BATTERED WOMEN AND CHILD CUSTODY: THE ONGOING EXPOSURE TO ABUSIVE EX-PARTNERS
A QUALITATIVE STUDY

By
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ABSTRACT

Wife abuse has become an epidemic in Canada. Research studies have documented that abuse does not end when a woman is divorced or separated from her abuser, but, in fact, the danger increases. A father's legal right to custody of and access to his children and the children's bond with their father prevent a women from truly breaking free of her abuser. Theoretical literature has addressed how custody and access can serve as a means for a batterer to continue his abuse and expose his children to ongoing abuse and discord. Research on how custody and access issues are affecting battered women is limited. Key details about this phenomenon are not known. Hence, a research study using the qualitative methodology of phenomenology was conducted of battered women's experiences with custody and access and the ongoing exposure to abusive ex-partners.

Six single mothers who had left abusive relationships and were at the time sharing custody of and/or access to their children with their abusive ex-partners participated in the study. Unstructured, non-directive interviews were conducted. Direction for analysis was taken from the specific steps outlined by Giorgi (1975).

Data analysis revealed that all of the women were living in great fear for their safety and that of their children. The ongoing danger and stress of living with the restrictions of the law and legal system took it's toll on the women and ultimately affected their physical health and
psychological well-being. The women described their experiences as having four components: 1) SAFETY: Living with Ongoing Danger; 2) STRESS: Living with the Restrictions of the Law and the Legal System; 3) COPING: Social Support Systems; and 4) TO HEAL AND MOVE FORWARD IN LIFE. Themes within these components were identified, and implications for nursing practice, education and research were discussed.
**TABLE OF CONTENTS**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABSTRACT</td>
<td>ii</td>
</tr>
<tr>
<td>TABLE OF CONTENTS</td>
<td>iv</td>
</tr>
<tr>
<td>LIST OF FIGURES</td>
<td>viii</td>
</tr>
<tr>
<td>ACKNOWLEDGMENTS</td>
<td>ix</td>
</tr>
<tr>
<td>CHAPTER ONE: INTRODUCTION</td>
<td></td>
</tr>
<tr>
<td>Background to the Problem</td>
<td>1</td>
</tr>
<tr>
<td>Significance of the Study</td>
<td>8</td>
</tr>
<tr>
<td>Problem Statement</td>
<td>10</td>
</tr>
<tr>
<td>Purpose</td>
<td>11</td>
</tr>
<tr>
<td>Objectives</td>
<td>12</td>
</tr>
<tr>
<td>Conceptual Perspective</td>
<td>12</td>
</tr>
<tr>
<td>Research Question</td>
<td>13</td>
</tr>
<tr>
<td>Definition of Terms</td>
<td>13</td>
</tr>
<tr>
<td>Assumptions</td>
<td>15</td>
</tr>
<tr>
<td>Limitations</td>
<td>15</td>
</tr>
<tr>
<td>Summary</td>
<td>16</td>
</tr>
<tr>
<td>CHAPTER TWO: LITERATURE REVIEW</td>
<td></td>
</tr>
<tr>
<td>Introduction</td>
<td>18</td>
</tr>
<tr>
<td>Custody and Access - Critical Issues</td>
<td></td>
</tr>
<tr>
<td>Facing Battered Women</td>
<td>19</td>
</tr>
<tr>
<td>Power and Control</td>
<td>20</td>
</tr>
<tr>
<td>Social Isolation/Support</td>
<td>23</td>
</tr>
<tr>
<td>Custody and Access</td>
<td>25</td>
</tr>
<tr>
<td>Continued Violence</td>
<td>28</td>
</tr>
<tr>
<td>Parenting Problems</td>
<td>30</td>
</tr>
<tr>
<td>Custody and Access - The Impact on Child Witnesses of Abuse</td>
<td>31</td>
</tr>
<tr>
<td>Divorce/Separation - Children's Adjustment Post-divorce</td>
<td>36</td>
</tr>
<tr>
<td>Nurses' Role - Acting on the Ongoing Abuse of Battered Women</td>
<td>38</td>
</tr>
<tr>
<td>Summary</td>
<td>40</td>
</tr>
</tbody>
</table>

**CHAPTER THREE: METHOD**

| Introduction | 42 |
| Phenomenology, a Qualitative Approach to Research | 42 |
| Selection of Participants | 44 |
| Selection Criteria | 44 |
| Recruitment Procedures | 45 |
| Sample Size | 46 |
| Data Collection Procedure | 46 |
| Data Analysis | 48 |
| Validity | 51 |
| Reliability | 53 |
| Ethical Considerations | 54 |
| Summary | 57 |

**CHAPTER FOUR: THE NATURE OF THE EXPERIENCES**

| Introduction | 58 |
| Demographics | 58 |
CHAPTER SIX: SUMMARY, CONCLUSIONS, AND IMPLICATIONS FOR NURSING

Summary............................................128
Conclusions.......................................134
Implications for Nursing.......................137
  Practice........................................137
  Education......................................140
  Research........................................141
REFERENCES......................................145
APPENDIX A: Participant's Information
  Letter..........................................153
APPENDIX B: Interview Questions..............155
APPENDIX C: Consent Form.......................156
APPENDIX D: Demographic Data..................158
APPENDIX E: Ethics Certificate of Approval.159


<table>
<thead>
<tr>
<th>Figure 1. Conceptualization of the Experience: Battered Women's Experiences with and Child Custody and the Ongoing Exposure to Abusive Ex-partners</th>
<th>107</th>
</tr>
</thead>
</table>

**LIST OF FIGURES**
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CHAPTER ONE: INTRODUCTION

Background to the Problem

"Family and sexual violence is a social problem of such staggering dimensions that it is often described in terms of a national crisis. It is like a war in which we can provide only triage service while the casualties mount up" (British Columbia Task Force on Family Violence, 1992, p.46.).

Abuse against women in intimate relationships represents a major social and health problem in North America: almost one million women in Canada are being abused each year (MacLeod, 1987). Wife abuse has become epidemic in Canada. It is difficult to generate accurate statistics on wife abuse as the violence is usually hidden. Statistics Canada (1993) conducted a nationwide survey on male violence against women. In this random sample of 12,300 women 51% of Canadian women were found to have experienced at least one incident of physical or sexual violence since the age of 16. Almost one half of the women reported violence by men that they knew. One quarter of the women experienced violence from a current or past marital partner, and one-in-six currently married women reported violence by their spouses. The Statistics Canada (1993) survey supports previous research that suggests women face the greatest risk of violence from men they know (MacLeod, 1987).
Research suggests that abuse does not end when a woman separates or is divorced from an abusive partner (Henderson, 1990; Jacobson, 1982; Sonkin, Martin & Walker, 1984; Statistics Canada, 1993). Separation or divorce only increases the danger for many battered women (Pagelow, 1984). "Repeated or ongoing abuse was more commonly reported in marriages that had ended. Three-quarters of women who experienced violence by past partners endured repeated assaults, 41% on more than ten occasions" (Statistics Canada, 1993, p.5). The Statistics Canada (1993) survey found 19% of women who reported violence by previous partners experienced violence following or amid separation and, in one third of these cases, violence actually increased in severity during separation. In the United States, it has been reported that three quarters of all women hospitalized because of domestic violence are separated or divorced from their abusers (Zorza, 1995).

For a battered woman, the decision to leave an abusive partner is difficult (Henderson, 1990). When a woman does leave, there is often a threat hanging over her head, such as: "If you ever leave me, I will kill you. If you ever leave me, I will see that you never see the children again" (Taylor, 1994, p.9). Women will often remain in abusive relationships because they believe their children need a father, no matter how terrible he may be (Elbow, 1982). It takes a great deal
of courage and strength for a woman to leave. When she does leave, a woman is seeking to terminate a violent marriage and is hoping to build a life free of violence for herself and her children (Pagelow, 1992).

A father's legal right to custody of and access to his children and the children's bond with their father make it difficult, if not impossible, for an abused woman to truly break free. The issues surrounding battered women and custody and access have only recently been identified; however, to date they have not been recognized as credible problems (British Columbia Task Force on Family Violence, 1992) and, certainly, their ramifications in terms of health care have not been explored.

The researcher initially became interested in battered women's experiences with custody and access through her role as a facilitator of a parenting support group for battered women. During weekly sessions, it became clear that leaving an abusive partner did not usually mean an end to the abuse. Women continued to experience abuse from their ex-partners through their involvement with court-imposed custody and access visits. Many of the women were still in great fear for their safety and the safety of their children.

Monat and Lazarus (1977) state that the threat of anticipated harm produces stress reactions both physical and psychological. The threat of abuse and ongoing
Conflict from an ex-partner can be a major source of psychological and physical stress for a battered woman. When a woman "...is placed in a situation in which some threat or danger is present or in which demands may overwhelm abilities to cope, a number of biological and psychological changes occur, behavior is altered, and, in some cases, health is affected" (Baum & Singer, 1987, p.xiii). Battered women who experience stress because of their ongoing contact with abusive ex-partners may ultimately suffer psychological and physical health consequences.

There are critical issues involving custody and access which can adversely affect the health and welfare of an abused woman and her children. In a study by Jacobson (1982), battered women identified the following concerns in regards to custody and access: 1) ongoing danger to the mother; 2) concern for the physical and psychological safety of their children; 3) feelings of personal guilt about a broken marriage; 4) conflicting beliefs about their children's needs for two parents; 5) perceptions of their children's needs and feelings towards their father; 6) supervised access; 7) doubts about their ability to provide all the emotional, physical, and financial care for their children. These themes were merely identified in the report of the study; there was no discussion of the women's perceptions of these worries.
An increasing number of women are losing custody of their children to abusive ex-husbands (British Columbia Task Force on Family Violence, 1992; Chesler, 1986; Drewitt, 1993; Jacobson, 1982; Pagelow, 1992; Zorza, 1995). This trend towards awarding fathers custody is happening because of the belief that both parents have equal rights with regards to their children (British Columbia Task Force on Family Violence, 1992). The doctrine 'in the best interest of the child' is used to determine custody; however, there appear to be different interpretations of this dictum (Drewitt, 1993).

It has been well documented that the courts often do not consider wife abuse as having any bearing on child custody disputes and see no link between wife abuse and the batterer's relationship with his children (British Columbia Task Force on Family Violence, 1992; Chesler, 1986; Drewitt, 1993; Jacobson, 1982; McMahon & Pence, 1995; Pagelow, 1992; Walker & Edwall, 1987; Zorza, 1995). Canadian provinces have yet to enact statutes that make wife abuse at least relevant in custody and access decisions (Department of Justice Canada, 1993). Nevertheless, there is sufficient empirical evidence to support that witnessing wife abuse does affect the physical and psychological well-being of children (Alcorn, Sakaluk & Solomon, 1985; Ericksen & Henderson, 1992; Hershorn & Rosenbaum, 1985; Hilberman & Munson, 1978; Jaffe, Wolfe & Wilson, 1990; Jaffe, Wolfe, Wilson &
Zak, 1985, 1986a, 1986b; Rosenbaum & O'Leary, 1981; Westra & Martin, 1981). Battered women and child witnesses of abuse are in need of protection and support to keep them from being revictimized by their abusers (Zorza, 1995).

Health care professionals must become more active in the treatment and prevention of wife abuse. Nurses are in the ideal position to intervene in the cycle of violence. Nurses encounter abused women in a variety of work settings such as prenatal classes, mom and tot drop-in groups, well-baby clinics, emergency departments, labour and delivery and postpartum units, intensive care and medical-surgical units (Henderson, 1992). "Clinical practice takes nurses into the homes and lives of families in a confidential and intimate way" (Campbell & Humphreys, 1984, p.6). The closeness of the nurse/client relationship allows the nurse to explore sensitive issues such as wife abuse, and specifically issues involving custody and access. Nurses have the capacity to make an impact on the prevention of wife abuse, both in terms of health promotion and identification and intervention for those women at risk (Campbell, Smith McKenna, Torres, Sheridan--Landenburger,--1993). Because of their focus on holism, nurses are concerned with any factor that affects their client's health (Campbell & Humphreys, 1993; Ericksen & Henderson, 1992). Nurses' emphasis on health promotion encourages optimal health and the
development of personal strengths to cope with physical and emotional stressors (Campbell & Humphreys, 1993). To provide effective nursing care, nurses must, first, recognize the problem of wife abuse and, second, look beyond isolated incidents of abuse to acknowledge the far reaching effects that wife abuse has on women, children, extended family, friends, and society.

Through her work with battered women, the researcher became aware that very little is known about battered women's experiences of living with custody and access orders and the continued involvement with abusive ex-partners. Key details about this phenomenon are not known. Qualitative nursing research, which utilizes holistic interpretations of experiences derived from inductive methods and which is focused on the perspective of the participant, can make a significant contribution to the body of knowledge of wife abuse and, specifically, the issue of custody and access. It is this researcher's belief that in-depth exploration of this phenomenon will provide insight for nurses and other professionals who care for battered women. Nursing research has the potential to bring about changes in the health care system and, ultimately, the health of battered women.
Significance of the Study

Because of the high incidence of wife abuse and of children witnessing the abuse of their mothers, there is a need for action by politicians, lawyers, health care professionals, and society to aid these women and their children. Wife abuse clearly affects the physical and emotional well-being of women and their children (Pagelow, 1992). As such, nurses need to become more knowledgeable about wife abuse and the consequences it has for all the members of the family.

