recognized that “the dynamics of violence and power are complex and the risks are not always recognised or acknowledged.”\textsuperscript{414}

The Government should mandate that the Family Court deploy evidence-based risk screening and risk assessment for FV. There are validated FV risk instruments.\textsuperscript{415} For example, the Women’s Experiences with Battering scale (WEB) is an IPV screening tool that

\begin{footnotesize}
\textsuperscript{406} Id.
\textsuperscript{408} Morrill et al., supra note 405, at 1089, 1097; Davis et al., supra note 407, at iv.
\textsuperscript{409} See Morrill et al., supra note 405, at 1094, 1096; see also Davis et al., supra note 407, at iv.
\textsuperscript{410} See The New Zealand Psychological Society, supra note 11, at 26.
\textsuperscript{411} See Robertson et al., supra note 8, at 1.
\textsuperscript{412} See id. at 19.
\textsuperscript{413} See Robertson et al., supra note 8, at 6, 8.
\textsuperscript{414} Te Aorerekura, supra note 404, at 19.
\end{footnotesize}
measures women’s experiences in abusive relationships rather than the behaviors of their abusive partners. Instead of focusing on physical abuse, the WEB assesses for emotional abuse by measuring a woman’s perceptions of her vulnerability to physical danger and loss of power and control in her relationship. Research shows that the WEB is a more sensitive and comprehensive screening tool for identifying IPV compared to other tools that focus primarily on physical assault.

CONCLUSION

In New Zealand, like in the United States, coercive control generally remains outside the purview of the criminal law. It is therefore crucially important that court personnel identify and respond appropriately to coercive control in family law proceedings. Their continued focus on discrete incidents of physical violence between adults conceals the patterned and gendered nature of most IPV in which women are victimized and the patriarchal context of male privilege that continues to dominate heterosexual relationships. The failure to identify coercive control contributes to victims’ entrapment and increases the risk of violence continuing post-separation.

Cases involving coercive control generally require substantial protections for victims and their children to be safe after separation. Research demonstrates that the most effective way to protect FV victims from additional violence is a systemic response that prioritizes their safety and holds perpetrators accountable. If judges, lawyers, and psychologists who work in the Family Court are not able to understand coercive control, they cannot protect victims and may expose them to further harm. Court professionals who fail to recognize and understand the harms that stem from coercive control inadvertently enable and collude with perpetrators. As the NZPS explained in its 2015 submissions to Parliament, “women are not receiving the legal protection intended by the law,” and “there is no

416. Id. at 1210.
417. Id. at 1209–10.
418. Id. at 1218.
419. Lischick, supra note 19, at 193.
421. FAMILY VIOLENCE DEATH REVIEW COMMITTEE (FVDRC), HEALTH QUALITY & SAFETY COMMISSION, FOURTH ANNUAL REPORT: JANUARY 2013 TO DECEMBER 2013 18 (2014).
point in passing laws designed to protect women” if “they will, in practice, be unable to access this protection.”\textsuperscript{422} They reiterated that “there is no point in passing further laws designed to protect domestic violence victims and reduce domestic violence” until court personnel have an evidence-based understanding of FV rather than an understanding of family dynamics based in junk science and gender stereotypes.\textsuperscript{423}

\textsuperscript{422} The New Zealand Psychological Society, supra note 11, at 11.

\textsuperscript{423} Id. at 21.