The decision to leave an abusive relationship is difficult for women when children are involved (NiCarthy, 1982). Women are torn between seeing their children affected by violence and their children's need for a father. Once a woman does decide to leave, she is faced with a new set of concerns for herself and her children (Henderson, 1990). These concerns are in relation to the ongoing contact between the children and their fathers, guaranteed by court-imposed custody and access orders (Henderson, 1990). Custody and access jeopardizes the safety of battered women as they are legally required to maintain contact with their abusers. At this point, there is limited knowledge on how custody and access issues are affecting battered women. However, statistics on wife abuse during separation and divorce clearly support the need for services which address the mental
health and physical well-being of these women and their children.

Ericksen and Henderson (1992) recommended that, because of their focus on wholeness of experience and their teaching and communication skills, nurses can play a vital role in helping battered women and their children. At this time, there is currently very little formal support for a battered women once she leaves an abusive relationship. Henderson (1990) states that transition houses are often not funded at a level which allows for formal follow-up programs. As a result, women may not receive support to deal with complex issues subsequent to separation such as custody and access (Henderson, 1990). To be supportive nurses need to be able to recognize and understand the issues that these women experience. Insights gained from an in-depth exploration of the phenomenon of custody and access will help nurses by providing the necessary knowledge that is required if nurses are to be supportive of battered women and their children.

It is clear that new laws and policies on custody and access as they relate to battered women and their children need to be developed. In a recent policy paper on custody and access, the Canadian Department of Justice (1993) identified that, indeed, wife abuse may not be properly considered by the courts in determining custody and access. The Canadian Department of Justice (1993)
addressed a need for research which would shed light on the practical realities of custody and access issues. Nursing research which serves to empower battered women and focuses on understanding their experiences of custody and access has the ability and the potential to be an important influence to help ensure that policy change is based on scientific knowledge.

**Problem Statement**

The experiences of battered women who are involved with ongoing exposure to abusive ex-partners through court-imposed custody and access orders need to be understood if relevant health care services to aid these women are to be developed. Nurses can play a vital role in the establishment and provision of these services. The actual and potential alterations in a battered woman's health that are associated with violence, "...are immense, complex, and in need of nursing consideration if maximum levels of wellness are to be achieved" (Campbell & Humphreys, 1993, p.ix). Nurses encounter battered women in a wide variety of settings. Assessment, identifying approaches to nursing care, and developing nursing interventions to care for battered women are necessary-nursing-functions. A nurse cannot assume that a battered woman is safe and no longer in need of support and care just because she has left her abusive ex-partner. The literature indicates that abuse does not end when a woman leaves an abusive partner, but indeed it
may well even escalate in lethality (Henderson, 1990; Jacobson, 1982; McMahon & Pence, 1995; Sonkin, et al., 1985; Statistics Canada, 1993; Zorza, 1995).

A batterer's legal rights to custody of and access to his children can serve as a means for him to continue to abuse his ex-partner and expose his children to ongoing violence and discord. The ongoing violence and stress experienced by the battered woman affects her psychological and physical well-being and also takes its toll on her children, extended family and friends. Nurses need to understand the social context and legal implications along with the physical and mental issues experienced by battered women who are exposed to this ongoing abuse. The battered woman's perceptions of living with court-imposed custody and access and the continuing involvement with an abusive ex-partner have not been described in the literature. The woman's perceptions of her experiences need to be understood if appropriate health services are to be provided. A qualitative study which elicits in-depth descriptions of battered women's experiences must be undertaken if the complexities of this phenomenon are to be fully understood.

**Purpose**

The purpose of this study is to understand the experiences of battered women who, through court-imposed custody and access orders, continue to be involved with
abusive ex-partners. Implications from these findings can then be used to identify approaches to nursing care and ultimately, to develop nursing interventions for battered women and their children. The battered woman's view of custody and access and the ongoing involvement with an abusive ex-partner have not been described in the literature.

**Objectives**

1. To understand the experiences of battered women who, through court-imposed custody and access orders, continue to be involved with abusive ex-partners.

2. To describe common factors which affect the experiences of these women.

**Conceptual Perspective**

A feminist approach provides the foundation for this research study. A feminist advocates the same rights for women that society bestows upon men, particularly in realms of economics and politics (Vance, Talbott & McBride, 1985). A feminist envisions an end to patriarchy, subordination, and inequality and promotes respect for all humans regardless of gender, race or culture (Kagan-Krieger, 1987).

Describing women's experiences through qualitative research methods such as phenomenology is in keeping with a feminist approach of bringing women's experiences to the forefront and acknowledging their value (Kagan-
Krieger, 1987). MacPherson (1988) states that feminist research "...formulates women-related questions generated from actual experiences and closely related to social change" (p.19). This study arose from the researcher's work as a facilitator of a parenting support group for battered women. The research question which guides this study was generated from the concerns of these women. It is this researcher's belief that by bringing battered women's experiences with custody and access to the forefront, and examining the issues, this information will provide knowledge that can be used by these women themselves and ultimately contribute to their liberation.

Research Question

The research question which directed this study is as follows: What are the experiences of battered women who, through court-imposed custody and access orders, continue to be involved with abusive ex-partners?

Definition of Terms

1) Wife abuse was defined according to the definition suggested by MacLeod (1987):

Wife battering is the loss of dignity, control, and safety as well as the feeling of powerlessness and entrapment experienced by women who are direct victims of ongoing or repeated physical, psychological, economic, sexual and/or verbal violence or who are subject to persistent threats or witnessing of such violence against their
children..., by their boyfriends, husbands, live-in lovers, ex-husbands or ex-partners, whether male or female. The term 'wife battering' will also be understood to encompass the ramifications of the violence for women, her children, her friends and relatives, and for society as a whole (p.16).

This definition was chosen because it includes the children of women who are abused and can, therefore, serve as a definition of child witnesses of abuse.

2) Custody refers to the parent's legal right to live with her or his child and have care and control of the child (Jacobson, 1982). The most common types of custody are defined according to Beveridge and Reid (1987):

**Sole Custody:** One parent is given complete care and control of the child, while the other parent has access rights.

**Divided Custody:** Both parents are equally competent to care for the child; sole custody is divided. For example, one parent may have sole custody during school months, the other during holidays.

**Joint Custody:** Both parents assume responsibility for decisions relating to the child's education, religion, discipline and general upbringing. As well, children may divide their time, spending part of it living in each parent's home (p.49).

3) Access is the non-custodial parent's legal right to
visit, phone, or take the child away from the custodial parent's home for visits (Beveridge & Reid, 1987).

Assumptions

1) It was assumed that issues surrounding custody and access and ongoing contact of their children with abusive ex-partners would have meaning for abused women.

2) It was assumed that all battered women were equally qualified to speak on behalf of abused women as a group.

3) It was assumed that the mother's perceptions of custody and access and ongoing contact with an abusive ex-partner would also include her perceptions of her children's experiences.

4) It was assumed that feminist research methods of gaining knowledge of battered women will serve needs of these women and will not be exploitive or oppressive.

Limitations

Several limitations were identified at the beginning of this study and were explicitly outlined.

1) Many of the women may still have valid concerns about the safety of themselves and their children. This concern may in turn influence their candidness. Women may chose to be selective in how they present information about themselves and their children.
2) Some women may be in the middle of custody disputes or afraid that their ex-partner may challenge their existing custody arrangements. This fear may inhibit women from being truly open and frank in fear that their husbands may somehow obtain legal access to this information.

3) This study is limited to women who can speak English; thus, significant cultural issues unique to battered women in relation to custody and access may not be addressed in the scope of this study.

Summary

This study was designed to understand the experiences of battered women who, through court-imposed custody and access orders, continue to be involved with abusive ex-partners. Chapter one outlined the background and significance of this research problem along with the purpose, objectives and conceptual framework of this study. The research question to be addressed was presented; in addition, the definition of terms, assumptions and limitations of this study were also identified.

In chapter Two, the current literature and theory relevant to this study will be presented. In Chapter Three, the qualitative methodology of phenomenology, used in this study will be described. Chapter Four will include a presentation of the researcher's interpretations of the findings, and Chapter Five will
follow with a discussion of the findings. Ultimately in Chapter Six the researcher will present a summary, conclusions, and the study's implications for nursing practice, education, and research.
CHAPTER TWO: LITERATURE REVIEW

Introduction

In this chapter, the researcher will review literature in order to delineate the current state of knowledge as it relates to the experiences of battered women who, through court-imposed custody and access orders, continue to be involved with their abusive ex-partners. Both qualitative and quantitative research will be presented.

Literature on battered women and the issues they face in regards to custody and access of their children is extremely limited. Most of the literature to date focuses on the legal process. Much of the research has focussed on current trends in the legal system such as joint custody, increased awareness of father's rights and a move towards mediation as a means of resolving custody and access issues (Pagelow, 1992). Although this literature provides insight into the depth and breadth of these issues, an in-depth examination of law reform was not the intent of this study. The purpose of this literature review is to describe the context from which this study was derived and provide direction for this study. Four themes that have emerged from the literature are examined: 1) Custody and Access - Critical Issues Facing Battered Women; 2) Custody and Access - The Impact on Child Witnesses of Abuse; 3) Divorce/Separation - The
Children's Adjustment Post-divorce; 4) Nurses' Role - Acting on the Ongoing Abuse of Battered Women.

**Custody and Access - Critical Issues Facing Battered Women**

Women have endured centuries of abuse, but it is only within the past few decades that the issue of wife abuse has become a public concern (MacLeod, 1987). Health care professionals have been slow to take an active stand on the issue of wife abuse. A major deterrent to prevention and treatment of wife abuse is lack of knowledge and understanding by health care professionals (Moss & Taylor, 1991). Moss and Taylor (1991) suggest that, "...inappropriate responses (or no response) by health care professionals may stem from their lack of knowledge or training in abuse issues, misinformation, sexist bias, the structure of the medical model and disbelieving..." (p.1159).

Nurses may be reluctant to identify and aid battered women because they believe that battering is a social or legal problem rather than a nursing problem (Tilden, 1989). "Staff may believe the myths about battered women, such as the myth of masochism ('she must like it or she'd leave') and the myth of rational cause ('she must have asked for it')" (Tilden, 1989, p.314). Nurses will need to be aware of their own attitudes and beliefs about wife abuse, as well as be taught the theories of battering and understand the dynamics of wife abuse.
To understand wife abuse, it is necessary to examine some of the historical, social, environmental and legal factors which have helped to perpetuate the problem (Henderson, 1992).

**Power and Control**

The powerful have controlled the less powerful throughout history; "...the family has been shaped as a gender-based hierarchy: the man has the most power, and the woman is subordinate to him" (British Columbia Task Force on Family Violence, 1992, p.47). The control and exploitation of the less powerful has been supported by political, economic and religious institutions (British Columbia Task Force on Family Violence, 1992).

The husband has traditionally been sanctioned with the authority to maintain control over his family. Patriarchal power and physical force have been assumed to be morally justified. In the past, traditional terms of marriage clearly stated that a woman is 'given' in marriage by her father to her husband, and that she must promise to 'obey' her husband (British Columbia Task Force on Family Violence, 1992). Historically, the legal promise of marriage has included enduring abuse. The 'rule-of-thumb'-was-a-nineteenth-century-British-law which stated that a man could beat his wife 'with a rod no thicker than his thumb' (British Columbia Task Force on Family Violence, 1992, p.48). This law was amended in the United States in the late 1800's to state that, as
long as no permanent injury or cruelty to the wife was evident, it was better to, "...leave the parties to forget and forgive" (Swanson, 1984, p.709).

Although the women's movement has achieved many advancements for women, power inequity between men and women still exists (Sampselle, Bernhard, Kerr, Opie, Perley & Pitzer, 1993). Feminist researchers believe that violence against women stems from an unequal power base between men and women; "...the socialization of women, discrimination, and biases that support inequality affect battering and women's health" (Moss & Taylor, 1991, p.1159).

A classic anthropological study on violence against women by Sandy (1981) reviewed 186 societies. The results of Sandy's (1981) study revealed that, in cultures where violence was an integral fabric of the culture, the roles of men and women were gender based. Men held all the power, and women were viewed as the man's property.

Traditional cultural values are often deeply entrenched and rarely questioned (Sampselle et al., 1993). Values which support the devaluing of women perpetrate the problem of violence against women. Deep-rooted inequalities between men and women will be difficult to eliminate without massive changes at all levels of society (Dobash & Dobash, 1979). Sampselle (1991) states that, when taken together, the devaluation
of women, diminished power, and being treated as property have a profound impact on women and, in turn, affect their physical and psychological well-being.

Brendtro and Bowker (1989) conducted a study in which 146 battered women were interviewed and another 854 battered women completed a questionnaire. The main findings of this study include the following: wife battering was usually accompanied by very high levels of male dominance in other areas of marital life; at least 7 out of 10 batterers also beat their children; most of the women were raped by their husbands, and many of them on a regular basis; wife abuse occurs in all social classes and in all ethnic groups; and there is strong evidence to support intergenerational transmission of male propensity to commit acts of family violence. A significant finding of this study is that formal help sources differ significantly in their effectiveness in providing services to battered women. The women in this study rated the health care system as the least effective formal source of help.

As result of their research, Brendtro and Bowker (1989) concluded that wife abuse is one way a man can increase his dominance within the family. The authors believe that the identification and care of battered women is complicated by the psychological effects of battering. Male strategies for dominance tend to depress a battered woman's self-image and self-confidence;
"...some battered women find it uncommonly difficult to leave their husbands and others believe that they deserve to be battered" (Brendtro & Bowker, 1989, p.174). These authors believe that battered women seek help from nurses to deal with both the physical trauma and the secondary effects of abuse. Secondary effects were described as both short and long-term including somatic complaints, anxieties, phobias, depression, nightmares, feelings of worthlessness and betrayal, and an inability to engage in a satisfying social and/or sexual relationship with the opposite sex.

Social Isolation/Support

The home is often viewed as a private place. Wife abuse occurs within the home, thus women are effectively isolated by societal reluctance to become involved in domestic affairs (Henderson, 1992). Henderson (1992) identifies the very important but usually overlooked unpleasant truth that battered women feel safer living with their abusers than they do living on their own. "Women on their own can never be sure that their husband will not find them and/or the children, or abduct the child(ren). As a culture, we do not do well in supporting these women when they leave their marriage..." (Henderson, 1992, p.28).

A qualitative study by Henderson (1990), examined the experiences of abused women who, along with their children were in the process of leaving their abusive
partner. Eight women were interviewed using a semi-structured interview guide designed to elicit information on different aspects of the women's experiences. Nineteen interviews were analyzed according to the process described by Giorgi (1975). The findings of this study revealed that when a battered woman leaves an abusive partner, she and her children are in need of support. Henderson (1990) found it was difficult for women to uphold their decision to leave because of court-imposed contact with the father and the lack of available support subsequent to the separation. Issues surrounding custody and access have been identified by battered women as a major problem area (Henderson, 1990).

Jacobson (1982) coordinated a study on protection for battered women. The participants for this study were battered women and individuals from various agencies who work with battered women. The following outlines the sample of participants: nine battered women; 20 participants form the legal system including, police, lawyers, judges, family court counsellors and justice of the peace; 11 health care professionals including, physicians, mental health social workers, psychologists, and nurses-in-public-health, psychiatry, obstetrics and emergency departments. Semi-structured interviews were used to elicit data from each of the participants. The method of data analysis is unclear; however, the data are clearly presented as a detailed interdisciplinary report.
on what happens when a battered woman seeks aid. The comprehensive descriptions in this report are evidence that more rigorous research studies need to be conducted to further support the findings of Jacobson (1982).

**Custody and Access**

Jacobson (1982) identified that custody and access is a critical issue for battered women. Husbands who had been successfully charged with assault against their wives were still seen as capable parents by the courts. Moreover, these men were using their access visits as a means of continuing to harass and abuse their wives. Some of the fathers were only interested in the children when picking them up or bringing them back; in between, the children were left with friends or relatives. The children's welfare was in jeopardy, because they continued to experience unneeded stress.

Jacobson reported that there was a consensus among the legal participants that a father had the right to access to his children regardless of a history of wife abuse. The physical safety of the children was identified as a concern; however, the abuse would have to be extremely serious before access would be denied. Jacobson (1982) noted that participants within the legal system talked about the father's rights to his children, but they did not mention the child's right to choose not to spend time with the father or the battered woman's
right to protection from ongoing physical and/or mental abuse from the ex-husband.

Abusive relationships are often characterized as involving a power imbalance between the husband and wife (Dobash & Dobash, 1979). An abusive husband sometimes extends his power and control beyond the marriage into the separation period. Abusive husbands will often use the legal system to maintain contact and control over their ex-wives and children (The Canadian Panel on Violence Against Women, 1993). Zorza (1995) states that even if prior to separation the abuse was only focussed on the mother, an abusive partner will "...shift his focus to control of the child as a way to continue the terror and violence against the mother" (p.147). The current trend favours awarding joint or sole custody to fathers regardless of a history of wife abuse (British Columbia Task Force on Family Violence, 1992; Chesler, 1986; Jacobson, 1982; Pagelow, 1992; Zorza, 1995). Joint custody and access visits provide the abuser with ongoing contact with his ex-wife and enable the batterer to continue to abuse his partner and expose his children to violence and discord.

Joint custody is currently seen as a means of preventing bitter court battles and serving 'in the best interest of the child' (Walker & Edwall, 1987). Divorce research which states that children are better adjusted if they maintain contact with both parents (Wallerstein &
Kelly, 1980) is often cited as grounds for awarding joint custody. However, joint custody may not be 'in the best interest of the child' when there is a history of abuse (Pagelow, 1992). Custody and access serve as a means for a batterer to continue to abuse his ex-partner and expose his children to violence and discord (The Canadian Panel on Violence Against Women, 1993). Most battered women are either too exhausted physically and emotionally or too frightened of losing custody to dispute their ex-partner's plea for joint custody; thus, they give in to the demands of the batterer (Walker & Edwall, 1987).

Pagelow (1992) claims that although 'in the best interest of the child' is a widely accepted doctrine, "the focus often shifts from the rights of children to nonviolent lives, to a focus on parental (paternal) rights when abused mothers attempt to separate from their abusers or to terminate their marriage..." (p.107). Zorza (1995) suggests the factors used to determine the best interest of the child usually favour fathers over mothers, for example: lifestyle, employment, credit record, economic ability, health, ability to care for the child and stability of the environment. "Women are often penalized for having less stability...Battered women are particularly likely to appear less stable. Many will have had to move frequently to avoid the abuse or will have been or are homeless because of the abuse (Zorza, 1995, p.151). In addition, many batterers refuse to let
their partners work, which leaves women disadvantaged in the workplace, along with undermining their self-confidence and decreasing their self-esteem (Zorza, 1995).

**Continued Violence**

A common myth held in society is that women are free to leave their abusive partners at any time, and, by choosing to remain in abusive relationships, they deserve to be beaten (Campbell & Fishwick, 1993). This myth is based on an assumption that the violence will cease when the women leave. Zorza (1995) suggests that judges often "...assume incorrectly that domestic violence ends when the parties divorce or that a woman is greatly exaggerating the abuse because she would have left long before if the abuse was severe" (p.152). As previously stated, violence does not always end when a woman leaves an abusive relationship. Separation and divorce increases the danger for many battered women (Zorza, 1995). Campbell and Fishwick (1993) state that this myth has influenced the conduct of the courts, police, and health care professionals and, thereby, has also masked the blame of the abuser and society.

...Battered women are often intimidated by both the legal system and threats of violence from their ex-husbands (Archer, 1989; Drewitt, 1993; Pagelow, 1992; Walker & Edwall, 1987). Fear of the legal system, the complexities of the law, along with the financial strain
of legal fees create stress on battered women. Fear often leads women to ignore their own rights to alimony and child support. Many women hold a misconception that a quick settlement will signify an end to their fear and intimidation (Archer, 1989). In many cases, the fear and intimidation does not cease after the divorce settlement (Archer, 1989). Women and their children are adversely affected by unfair settlements which continue to expose them to abusive ex-partners.

Chesler (1986) conducted a study with 60 mothers who had been primary care givers of their children and were challenged custodially by their ex-partners. Chesler (1986) describes several cases where women in her study who were the primary caregivers of their children were denied custody and were prevented from any reasonable access. The fathers in this study won 82% of custody battles, and 62% of these fathers used violence to win custody: "They physically battered, pathologically terrified, and physically ejected women from their homes" (p.83); they also kidnapped their children, and 'brainwashed' them against their mothers. In addition, the fathers in the study acted as if their wives were unworthy of mercy or compassion: "They were...surprised' when their ex-wives displayed human emotion upon being custodially victimized" (Chesler, 1986, p.153).
Parenting Problems

Confrontation with an abusive ex-partner and the ex-partner's relationship with his children are only one part of a woman's problems. NiCarthy's (1982) self-help manual for battered women describes how an abusive relationship and the children's separation from their father can also create problems between the mother and her children. A mother may have developed patterns of coping with her children that are a result of trying to survive while living with abuse. Typical coping skills a battered woman may develop include the following: being overprotective towards her children in an effort to protect them from direct or indirect abuse from their father; being reluctant to discipline her children, because the children have suffered so much abuse and punishment from their father; displacing her anger for her partner onto her children; and becoming so depressed that her means of coping are to ignore the needs of her children (NiCarthy, 1982). In addition, NiCarthy (1982) states that the children have lived a significant part of their lives in a state of tension, and, therefore, they may also develop inappropriate or unsuitable means of coping within a family filled with frightening, dangerous, and unpredictable events.

The mother's and the children's previous methods of coping may now be counter-productive in their new family situation. Both the mother and her children will need to
learn new methods of coping. The mother will need support to develop or adapt her parenting skills and establish herself as a credible parental figure (NiCarthy, 1982). If she does not receive support, both she and the children may revert back to old and familiar ways of coping (NiCarthy, 1982).

It seems reasonable to assume that when a battered woman leaves an abusive relationship she will expect to be free of the violence and psychological abuse. Yet, the literature presented clearly indicates that many women, through custody and access, continue to be involved with abusive ex-partners. Children make a woman's separation from an abusive partner more complicated (NiCarthy, 1982). To fully appreciate the complexities of this phenomenon, literature which describes characteristics of child witnesses to abuse and children's adjustment to separation or divorce must be explored in order to understand the impact these effects have on the mother.

**Custody and Access - The Impact on Child Witnesses of Abuse**

A study by MacLeod (1987), found that 70% of women who sought refuge in crisis shelters due to abuse were accompanied by children. The average number of children per woman was two, with the majority being under 10 years of age (MacLeod, 1987). Children who witness wife abuse are victims of violence. Recent research on wife abuse
has extended to include these child witnesses (Ericksen & Henderson, 1992; Henderson, 1990; Jaffe, Wolfe & Wilson, 1990).


Any child who witnesses wife abuse can be considered a victim of abuse and, therefore, a child whose needs are of concern to nurses. Children who witness wife abuse are at risk for many problems because they must learn to cope with and adapt to an environment which is stressful and highly disorganized (Campbell & Humphreys, 1984).
The connection between exposure to violence as a child and growing up to either be abused or an abuser has been well documented in the literature (Owens & Straus, 1975; Post, Willet, Franks & Back, 1981; Roy, 1977). A study by Roy (1977), reported that 81% of the abusive husbands in her study witnessed abuse as a child and 33% of them abused women. "Batterers themselves acknowledged the learning experiences in their childhood when their fathers taught them how to be men and how to be husbands" (Jaffe, Wolfe & Wilson, 1990, p.17). Violence is perceived as a basis for power and control over their family (Jaffe, Wolfe & Wilson, 1990). Roy (1977) found that battered women often expected violence in their marriage and had little insight into how to end the violence.

Pagelow (1992) identifies two assumptions prominent in the American legal system which have an impact on child witnesses of abuse: "(a) abuse directed only at a spouse is not necessarily damaging to a child, and (b) being a violent spouse does not necessarily have anything to do with that person's ability to be a good parent" (p.106). These assumptions are also prevalent in the Canadian legal system as the provinces are yet to enact statutes that make domestic violence relevant in custody decisions (Department of Justice Canada, 1993). There is sufficient research to refute these assumptions.
Studies have demonstrated that children who witness abuse are well aware of the violence and actually witness more violence than either of the parents know of (Dobash & Dobash, 1979; Ericksen & Henderson, 1992; Henderson, 1993). It is also well documented that children who witness wife abuse are victims of abuse (Alcorn, Sakaluk & Solomon, 1985; Ericksen, & Henderson, 1992; Jaffe, Wolfe & Wilson, 1990; Jaffe, Wolfe, Wilson & Zak, 1985, 1986a, 1986b; Hershorn & Rosenbaum, 1985; Hilberman & Munson, 1978; Rosenbaum & O'Leary, 1981; Westra & Martin, 1981). Rosenbaum and O'Leary (1981) identify four reasons why children are victims: 1) they are exposed to violent and violence tolerating role models; 2) they are exposed to marital discord at the same time as abuse; 3) they must learn to cope with the stress from both the fear of injury to the mother and fear of being victimized themselves; and 4) they may also be victims of physical abuse by either or both parents.

Walker and Edwall (1987) claim that it is not unusual for a man who batters his wife to, "...hit, shove, push, throw, shake and otherwise beat his children" (p.135). Walker (1984) found that in 55% of the cases, children who witnessed abuse were also physically abused, and 70% of the abuse came from the father. Only 0.5% of the women interviewed in this study reported physically abusing their children. However, most of the women admitted to disciplining their children.
to control their behaviour in hopes that the abusive partner would not abuse them or the children (Walker, 1984). The mothers who did abuse their children ceased the abuse following the separation from their partners (Walker, 1984).

Maternal stress levels can have a significant impact on children's behaviour and adjustment (Wolfe, Jaffe, Wilson & Zak, 1985). Battered women are more likely to suffer from both physical and emotional problems and be exposed to critical life stresses, such as financial difficulties and homelessness (Wolfe et al., 1985). These stressors can hinder their mother-child interactions (Walker, 1979). As a result, children may develop behavioural problems because of inconsistent, under-stimulating, and unsuitable attention from their mother (Walker, 1979).

A father's legal right to custody and access of his children enable the batterer to continue to expose his children to ongoing abuse and marital discord. The literature clearly supports that children who witness abuse are changed by it and will suffer both emotional and physical consequences (Ericksen & Henderson, 1992). When a mother leaves her abusive partner, she faces both a greater risk of danger for herself (Zorza, 1995) and the physical and emotional harm of her children. Leaving the violence also provides a new layer of problems for the mother and her children as the effects of separation and
divorce are also recognized as being difficult on children (Emery, 1982).

**Divorce/Separation - Children's Adjustment Post-divorce**

The divorce literature maintains that children's adjustment is most significantly influenced by the amount of marital discord and aggression to which they are exposed (Emery, 1982; Jouriles, Murphy & O'Leary, 1989; Wallerstein & Kelly, 1980; Zaslow, 1988, 1989). Emery (1982) suggests that interparental conflict, not separation from the child's father (or mother), may be the explanation for continuing childhood problems following divorce. This statement has been supported by other researchers (Hetherington, Cox & Cox, 1976; Rutter, 1971, 1979). Studies similarly support that conflict between parents does not cease with divorce (Wallerstein & Kelly, 1980; Johnston, Kline, Tschann, 1989).

Joint custody and access visitation often exposes children to ongoing parental conflict. There is a lack of research supporting the efficacy of joint custody when there is parental conflict. Johnston et al. (1989) point out that the sparse body of literature on joint custody comes from small studies of families who have voluntarily undertaken the arrangement. In their study, Johnston et al. (1989) examined ongoing post-divorce conflict by measuring the behavioural and social adjustment of children form 100 families that were involved in custody and access disputes. Johnston et al. (1989) found that
frequent access to parents who are hostile towards each other leads to increased amounts of verbal and physical aggression, and a greater likelihood that a child will be caught in the middle of disputes. Higher incidence of emotional and behavioural problems was found in children exposed to ongoing post-divorce parental conflict (Johnston et al., 1989). Children of battered women who have ongoing contact with an abusive father are likely to be at a higher risk for exposure to ongoing post-divorce abuse and discord.

Children's adjustment following divorce or separation has been associated with the psychological adjustment of the custodial parent (Emery, 1982; Kalter, Kloner, Schreier & Okla, 1989; Wallerstein & Kelly, 1980). Walker and Edwall (1987) claim that sometimes a battered woman can become so depressed or angry when her relationship ends that she neglects her children's emotional needs for a time. Kalter et al. (1989) state that "when economic depravation, interparental hostility and the burden of single parenting take their toll on custodial mothers, children will tend to fare less well" (p.671). Kalter et al. (1989) recommend that a key intervention on behalf of the children is supportive parenting through parenting groups and individual counselling.
Nurses' Role - Acting on the Ongoing Abuse of Battered Women

There is no research literature which describes the nurse's role in assisting battered women in dealing with the issues involved in custody and access. This lack of literature is clearly related to the fact that issues surrounding battered women and custody and access have only recently been identified; to date, custody and access has not been recognized as a credible problem (British Columbia Task Force on Family Violence, 1992).

The issue of battered women and custody and access has, however, been identified in nursing research as a concern for nurses. In a qualitative study by Henderson (1990), the experiences of eight battered women who were in the process of leaving an abusive relationship were examined. One major problem area identified by the women was in relation to the ongoing contact, guaranteed by court-imposed access, between the children and their fathers. These women perceived that the children were being further disturbed by the access visits and were being forced to take sides. The women had mixed feelings about their children's needs to see their father: "They all felt...however, that the situation was a difficult one, not easy to resolve, and that they had to make the best of a bad job" (Henderson, 1990, p.12). In conclusion, Henderson (1990) states that "...women continued to experience danger, harassment and constant..."
worry even when out of the marriage" (p.12). Henderson (1990) recommends that nurses help establish and facilitate parenting support groups which will help women anticipate and plan for some of the problems, including custody and access.

Nurses as health care professionals have been part of a system which, to date, has been unable to adequately meet the needs of battered women. In a study by Brendtro and Bowker (1989), 1,000 battered women identified the health care system as the least effective formal source of help. Why haven't nurses been more successful in the past in caring for battered women? Polk and Brown (1988) identify two factors which have contributed to nurses' lack of response: lack of knowledge and affective dissonance. Polk and Brown (1988) define affective dissonance as "...an unconscious fear of recognizing violence and abuse within self or family members" (p.43). Brendtro and Bowker (1989) recommend that in order to be effective, nurses must first examine their own attitudes and feelings about wife abuse. One way of clarifying values and beliefs is to become better educated about wife abuse. Cognitive and affective knowledge will provide nurses with the necessary skills for appropriate intervention and care of battered women (Brendtro & Bowker, 1989).

To this researcher's knowledge there is no qualitative literature describing the battered women's
experiences with this phenomenon of ongoing abuse. However, a recent statistic reported by Zorza (1995) clearly supports the need for qualitative nursing research to understand these women's experiences: "In the United States, although only one tenth of all women are separated or divorced at any one time, three quarters of all women hospitalized because of domestic violence are separated or divorced"(p.147).

Summary

The literature which has been presented in this chapter delineates the current state of knowledge in the area of battered women's experiences with custody and access and the ongoing exposure to abusive ex-partners, and describes the context from which this study was derived. Four themes that emerged from the literature were examined. Each of these themes illustrates the complexities facing battered women when children are involved. The relationship between her abuser and his children make it difficult, if not truly impossible, for a woman to truly break-free (NiCarthy, 1982).

Literature which describes the historical, social, environmental and legal factors of wife abuse provide the necessary foundation for this study. The literature has illustrated that when a woman leaves an abusive relationship she is faced with a new set of challenges and is at an increased risk for ongoing danger (Zorza, 1995). Custody and access is clearly a major source of
stress for these women. Issues related to custody and access have been identified in some descriptive literature, but the researcher has found no empirical data which identifies the battered woman's experiences.

A qualitative study which specifically elicits in-depth descriptions of battered women's experiences must be undertaken if this phenomenon of wife abuse is to be understood, and health care services to aid these women are to be developed. Our current knowledge of custody and access is not sufficient to secure effective services and protection to battered women and their children. In a discussion paper on custody and access, Jaffe, Austin, Leschied and Sas (1987) discuss the need for health care professionals to engage in creative research in order to better understand the effects of exposing parents and children to ongoing parental conflict.
CHAPTER THREE: METHOD

Introduction

The purpose of this study is to understand the experiences of battered women who, through court-imposed custody and access orders, continue to be involved with their abusive ex-partners. The qualitative methodology of phenomenology was chosen as the research method for this study. Phenomenology is an appropriate method when little is known about the topic and when the topic is complex and requires a holistic view of the phenomenon of inquiry (Oiler, 1982; Omery, 1983). Battered women's perceptions of custody and access are unknown. Phenomenology is a research approach which concentrates on searching for the facts and causes of a subject's behaviour by attempting to understand the individual's perspective (Munhall & Oiler, 1986).

In this chapter the qualitative method of phenomenology will be described. The researcher will then describe the procedures used in this study to select participants and to collect and analyze data. Finally, the researcher will present ethical considerations utilized in this study to ensure protection of human rights.

Phenomenology, a Qualitative Approach to Research

Qualitative research methods have been increasingly recognized as congruent with the goals and perspectives of nursing (Sandelowski, 1986). The goal of


phenomenological research is to describe "...the world-as-experienced by the participants of the inquiry in order to discover the common meanings underlying empirical variations of a given phenomenon" (Baker, Wuest & Noerager Stern, 1992, p.1356). Phenomenology uncovers and makes explicit the complexities of human experience. Omery (1983) states that nursing is a humanistic discipline with values and beliefs that include viewing the human phenomenon as holistic and meaningful. These are values and beliefs shared by phenomenological inquiry (Omery, 1983). Therefore, phenomenology, by placing value on the understanding of human experiences from the individual's perspective (Knaack, 1984), provides a logical approach to nursing research. Thorne (1991) states that phenomenology with "...its methods of intense interaction between the knower and that to be known,...parallel a concern within clinical nursing ...of engaging in interaction with individuals as unique beings deserving of some equally unique caring or intervention (p.183).

Phenomenology is an inductive, descriptive research method (Omery, 1983). It is an appropriate method of inquiry—when there is a need to understand both the subjective and the objective perspective of the person who has experienced the effects of the phenomenon (Omery, 1983). Omery (1983) states that nurse researchers can no longer ignore the fact that quantitative research is
traditionally a reduction and abstraction of isolated parts. Quantitative research on human development is not comprehensive (Omery, 1983). In contrast, phenomenology strives to fit the smaller parts back into a dynamic whole (Omery, 1983). As such, it is the method of choice when the study involves an individual's experience of and response to a set of complex externally imposed influences.

Selection of Participants

In phenomenological research, anyone who has lived experience of the phenomenon of inquiry qualifies as a valid participant (Sandelowski, 1986). "Samples in qualitative research are often not representative in the quantitative sense, but in qualitative research, any participant belonging to a specific group is considered to represent that group" (Sandelowski, 1986, p.32). Sampling is purposive in that participants are chosen that can illuminate the richness of the individual experience (Baker et al., 1992).

The sampling technique of purposive sampling was utilized in this study, and participants were chosen who could illuminate the phenomenon of inquiry.

Selection Criteria

The selection of participants for this study was conducted using a predetermined set of criteria. These criteria were established to ensure that the participants would be knowledgeable about the phenomenon under study.
The participants for this study were battered women who had left abusive relationships and were currently involved in ongoing custody and access negotiations with their abusive ex-partners. The specific criteria used in the selection of the participants was as follows: 1) single mothers who had left abusive relationships; 2) single mothers who were at the time sharing custody and/or access visitations of their children with abusive ex-partners; 3) women who were able to speak English. The selected participants agreed to participate in one to three separate audio-taped interviews of one to two hours in duration.

**Recruitment Procedures**

Participants were recruited from follow-up programs at a Lower Mainland transition house for battered women. All of the participants were previously known to the researcher through her role as a facilitator of a parenting support group for battered women. The researcher recruited participants through a number of short presentations describing the nature of the study. An introductory letter (Appendix A) explaining the study and instructions on how to contact the researcher were distributed to potential participants. The participants then initiated contact with the researcher either through a telephone call to a number at the university or by leaving instructions with an agency worker on how the researcher was to contact them. Concerns for the safety
of both the participants and the researcher precluded using the researcher's own phone number.

Sample Size

In phenomenological research there can be no predetermined sample size. When using the sampling technique of purposive sampling, the sample sizes are deliberately kept small due to the depth and breadth of the data collection from each participant (Baker et al., 1992). The number of participants is, in fact, judged to be adequate when no new concepts are emerging and data saturation has occurred (Woods & Catanzaro, 1988). Data saturation is said to occur when the major categories or themes are repeated and no new themes are emerging (Woods & Catanzaro, 1988). The researcher identified that data saturation had in fact occurred after data were collected from a total of five participants.

Data Collection

Phenomenology requires intense reflection with absolute concentration on the experience (Oiler, 1981). Oiler (1981) describes this as "...looking at the experience with wide-open eyes, with knowledge, facts and theory held at bay..." (p.180). The data collection technique must ensure the preservation of the participants' spontaneity as they describe their lived experience and the effects that their perspective may have had on their experiences and behaviour (Oiler,
1981). The data collection technique used in this study was interviews.

Unstructured non-directive interviews were conducted to elicit spontaneous descriptions from the participants. All interviews were audio-taped and subsequently transcribed verbatim by the researcher to ensure accuracy of the descriptions and participant confidentiality. Trigger questions were used to keep the participants focussed on the issues without influencing their descriptions (Appendix B). Questioning and probing were done in an informal manner to assist participants in getting started with their conversation, to clarify information, and to encourage further descriptions of their experiences and behaviour.

During the initial contact between the researcher and the participant, the researcher explained the nature of the study and arranged an interview time. Written consent (Appendix C) was obtained from the participants following an explanation of the study and prior to the start of the interview. Each interview was conducted one-on-one and was one to two hours in duration. Many of the participants in this study were still at great risk of danger, and any exposure would only compound the danger; thus, the participants were interviewed in a setting of their choice which did not pose a threat to the participant's or the researcher's safety. Some of the participants were interviewed in their homes while
others were interviewed in a private setting at both the School of Nursing and the referral agency.

Interviews with the first two participants were guided by the researcher's use of the broad trigger questions and probes related to the phenomenon of inquiry (Appendix B). After these interviews were conducted, the data were transcribed then analyzed. This analysis provided direction for planning subsequent interviews using a more defined set of questions (Field & Morse, 1985). With each subsequent interview, similarities among participants' experiences were explored and validated. As well, any differences in the participants' experiences were also examined in order to fully understand the phenomenon of study. As common themes began to emerge from the data, participants' insight into the meaning of these themes was sought to validate the research findings.

Field notes were also kept by the researcher as a means of recording factors which might have influenced the interview process. These notes included the researcher's personal thoughts and feelings during the interview(s). Personal insights into the research process were also recorded.

Data Analysis

In phenomenological research, data analysis occurs concurrently with the ongoing data collection (Omery, 1983). Data analysis occurs as soon as the first
interview has been completed. Each interview is analyzed then used as a basis for structuring subsequent interviews. As data are collected, they are analyzed to identify emerging themes. This process allows the researcher to develop new questions or validate and refine existing themes. The goal of the analysis is to make explicit a deeper understanding of the participants' experiences.

Data analysis was conducted according to the specific steps outlined by Giorgi (1975). The following is a summary of these steps (Giorgi, 1975):

1) The researcher reads the entire descriptions straight through to get a sense of the whole.
2) The researcher reads the same description again but more slowly for the purpose of identifying meaning units (inherent themes).
3) The researcher eliminates all redundancies but otherwise keeps all of the units. The remaining units are clarified or elaborated upon by relating them to each other as a whole.
4) The researcher reflects on the given units, still identified in the concrete language of the participants, and transforms them into more abstract language.
5) The researcher then integrates and synthesizes the insights into a descriptive structure of the meaning of the experience. This final
product is then communicated to other researchers for critique and confirmation of the findings (p.74 & 75).

In qualitative research, it is necessary that the researcher have no preconceived notions or expectations, present to guide the analysis of the data (Field & Morse, 1985). Therefore, bracketing or suspending one's beliefs was undertaken by the researcher prior to analysis of the data to ensure that the essential realities or 'truths' of the participants could be discovered. The endeavour to truly suspend one's beliefs is often difficult, particularly with sensitive research topics (Cowles, 1988). Throughout the research process, the researcher kept field notes as a means of confronting her own beliefs and opinions, and identifying how these beliefs may have influenced the questions asked. The researcher acknowledges the fact that her previous acquaintance with the participants may have influenced her ability to 'truly' separate her beliefs from the participants' experiences. However, this researcher believes that the context of the experience in the women's lives was more deeply appreciated because of her relationship with the participants. As well, the bond between the researcher and the participants may have fostered the openness with which the women disclosed their experiences.
Validity

The validity of qualitative research is measured by the credibility of the study. Sandelowski (1986) defines a credible study as one which "...presents such faithful descriptions or interpretations of a human experience that the people having that experience would immediately recognize it from those descriptions or interpretations as their own" (p.30). The researcher could never assume that she understood the meaning of the phenomenon without clarification and input from the participants in this study (Knaack, 1984). Therefore, to ensure credibility of this study, data were continuously validated with the participants, and the analysis of each interview was invariably incorporated into subsequent interviews. Once the insights achieved from the analysis were integrated and synthesized, validation interviews were conducted to ensure the credibility of the researcher's description of the phenomenon. In addition, the researcher maintained ongoing consultation with her thesis committee to ensure the accuracy of the descriptions of the phenomenon.

With qualitative research methods such as phenomenology, constructing a meaningful account of the participants' experiences while remaining objective can be difficult when there is face-to-face contact with highly vulnerable women (Cowles, 1988). Cowles (1988) suggests "...it is difficult, at best, for the researcher not to have preconceived attitudes toward, and some
emotional responses to, situations in which violence, acute emotional pain, sex, or illegal activity play major roles" (p.176). It was important that the researcher acknowledge the sensitivity of this researcher topic and the emotional attachment that she felt toward each of the participants. Although it may be argued that an emotional involvement with the participants would bias the results of this study, it is this researcher's belief that the bond between the researcher and the participants created an environment that fostered openness and honesty. Oakley (1981) suggests that "...finding out about other peoples' lives is much more readily done on a basis of friendship than in a formal interview" (p.52). The participants felt comfortable sharing with the researcher their inner thoughts, weaknesses and strengths gained from living with this phenomenon.

Sandelowski (1986) states that 'going native' is a threat to the credibility of qualitative research. 'Going native' refers to when the researcher-participant relationship becomes so enmeshed that the researcher has difficulty distinguishing her own experience from that of the participants. To avoid this threat to credibility, the researcher kept field notes to document her perceptions of the interviews and as a means of confronting her own beliefs and opinions. In addition, the researcher used debriefing sessions with her thesis
committee to describe her personal feelings and thoughts throughout the research process.

Miles and Huberman (1984) identify 'holistic fallacy' as a threat to the external validity of a phenomenological study. Holistic fallacy refers to when a researcher attempts to make the data seem more patterned and regular than it truly is (Sandelowski, 1986). The final findings of this study are grounded in the lived experiences of the participants and reflect both the typical and the atypical elements of their experiences (Sandelowski, 1986). Furthermore, the findings of this study should fit into contexts outside of this study. Fittingness will be judged when battered women who did not participate in this study view the findings as meaningful and applicable in terms of their own experiences (Sandelowski, 1986) with custody and access.

Reliability

Reliability of qualitative research is judged by the auditability of the study rather than repeatability. Phenomenology seeks variations in human experiences as opposed to identical replication (Sandelowski, 1986). Auditability is defined by Sandelowski (1986) as when another researcher can clearly follow the decision trail and arrive at comparable not contradictory conclusions given the same data, perspective and situation. To achieve auditability, the researcher provided clear
descriptions of how the research was conducted, explained the data collection process, and accurately recorded all of the data. As categories and themes emerged from the data, the researcher's logical reasoning was recorded and presented to her thesis committee for validation. Moreover, the final themes and descriptions were continually compared to the original data to ensure that the links between the data and the final descriptive structure were clear. The publication of the results of this study and the input from other researchers will also serve as a means of establishing auditability of this study.

Throughout this research study, the researcher was working in consultation with the members of her thesis committee. The committee was constantly reviewing the decision trail of the researcher, and this in turn helped to ensure the clarity, credibility and auditability of these research findings.

**Ethical Considerations**

Confidentiality of the strictest nature was ensured throughout the research process. It was extremely important that the names of the participants did not appear anywhere that they might be recognized. Thus, measures to ensure confidentiality were strictly followed: 1) only first names were used when consent was obtained; 2) all participants were assigned a code number for means of identification; 3) these codes were used to
identify the audio tapes and the interview transcriptions; 4) fictitious names are used in the description of the research findings. Only the researcher had access to the master list which identified the participants with their corresponding code. All of the consent forms, the master list of names, audio tapes, interview transcriptions, and field notes were kept in a locked filing cabinet at the researcher's home. The tapes were erased once they were transcribed. In addition, the master list of the names of the participants was destroyed with the completion of this study. The only other people who had access to the coded typed transcripts were the researcher's thesis committee.

Prior to commencing this study, the researcher obtained ethical approval from the University of British Columbia Behavioural Sciences Screening Committee (Appendix E) along with the approval of the referral agency. Recruitment of participants for this study required the assistance of staff workers from the referral agency to help the researcher identify potential participants. The researcher conducted brief presentations on the nature of the study to women using services of the referral agency. An introductory letter explaining the study and instructions on how to contact the researcher were distributed to potential participants.
Initial contact with the researcher was initiated by the participants. During this first contact, the researcher explained the participant's role in the study and arranged an interview time. At the start of the interview, the researcher took time to review the information letter (Appendix A) and the purpose of the study, along with any associated risk and benefits of participation.

Since the direction of qualitative research is unknown, possible dangers are often hard to predict; therefore, ongoing consensual decision-making was used with the participants. The women were told that they had the right to refuse to answer any questions and to withdraw from the study at any point in the research process. Such a refusal would not interfere with the women obtaining any services provided by the referral agency. If any of the participants had decided to return to their ex-partner during the time of this study, there would have been no further interviews conducted as it could have placed both the participant and the researcher in potential danger.

All of the participants signed a written consent form (Appendix C) of which they received a copy. A summary of the findings of this study will be made available to the participants through the referral agency. It was felt that mailing information to the participant's home could put them in a dangerous
situation. The researcher was well aware of the sensitive nature of this topic and the ongoing threat of danger faced by battered women when continually exposed to abusive ex-partners. Every effort possible was undertaken to ensure that the safety of the women was not further jeopardized by their involvement with this study.

It is this researcher's belief that women who participated in this study benefited as they were able to tell their stories. Battered women's experiences of custody and access were not known. These women added to our knowledge of this phenomenon. By listening to what these women were saying we will be able to create better services which will foster the social, emotional and physical well-being of battered women.

Summary

In this chapter, the researcher discussed the research method used for this study. Phenomenology, a qualitative approach to research, was described. The selection of participants, including the criteria for selection, the recruitment procedure, and sample size were discussed. The data collection and analysis procedures were presented along with measures that were used to maintain the validity and reliability of this study. Finally, ethical considerations relevant to the study were described.
CHAPTER FOUR: THE NATURE OF THE EXPERIENCES

Introduction

In this chapter, the researcher will present the analysis of the data of this study together with her interpretations. The purpose of this chapter is to provide an accurate description of battered women's experiences of child custody and access and their ongoing exposure to abusive ex-partners. Prior to presenting the analysis, the researcher will discuss demographic data pertinent to the study. Following the discussion of the analysis the researcher will present a diagrammatic illustration of her conceptualization of the phenomenon under study. This diagram represents the researcher's conceptualization of what battered women were describing as their experiences of court-imposed custody and access.

Demographics

Six women were recruited for this study. Five women were interviewed. It was never possible to follow-through with interviewing one of the participants. All five women were interviewed once. Two of the participants were interviewed a second time to validate the researcher's impressions of the data, and to gain a deeper understanding of the issues identified by the women. Interviews were 1 to 2 hours in duration. All the first interviews were audio taped. Descriptive notes were kept with the two second validation interviews.
The women in the study were between the ages of 35 and 45 years old. Four of the women were separated from their abusive ex-partners, and one was legally divorced. The time frame since the women had left their abusive relationship ranged from six months to almost three years with the average duration being 15 months. All of the women's abusers were the fathers of their children with the exception of one participant whose abuser was a father to two of her children and a step-father to her other two children. The number of children per women ranged from two to four with the average being three. The ages of the children ranged from two to twenty-one years. Their average age was 9.5 years.

All of the women in the study were still in the process of negotiating their custody and access arrangements through the court system. Four of the women had sole interim custody of their children but shared joint guardianship with their ex-partners. One woman was in the process of having interim matters settled, thus she had no legal custody or guardianship arrangements.

The access arrangements varied with each participant. Access times ranged from once a week to one mid-week access plus every weekend. Only two women had court-imposed, structured access times. Both of these access arrangements included a mid-week access visit and overnight weekend access, every other weekend for one participant and two out of three weekend for the other.
Two of the women's ex-partners were granted liberal access. This meant that these ex-husbands were free to see their children whenever they wanted.

The access exchange which occurred during the pick up and drop off of the children varied between each of the participants. None of the participants had court-imposed supervised access exchange. Four of the participants were alone with their abuser during the access exchange of their children. One of the participants was accompanied by either her sibling or one of her parents during this exchange. Three of the participants' abusers came to the women's own homes to pick up and drop off the children.

Four of the participants described incidents where their abusers came directly inside their homes during access exchange. One participant hid upstairs in her bedroom while her abuser came into her home to pick up or drop off the children; sometimes this meant hiding for several hours before he would leave. Another participant met her ex-husband alone on a street corner not far from her home. This woman was afraid that her ex-husband would find out where she and the children were living. Another participant tried unsuccessfully to use friends' houses as a place for access exchange. She had to abandon this idea because these friends felt it was too stressful a burden for them to cope with. This same women resorted to using a busy public
restaurant for the access exchanges because it had three close exits that she could escape through if she needed to get away from her abuser. None of the participants used any formal support service to assist with the supervision of access exchange.

Four of the participants had psychological assessments (Section 15) court-ordered to determine custody of their children. A "Section 15 - Expert witness provisions respecting family matters" of the British Columbia Family Relations Act (1979) includes the following:

In a proceeding under this Act, the court may, on application, including exparte application, direct an investigation into family matters by a person who

a) has had no previous connection with the parties to the proceedings or to whom each party consents; and

b) is a family court counsellor, social worker, probation officer or other person approved by the courts for the purpose (p.5).

These women were under the constant scrutiny of a family court officer who was allowed to visit their home at any time to observe and pass judgement on their abilities as parents. This process also involved several interviews with a court-appointed psychologist,
for both the woman and her children to determine her psychological stability as a parent.

**Presentation and Interpretations of the Data**

As is consistent with the methodology, the analysis of the data will be presented using the verbatim words of the participants in conjunction with the researcher's interpretations of the data. This allows the reader to come to an independent conclusion regarding the validity of the research findings. Each of the identified components will be discussed along with its identified themes.

The women described their experiences as having three components: 1) **SAFETY: Living with Ongoing Danger**; 2) **STRESS: Living with the Imposed Restrictions of the Law and the Legal System**; 3) **FORMAL SYSTEMS OF SUPPORT**. Each of these components had separate themes. These experiential components were interrelated as each component had an impact on the others. They were also sequential in that formal systems of support were seen as being essential to enable women to reach the fourth and final component which was, **HEALING AND MOVING FORWARD IN LIFE**. All of the women described a need to heal from their abuse and move forward with their lives. This ability to heal was difficult to achieve without adequate formal systems of support that would provide for their personal safety and assist in coping with the stresses related to custody and access.
All of the women were living in great fear for their safety and that of their children. The ongoing danger, as well as living with the imposed restrictions of having to comply with the unreasonable demands of the law and the legal system, was extremely stressful. The internal stress and increased danger experienced by the women ultimately affected their physical health and psychological well-being.

The health effects described by the participants included but were not limited to the following: significant weight loss, insomnia, chronic diarrhea, headaches, amenorrhea, nervousness and/or increased anxiety, fatigue and physical exhaustion. The emotional and physical well-being of the women's children was also affected and included such things as: nightmares, difficulty sleeping, bedwetting, aggressiveness, withdrawal, abusive behaviour between siblings and/or towards their mother, protectiveness of their mother, stomach aches, diarrhea and worry. Most of the effects on the children were reported immediately before or directly following access visitations.

**SAFETY: Ongoing Danger**

All of the participants described their concern for their ongoing safety and the safety of their children. Ongoing danger was an integrated rather than fragmented experience which endured throughout their experiences of living with issues related to custody and access. The
level of danger escalated for all of the participants after leaving their abusive partners. The experiences of living with ongoing danger are described within three separate themes: 1) fear, 2) hyper-vigilance, and 3) emotional dilemma.

Access visits provided the means for ex-partners to continue their abuse. "My husband uses the access drop off and pick up times to be very verbally abusive...he does it in front of the children..." All of the women felt their ex-partner was using his access visits as a means to continue to harass, threaten, manipulate, and control them; "...it seems like these men use the access as an opportunity to get back at their partners in some way." One woman recounted how, when her ex-partner disobeys the no contact order, it is in relation to his access visits:

It is coming to the front door when he is not supposed to. He is not suppose to come on the property. He is not supposed to talk to me. He is not supposed to phone me, try to talk to me on the phone, he has been doing all that...(Do you feel safe having him come to your house?) No. No I don't.

Women also expressed concern for their children's safety and psychological well-being because they continued to be exposed to abuse and discord. The
immediate response to living with the risk of ongoing danger was fear:

I mean, that is part of this whole abuse, is that he has told me many times that he has a plan, you know that I won't live long...I won't live long if I try to take the kids away from him...The family court counsellor confided in me recently that he talked to her about weapons, and guns, and how he knows how to use them...So she said to me, I think that you really would be wise to get out of Vancouver, and really make sure that you are safe...when it becomes reality to him that he is losing his family, and his home, and everything, he is not going to very happy...(That has got to be a very scary feeling to have to live with now). Well, I keep thinking maybe lately, I don't want to be Nicole Simpson. you know, I really don't (begins crying).

Fear

All of the women expressed fear for the safety of both themselves and their children. Fear was not a time limited experience but endured throughout their experiences with this phenomenon. All of the participants described specific examples of the ongoing abuse that they and their children continued to be exposed to because of their ex-partners' legal right to custody and access. The women's fears encompassed the totality of living day-to-day with ongoing danger.
Women who had initially gone into hiding when they left their abusive partners were shocked to discover that even after the courts had granted them restraining orders and interim occupancy of the house, their abusers were given access and custody rights to the children. One woman's experience illustrates her disbelief in her husband's permission to access his children:

We had gone into hiding before I got the restraining order...So despite everything that was said,...my affidavit, the fact that we did get a restraining order and the fact he did have to be out of the house, they still gave him access. Right away,...I couldn't believe that happened, because surely, they must have realized,...the emotional impact that all that would have had on him, getting a copy of the restraining order, being asked to leave, and a day later,...he gave access to the children.

For all of the women, it took an enormous amount of strength to actually leave their abusive partners. All stated that part of their abuse was the threat that if they ever left, their partners would 'threaten their lives' and try to take the children away. Living with the fear of danger and of losing her children is clearly described by this participant:

Well, the abuse never ended. When I decided to leave my ex-husband, it took me seven years to build up the courage to leave, a year of counselling
before I left...The first threat came the year before, when he told me to get out of the house and leave the kids.

One woman felt that, if her husband ever saw her with another man, this would be his trigger to harm her or even kill her. "Yah, I won't live long if I try to take the kids away from him...he has told me that. He said if I can't have you no other man can have you." Another woman was relieved that all of the horror stories that she had imagined might happen if she left, hadn't happened. Yet, she still lived with these fears every day:

I thought he might be so mad at me that he might try to kill me, or you know, steal my kids...he would be so angry he would run away with my kids...all these awful scenarios that I imagined might happen that scared me from leaving him...

Women's fears about the repercussions of leaving became a reality. Four of the women's ex-partners were in the process of challenging them for custody of the children. All of these men wanted sole custody. The women were afraid that they would either legally lose custody, or their ex-partners might kidnap their children. One woman was terrified that something might happen to her and the children if she got sole custody:

I am scared...if he doesn't get exactly what he wants, and I don't think he ever will...I don't know
how I am going to deal with that...I will be afraid not only for myself, but that he will take the kids. This woman's fears were confirmed when her seven year old son had told a friend that his dad was going to take him and his sister to the United States, and that "...a judge down there was going to let them live with his dad."

Women were afraid because access visitation meant their safety was in jeopardy, sometimes four times a week, as each access exchange involved at least two encounters with their abuser. "It is like four times a week,...things are just going okay, and then it is access time...it's really an emotional roller coaster..." Women were fearful that there would be confrontation with each exchange. "What was happening, of course, was every time that he would come to pick up the kids it was supposed to be his time for them, but all his energy was redirected to me." Only two of the women were able to get restraining orders. Both of these women felt that the restraining orders offered them little protection because their abusers still had access to the children, thus access to them as well:

I'm just nervous the whole time dealing with the -access anyway,...nervous about him showing up, nervous about him not showing up, that kind of thing...and I never know whether I should be phoning the police...I hear so much,...oh, the police are not very responsive to domestic issues...so there
has been that concern, you know.

Some of the fathers came into the house to pick up the children and drop them off after access; "...when I got sole occupancy I didn't know many things. He would come to pick them up and walk through the door...he wouldn't knock, he would just walk in." One woman who could not prevent her ex-husband from coming into the house during access, hid in her room until he left. Sometimes this lasted for a few hours:

I would wait in the bedroom until he had picked up the kids and they had gone out of the house...I mean, I was imprisoned in my bedroom, and I would just have to listen to what was going on downstairs ...in order to avoid a confrontation.

Another woman describes how she had all the locks changed, because she was so afraid her abuser would just walk in the house:

I was just too scared. I thought, what if he walks in in the middle of the night...so I had the locks changed...When I got home, he had busted and broken the door and the door jam. He walked right up to my nose and said, don't you ever lock the door on me again...

Women were concerned about the physical and psychological safety of their children. The mothers felt that the negative emotional climate was adversely affecting them. All the participants described specific
instances of abuse that their children had witnessed. The following is an explicit description of why one woman was fearful for her daughter's safety:

He went to the house, he cut the phone line and then he started banging on the door...my daughter was right there, she saw him...he ran around to the side and he kicked in the basement door...there were two four-by-fours nailed across the opening and he kicked the whole thing in...my mother...took my daughter upstairs, and they were hiding in my son's bedroom. It was really scary for them. My mother didn't know what was going on...she told C. (daughter) to be quiet, and the two of them just sat in there and hid...about 20 minutes.

This incident occurred during access time. The father was subsequently arrested because he broke the restraining order, not because of what he had done at the house. After the father's release from jail, this mother received a fax requesting an extra access day because he had been arrested during access time; "...he had done all this and still there was no sense of remorse about anything...in fact he wanted more access."

...Safety was the mothers' main fear during access exchange(s). Women described the access exchange location as crucial to their safety; "...the drop off location is supposed to be in a specific spot inside, because there is always people around, no matter what,
and we have got three exits..." Although the women tried to establish ways of protecting themselves, their ex-partners would often manipulate the access arrangements; thus putting the women at risk of danger:

...what he is doing now is he is walking with the kids towards my house...And he does not know my address or my phone number, and he wants to know, and I keep telling him and I'm not ready to give it to him, and up until now he has waited for me in the car at the corner where we meet. And now if I am two minutes late or five minutes late, I find he is almost down at the corner of my street. And I said to him once, if I were seven minutes late, would you just keep walking and have the kids lead you to our door? Because, that is what he is doing. He's getting too close for comfort.

As a means of dealing with their fears around safety, the women were hyper-vigilant; one way this expressed itself was as a hyper-sensitivity to the cues given by their ex-partners.

Hyper-vigilance

Many of the women became hyper-alert to their experiences as a way of coping with their fears. Some of the women described a need to be present during the transfer of the children to ensure both the safety of themselves and their children:

I think that because the kids are so small, I want
first contact with him. I want to see what his moods are, I want to see what the kids reactions are like to him. I want to pick up on the little innuendoes...I want to be sort of monitoring it or supervising this transfer that is going on...I am reading him all the time.

Some women described their need to maintain contact with their ex-partners because there was comfort in what was familiar:

Seeing him is familiar, there is a certain comfort received in being able to pick up on his moods and being able to predict his behaviour. I can see that the bad side of that is that I am still hanging on to his moods, and I'm still dependent on him.

While living with their ex-partners, women were able to continuously monitor the cycle of the abuser's behaviour. After leaving, however, the women could no longer maintain a constant watch. "Well, that was the way I had lived for ten years, but this was like a hundred times more intensified, because I didn't have a clue if he was going to explode at any time."

Another way the women demonstrated hyper-vigilance was in describing their fear of meeting their abusers in public. "I am worried, you know, like, I'm always thinking I'm going to bump into him again, because he sort of hangs around the same area." One woman felt that her ex-partner was keeping tabs on her comings and goings
and could predict where she might be. "He was following me around...showing up in places, it was really hard...he had been violent, so I was afraid of him." Another woman's ex-husband hired a private investigator to follow her; "I mean he hired a private investigator to have me followed two months after we separated." This constant vigilance was physically and emotionally draining on the women. It became emotionally difficult to continuously maintain this watchful waiting; "I am also really scared because I am just getting really worn out by all of this."

Emotional Dilemma

The laws of custody and access mandated that these women continue to have ongoing contact with the men of whom they lived in great fear. Mothers recognized both their need for safety and that of their children. These mothers perceived that their children needed to feel safe, yet because of court-imposed custody and access, they were unable to keep them safe. This emotional dilemma became a central theme in the mothers' experiences. Many of the fathers used the children to manipulate the mothers. This was just one more way the women were unable to protect their children:

Right now, the pattern is when they come back they are usually upset. They are upset because of the situation...he asks them a lot of questions about me, and he is always trying to make them feel
responsible some how for what is happening.

All of the mothers seemed aware of the impact that this phenomenon was having on their children. The women felt torn as they watched their children caught in the middle and often forced to choose sides:

It is not normal for somebody to harass you and not leave you alone...and in my children's mind they see that as his love...that he loves me, and he is fighting for this relationship.

One father had his children pick out flowers to give his ex-wife. "He sends me flowers through the kids which makes it doubly hard...they pick out the flowers, they bring them to me and then I don't want them." This mother felt that by rejecting the flowers she was rejecting her children; "...they feel like I am being such a terrible person, how could I possibly be so awful."

Some of the women perceived that their children felt a need to defend their father; "...they usually don't tell me that they understand...they usually defend their father." Conversely, other women described their children's protectiveness over their mother. These women felt that their children were aware of the mother's need for safety, thus they became overly protective of her:

I think that they are afraid, I think that they just walk around on the same eggshells that I do...you know, what he will do when he is angry...they don't
want me...to come to access, they want me to wait in the vehicle. They are worried about my safety ...they want to see their dad, but they are scared about what their dad will do,...you know, for a seven year-old and a three year-old that's a lot on their shoulders.

The mothers had conflicting beliefs about their ex-partners' rights and needs to be with their children. They also recognized their children's need to have a father; "...no matter what, my husband is still their father, and there is still that loyalty, and everything there." Although they acknowledged his rights as a father, they often had doubts about his ability to be a responsible parent. "Umm, my dilemma is I know that he loves the kids and he really wants to see them...but he has never been a very responsible person." The mothers described their worry that their ex-partners may not be capable of providing for their children's safety. "What I worry about sometimes...when he comes to get them he seems so depressed...I often wonder if he will have an accident...or if he is going to lose one."

Mothers were torn over how they could offer their children protection when they were powerless to change the legal system which guaranteed the father his legal rights. Some of the mothers felt distressed that their children had to visit with their dad even when they may have been afraid of him. The day after one of the
fathers was released from jail after having been arrested for breaking into the children's home, he was allowed to resume access visitation as usual. This mother's son was surprised that, after what had just happened, he was going to see his father:

My son was really surprised that he was going to see his dad. I felt guilty because I felt, ... that I, you know, that he was thinking that I was sort of pushing him towards his dad when he really didn't want to go. (Do you think that he was afraid to see his dad?) I think he was.

Although the mothers felt that it was important that their children have some sort of contact with their dad, all of the women expressed a desire to move away from their abuser. The women were faced with the dilemma of providing for their family's safety versus their children's needs for their father:

... I think, ... that is very sad for the children, because it would be very easy for me if he weren't here. It would make my life a lot easier, but I think for the kids, it is important that they see each other.

One woman felt that her only hope for her safety was to move away, even if it meant having to leave her children: I feel sorry for my children, I really do. I think that it is going to tear them apart having to decide, like, which parent they want to live
with...I don't know if I will ever be able to have a life...and really feel safe in the same city...

This woman's comment was representative of all of the women who felt that custody and access provided the means for ongoing danger and abuse. The realities of living with the father's legal right to custody and access were a significant component of the battered women's unique concern for safety.

As previously stated when discussing the women's safety, the mothers described their need to move away from their abusers. The women were faced with the emotional dilemma of providing for their family's safety versus their children's need for their father. All of the participants perceived that the only hope for safety was to escape from their abuser. The mothers described a sadness when contemplating this notion of relocating. This sadness was a realization that, first, life would be a lot safer if their children did not have to see their father and, second, that escaping might mean that their children would be forced to choose between their parents. Although the mothers acknowledged the effects that 'escaping' might have on their children, they felt that their actions would be serving the 'best interests' of the children. Escaping may be their only means of stopping the children's exposure to ongoing abuse and discord.
In summation, ongoing and often increased danger was a common component of all the participants' experiences. So fundamental was this concern that it established the context in which they carried out their daily lives. Women lived in constant fear for both themselves and their children. These fears were justifiable as the women continued to be exposed to ongoing harassment, control, manipulation and abuse from their ex-partners. The women's fears about the repercussions of leaving became reality. The women were not only afraid for their safety but of losing their children either through custody battles or kidnapping. Living in constant fear, the women became hyper-sensitive to the cues of their ex-partners as a means of providing for their safety and that of their children. Battered women are often hyper-sensitive to the cues of their partner while still in the marriage, yet, these women expected to end this behaviour once they left their abuser. Instead, the context in which they carried out these behaviours changed and intensified. This watchful waiting became a means of coping with their fears. The women perceived that their children needed to feel safe, yet, they were unable to secure their children's safety. This emotional dilemma in their role as a mother was a central theme of the women's experiences of this phenomenon. Living with ongoing stress and danger affected the women's physical and psychological health.
STRESS: Living with the Imposed Restrictions of the Law and the Legal System

The women described the experiences of having to comply with the unreasonable demands of the legal system as stressful. Stress was an integral part of the women's experiences. The stressors associated with living with the imposed restrictions of the law and the legal system were interrelated and often inseparable from the ongoing danger that these women faced. The stresses related to the law and the legal system in regards to custody and access of their children took their toll on the women, and, as a result, their health was affected:

Umm, I lost eighteen pounds in a matter of three weeks, out of the sheer fear of living. I, I didn't sleep well for weeks...from the stress of living like that. I had chronic diarrhea,...and I went from 130 pounds down to 112 pounds. I was skin and bones, I still haven't put on back all the weight that I lost and this is two and a half years later, and I smoke like a chimney.. Umm, I am a nervous wreck, sometimes I have improved on it,...but every time I talk to K.(ex-partner) I am a basket case.

A father's rights to custody of and access to his children allow him to continue to control and manipulate his ex-wife. The women in this study perceived that their ex-husbands were now using the legal system to continue to control and manipulate them. Four of the
participants were involved with psychological assessments (Section 15) ordered by the courts. These assessments were major sources of data from which custody decisions were made. The women were terrified at the thought of losing custody of their children to their abuser. They were also terrified that complete strangers were legally allowed to make this decision about their lives and future roles as mothers. The women described feeling like they were constantly under watch, not only from their abuser but from the scrutiny of the family court officers writing the custody reports. Two participants explicitly describe this experience: "I feel...that I am living in a fishbowl,...that I am constantly under surveillance." "Trying to normalize your family life, there are fights with your kids, there are arguments but you have got the family court officer viewing you all the time."

The stress of living within the laws that govern child custody remained relatively constant throughout the descriptions of the participants' experiences. Three themes were identified which capture the essence of the women's experiences within this component: 1) anger, 2) powerlessness and 3) despair.
Anger

When the women were asked to describe their experiences with custody and access there was a unanimous feeling of anger. One woman had difficulty labeling her feelings as anger because to her anger meant abuse. Anger was expressed in relation to both specific experiences and their overall feelings about having to live with the associated stresses of this phenomenon:

...my experience is really frustrating-frustrating, and aggravating, because the pattern is still continuing even though he is not living here in this house, per se, he is still manipulating a lot and trying to control everything.

All the women felt that their abusers perceived themselves as being above the law; "R's attitude is that rules don't apply to him, and he is above the law. Nobody has told him otherwise. Have the police told him? No. Have the family court officers told him? No. Has the judge? No." This made the women angry because they felt that their rights as human beings were being violated. One woman was angry that the police could not protect her from the verbal threats that her ex-husband had made on her life and described herself as having less rights than the average person on the street.

The mothers were angry because the laws and the legal system guaranteed their ex-partner rights to his children thus ongoing access to her. The women felt
angry because they perceived that their ex-partners placed little importance on the separation; "...it makes me feel really upset and angry, because he is not taking the separation or anything seriously...it is quite obvious he just thinks for him, that this is more or less a waiting game." Some women stated that they felt their ex-partners were in total denial that the marriage was over, thus these men felt justified in not obeying the rules around custody and access. Women also perceived that they were being blamed for the break up of the family:

...practically every time there are words,...and I can hardly get away. Or else he is hugging and kissing me,...and he is wearing this big grin on his face like it is a big joke. So that just makes me mad,...and it is also this feeling that he is mocking me,...that the whole scenario is ridiculous. He has told me this, that uh, he resents being treated like a criminal who has to meet his family in the street,...and denying that he did anything wrong, and that I am the one who has got a really bad problem, and he is a victim, and he has been so patient, and it is time to stop all this nonsense and get back together.

One of the participants wrote a poem for the researcher which describes her experiences of living with
the imposed restrictions of the law and the legal system.

This poem illustrates her anger:

Hey you.
I don't trust you.

Judge One.
My husband kicked me in the back
When I was seven months pregnant.
You told me it didn't count
because the violence happened
too long ago.

Judge Two.
He was using the phone to harass and threaten me.
When I wouldn't answer it,
You said I didn't have the right to screen my calls,
You said,
I was being too sensitive

Policeman One. Policewoman Two.
When he kicked in my bedroom door and broke the lock
You told me to reconcile
because it would be better for the children.
You left me there
Alone with him.

The family doctor.
You knew about the abuse.
You were supportive and then when I left
He accused me
of giving him a sexually transmitted disease.
On my next visit,
You decided it was time for my Pap test and internal
and questioned me
on how many sexual partners I had.

Family Court Officer.
When he walked in with his suit and tie and
professional manner and told you
I had gone crazy,
Before having even met me,
You assumed that I was
and treated me that way.
When I told you
of all the incidents of abuse
and backed it up with references
by people who knew us both,
You didn't believe me.
Even
in the face of further threats,
further abuse
intimidation
harassment, violation of the court order.
You later told me
You almost
gave Him sole custody.
You based it on
He had a fishing pole and even
a lunch packed. He was a good father.

Policeman Three.
When I showed you the court order
giving me sole occupancy of the house
and he was there threatening me and wouldn't leave
and he was saying he was taking the kids
You allowed him to stay and told me
he could take the kids for as long as he wanted
when he wanted. Your hands
were tied.

Policeman Four.
When he threatened me on the phone,
according to the law,
you said
he could come and sit on my living room floor
and you couldn't do a thing.

Lawyer One.
When I lived in the same house with him because the
judge wouldn't help me,
You told me
it would be better if he assaulted me then
because it was the only way
I would get help.

Lawyer One.
After two years of separation
When he kicked in my door,
You told me
That I'd better toughen up
And get used to it.

When he threatened me
abused me
intimidated me
had me followed
harassed me
used the children against me
used violence against me
You
made excuses for him
You
did nothing
You
heard nothing
from my shaky hands
from the fear in my eyes
from my bent shoulders
my panicked voice
begging you.

You're damned fucking right
I don't trust you.

(Copied as written by the participant)

After reading her poem, the participant stated that she debated her choice of words in the last sentence, but felt that professionals needed to understand what it is like for battered women after they leave their abuser, and that there are children involved:

...these professionals have to know that when you go through abuse like that...it is not just the man abusing you, it becomes your whole life. It's how you start thinking. It just permeates everything. It affects your relationship with your family.

This poem graphically illustrates the anger felt by this woman. She had very strong feelings about living within the legal and social system, but these feelings were justifiable based on some pretty horrendous experiences:

My view on the social welfare, justice and legal systems in regard to women who suffer spousal abuse,
leave and then attempt to maneuver through the
system is like being raped and then going to see the
doctor and getting raped again.
The experiences described by this woman clearly depict
why many of the women felt angry with the limitations of
the laws and the legal system. Within these systems, the
women felt powerless to protect both themselves and their
children.

Powerlessness

Common to all the participants was the feeling of
powerlessness. Several issues related to custody and
access left them feeling powerless, but the data
indicated that women felt the most powerless over their
inability to prevent ongoing abuse and manipulation from
their ex-partners. The participants felt that the
custody laws forced them to continue to be victims and
also exposed their children to ongoing abuse and discord.

Many of the women felt unsupported by the legal
system. The participants told stories of judges, lawyers
and other legal professionals playing down the abuse;
"...she (court psychologist) undermined the violence and
the abuse that had gone on, and at one point in the
... report...was...blaming me...for...it...She...excused the fact that
he beat me up, using his words that he had lost emotional
control." The data also indicates that the legal system
seems to completely disassociate wife abuse from the
abuser's rights to custody and access of his children.
"They just, the courts don't seem to be, and the lawyers don't seem to be, I don't know if they're...numb to the whole idea,...but there just doesn't seem to be any connection...with the legal system..." One woman who's husband had been extremely violent describes her experiences with a judge who had previously granted her a restraining order and was ruling on custody and access:

It was like dealing with two totally different people. He was really upset in one case with what H. (ex-partner) had done,...and that he wasn't in any kind of anger management. He seemed to completely disassociate that from the access issue, and any impact it might have on the children, and he gave him more access.

The participants expressed their frustrations at being powerless to protect their children. All of the participants described incidents where they felt that their children were being either caught in the middle and forced to choose sides or used by the father to manipulate the mothers:

I don't like the kids having as much access with their dad, because last fall, he started using the kids-in-a-big way. He started saying things to them about me...that were really devastating, and the kids would come home, and...just scream at me. I was a nervous wreck. They didn't know what to think, they were confused. They were torn because
this is the dad that they love and this is the mum that they love, and the dad that they love is saying that their mum is a total nut case.

Although the mothers could recognize the impact that custody and access were having on their children, the courts mandated that they continue to have regular contact with their abusers. This left the women feeling powerless.

All of the women felt that the telephone provided a means for the abuser to continue to manipulate and threaten them. The participants described incidents where they received up to 15 calls a day and often during school hours:

Oh, on average he would dial my house 80 times a month. He would easily dial my number 15 times a day, if I wasn't around, he would just dial every three or four minutes, he would just sort of go nuts on the phone...then I found he was calling the kids line during school hours, which was really dumb,...or he would phone at 10 o'clock at night, ...but of course they were already in bed...

Fathers' custody included phoning their children and/or phoning the mothers to discuss issues concerning the children's guardianship. Therefore, the women felt powerless to stop the phone harassment, and when they did try to legally prevent this ongoing abuse, they were not supported by the legal system:
...we got a judge who said that I had no right to have an answering machine or a call display in a joint guardianship situation, that I was being too sensitive. Even though my list showed an average of six to seven calls per day.

The mothers identified that, not only did the phone allow their abuser to continue to try control them, but it also served as another means of involving the children:

...he has total control, he can call whenever he wants, and he upsets not one person, he upsets everybody in the house...he will say something to the kids, and then get them upset, and then I get upset, and then the next thing that you know, everybody in the house is upset because he has made one phone call.

Two of the participants tried to prevent phone harassment by communicating with their ex-partners by fax; however, this only presented another form of ongoing abuse, but in the written form:

...it is just there constantly,...faxes are coming in all the time,...I have a three inch thick file of access,...this constant intimidation of all this stuff, and even though I don't read them, I have someone else filter out all of the crap,...sometimes I do read them, and ...there is always still that kind of hook...
All of the participants were still in the process of legally negotiating custody and access. One woman described this experience as like being in a 'twilight zone'; "...I am in this bizarre twilight zone called interim custody, I have to tow the line in the legal system if I want to get permanent custody." By 'towing the line,' this participant was relating to the fact that she could not deny her ex-partner access since that would be used against her in the final custody report. "I had my lawyer say that if you don't give all the access that he wants, this is what is going to happen: you may not get custody of your kids."

The four women who had psychological assessments (Section 15) done for their custody reports described this experience as extremely stressful. The mothers felt powerless against professionals who would determine the outcome of their children's custody. All of the women stated that they were intimidated by the process of a Section 15, and often felt that they were being personally attacked; "...the process itself is not well done, I felt very attacked,...I was literally verbally attacked by the psychologist." One woman describes how she had to deal on the defensive because her ex-husband had told the family court officer that she was crazy: "When I walked in, the first thing she told me was that this should be a joint custody situation, and without me having said two words to her. He had
convinced her that I had gone crazy and that is how she treated me. I walked in, my shoulders are shaking, and I am just a nervous wreck, and I have dropped 18 pounds, and she looks at me like I am crazy. Well lady, there might be a reason why I look like I am falling apart. It is because I am. I am going through Hell.

Not only were the women intimidated by the process of a Section 15, but for one participant, her safety was in jeopardy when the psychologist requested that he interview her with her ex-partner in the same room:

...he knew that there was a restraining order, and...I was dumbfounded when he phoned and asked me that...and finally I said to him, you know that there is a restraining order in place don't you? And he said to me, yes, well, do you really think that it applies in this case?

Feeling powerless against the psychologist, this participant then turned to her lawyer for support, but was again shocked when her lawyer would not support her on her decision not to attend this joint interview:

...I asked if she could send a letter to Dr. M. saying that she was recommending that, for me not to go, that I was afraid, and she said, well, I am not going to do that because I don't agree with that...she said that I think that it is really important that Dr. M. sees how your husband treats
you. So I was really shocked by all that too, I, I don't want to be a victim or anything for the rest of my life, but I am afraid of my husband.

This woman finally took back her power by refusing to go to this meeting against her lawyer's advice. However, she still felt powerless as she viewed it as a losing situation no matter what she did:

...I felt that it was a lose-lose, situation and it didn't matter how he behaved, it wasn't going to turn out very well for me at all. If he behaves really in his usual abusive manner, and I wasn't able to take it, I mean I am nervous enough going to see Dr. M. let alone having my husband there.

All of these transcript excerpts indicate that women, as well as feeling angry, feel powerless against both their abuser and the legal system which grants his rights to custody and access. Powerlessness seems to translate into despair as participants describe feelings of hopelessness at the thought of ever truly breaking free from their ex-partner because of court-imposed custody and access.
Despair

Characteristic of all the participants was the feeling of despair. Women felt despondent in relation to having to live with the imposed restrictions of the law and the legal system and their ex-partners' ability to manipulate the laws around custody and access. The mothers described feeling hopeless at being able to change their situations in relation to this phenomenon: "Oh yah,...he is not over it. He is going to continue to do anything that he can for a long time,...he is preoccupied with the legal system, and, he is just going to keep working on it." Not only did the women feel hopeless about their custody and access experiences, but the unyielding pursuit by their abusers was wearing them down both physically and emotionally. "Uh, my husband is just relentless, you know he is driven,...and he will not give up...and I am getting really worn down by all of this..."

Implicit in all the participants' descriptions was the feeling that they had a defeated future. The women felt that the realities of custody law and the relentless determination of their ex-partners would prevent them from ever truly breaking free. The children's bond to their father also made it virtually impossible to live separate from their abuser. The despair experienced by the participants is explicitly described by one woman:

I just don't think that he will ever leave me alone.
I think that he will do everything in his power to destroy, destroy any type of life I try to create for myself. I can understand, I can really relate to other women who have to move across the country. I just want to be free, to feel safe,...I know that if I have to live with him any more that I would be the one to die, I would just, you know, sacrifice my life for him,...and for his family,...and I would have to give up all my dreams and hopes and my freedom, like I would be a prisoner again,...and I don't want to live that way anymore.

All of the participants stated that the only way that they would truly be free would be to move away. Yet, this one hope of freedom is complicated by a father's right to custody of and access to his children. The limitations of the law only contributed further to the women's despair and feelings of having a defeated future. The following excerpt illustrates these women's feelings:

....I mean, if it was legally the right thing to do, the best thing for us would have been to just run away somewhere, and be totally away from him, and that whole influence. I know that he is their father but I really don't think that he has their best interests in mind. I think that I will never be able to leave in some ways,...it scares me, I don't want to be pessimistic about it...
The desire to escape their ex-partners was also identified by the participants when they discussed their despair over the realities of custody and access laws. The women described feeling helpless at being able to change their situation in relation to this phenomenon. These women felt that the relentless determination of their ex-partners would prevent them from ever truly breaking free.

When the women talked about their feelings of despair, they also recognized that the best means to secure any future for both themselves and their children was through formal systems of support which served in their best interests. Yet, ironically, the legal system and mandated professionals such as psychologists, were not seen as systems of support. The participants identified these systems of support as necessary to enable them to heal from the abuse and move forward in life.

Stress was seen to be an integral part of the women's experiences persisting throughout their experiences with the phenomenon under study. Living with ongoing stress ultimately affected the women's physical and psychological well-being. In summation, in examining the nature of stresses associated with the ongoing relationship with an abusive ex-partner, the stressors were categorized into three separate but interrelated themes; anger, powerlessness, and despair.
The legal process of determining custody and access meant that the women were subject to the scrutiny of both their abusers and legal professionals. Women described this experience as like 'living in a fish bowl.' They were isolated, under scrutiny, and unable to access needed support. The mothers were angry that they continued to experience abuse. The realities of custody and access laws left the participants powerless to prevent this ongoing abuse and manipulation. Women described themselves as having defeated futures. Formal systems of support were identified as crucial to help them to heal from their abuse and move forward with their lives. Yet, even with support, these systems of support did not recognize the ongoing abuse that the women endured, and, because of this, may have contributed to making the abuse continue. The women felt that they would never truly be free from their abuser because of court-imposed custody and access.

**FORMAL SYSTEMS OF SUPPORT**

As previously stated each of the three components - Safety, Stress and Formal Systems of Support – are interrelated since each component often impacts the others. However, these components are also sequential in that formal systems of support are a necessary precursor to achieving the fourth and final component of healing and moving forward in life. Although each participant was able to identify individual informal systems of
support they might draw upon to assist them in coping with their experiences of this phenomenon, the need for formal systems of support was common to all of the women.

Only two of the women described experiences in which they were supported by their family. All the women felt the abuse they had suffered and continued to endure was too much of a burden for their family and friends to cope with. When discussing custody and access, the participants described how they did not see social support as coming from informal networks such as family, friends or colleagues. However, the participants did describe how formal systems of support provided informal networks of support. Follow-up support groups for battered women provided a means of meeting other women who were experiencing similar issues around custody and access. Formal systems of support were viewed as necessary to ensure ongoing safety of the women and assist them in dealing with the stresses of the legal system and custody and access laws.

Formal systems of support were described as an integral part of the participants' experiences. The participants discussed various forms of formal systems of support. Individual experiences with formal systems of support varied from supportive to non-supportive. Many of the women indicated that they had little or no formal systems of support available to them to cope with issues related to custody and access of their children. What
the women seemed to experience was the illusions and realities of the formal systems of support. That is, one of the sources of distress for the women was thinking that the 'system' would be supportive, or would be able to be supportive and then finding out that this illusion was not necessarily well founded. The essence of these women's experiences will be presented by describing four specific formal systems of support identified by the participants: 1) Police, 2) The Legal System, 3) The Health Care System, 4) Transition Houses and Referral Services.

Police

All of the participants remained in great need of protection from their abuser. Police are held out as the resource to call upon when in need. Support from police was, however, at times an illusion, and only occasionally a reality. Yet, only two of the participants were able to obtain restraining orders against their abusers; "...I had to do it myself, and I also had to adapt the situation with the kids by myself,...because we weren't getting the protection that we needed." Still, for the women who had no contact orders, it seemed almost worthless when they were legally forced to have regular contact with the man whom they feared. The women did, however, receive some sense of comfort in knowing that they were legally allowed to call the police if their abuser infringed upon the no-contact order; "...if I
didn't have the support of the police and the law right now...nothing would keep him away from here."

The women's experiences with the police varied and seemed to depend on the police officers' knowledge and understanding of wife abuse. One woman who called the police when her ex-partner kicked in her bedroom door and wouldn't leave, describes her anger and shock at the police's lack of understanding:

...he was drinking and I was feeling very threatened so I called the police,...and I mean I was terrified, and she (policewoman) basically said to me...you really should try to reconcile, because so many of the young offenders we have come from broken homes, and it is really better for your children if you remain in this situation. I mean, like, I can't believe that this is happening to me, you know,...I am told that there is support in the community...

Some of the participants felt supported and validated by the police; "I did get support from the police, along the way in the first year..." Conversely, other participants described feeling disappointed by the lack of support they received from the police. One of the participants talked about how she felt powerless to protect herself against her abuser even with police involvement:

...why am I going to call the police? They don't
do anything...I came within inches of going and
buying a gun,...because nobody is helping me. It
has been two years and I am not getting any support.
There have been times when I have really thought
that maybe he might come and kill me.

This same woman described several incidents where the
police had been unable to protect both her and her
children because she was still legally married to her
abuser and only had interim custody:

I called the police. Totally useless...I showed
them the court order because he was threatening to
take the kids that night when he wasn't supposed
to...and they said to me 'lady, there is nothing we
can do. He could take them for the next six
months'...because it was interim (custody) and there
was nothing in the...court order that stated that
the police had any jurisdiction to do anything about
it. And I was in total shock. To be standing there
with this paper in my hand and being told that it
didn't mean anything, nothing! It was like the
bottom fell out of my life. Like I was handed a
pack of lies. This whole system was just a farce.

There was no support.

The Legal System

As the preceding excerpt illustrates, lack of police
support was often related to the inadequate support from
the legal system. Overall, the women talked about
receiving insufficient support from the legal profession; "...I didn't get the support I should have got from the legal system." Most of the women felt that the lawyers, judges, family court officers and other legal professionals did not understand abuse and the ramifications it had for women and their children:

From the legal system, I don't feel that it has been very positive at all...we have seen evidence of what my husband can do, and uh, they have berated him for it, and yet they have given him more access.

There was a consensus that the legal profession did not seem to associate the man's abuse as having any bearing on his legal right to custody and access; "he'd breached the restraining order, he'd broken into the house, and they...confirmed access time as usual on Wednesday, and the lawyer,...my lawyer did it matter-of-factly,...there doesn't seem to be any connection...with the legal system." One woman describes the lack of support she received from her lawyer when she asked her lawyer to recommend that she be excused from attending a joint psychological interview with her abuser:

...it would put me in the same location as him coming and-going,...I don't think that she took any of that into account. She was more concerned about Dr. M. seeing how my husband treated me. She was quite willing to put me through all that.
This excerpt clearly illustrates how lack of support from the legal system can create stress in the lives of these women and, in turn, jeopardize their safety:
"There doesn't seem to be any support with the legal system, and I am also really scared because I am just getting really worn out by all of this." The participants who were involved with Section 15 custody reports describe feeling terrified and isolated, because they had no support to cope with this experience:

To know what it is like to have to go through a Section 15, and have somebody watching you at all times,...that is terrifying, and you don't know what...to do about it because you have no support from anybody.

The Health Care System

The support that the participants received from the health care profession varied with each participant. Some women had no contact with health care professionals, outside of the researcher, while others had accessed more than one health care support service. One of the participants had received both medical and nursing support from the Domestic Violence Unit in a major tertiary-hospital. This participant discussed how the nurse at the Domestic Violence Unit had counselled her on issues of abuse and made referrals to other support services. This support service was seen as extremely helpful and supportive in educating the participant about
her legal rights and the availability of other formal systems of support.

One of the participants whose health had deteriorated due to ongoing abuse in relation to custody and access described having mixed feelings about her family doctor and the support that he had provided:

My doctor was supportive in some ways but not in others...I mean how many times in the last two and a half years that I have been in to see him, telling what this is doing to me physically, and he'll just blame it on an ailment...but I mean I have told him that the abuse had been going on for years,...that this is what it does to me...to this day I don't trust him...his idea was to hand me a prescription drug.

**Transition Houses and Referral Services**

All of the women in this study were receiving some form of formal support from the referral agency. Battered women support groups and individual counselling were identified as positive formal system of support. These systems fostered the development of informal networks of support people who shared similar experiences. Two of the women had attended a custody and access support group through a second stage counselling service. All the women felt that these services were vital to help them cope with their abuse and issues concerning custody and access. Yet, these women also
described feeling that all of the efforts in trying to heal themselves were being countered by their ongoing contact with their abuser. All expressed the common need to heal from their abuse and move forward with their lives. This healing was difficult to achieve without adequate formal systems of support.

Healing and Moving Forward in Life

All of the mothers expressed a need to heal from their abuse and move on in life. The women felt that this was difficult to achieve with court-imposed custody and access: "All the progress that I am making is being countered by his weekly visitations. It only ends up with zero because his behaviour cancels out my progress of healing myself." Although some of the participants felt that they were making some progress towards healing, they were aware of how fragile this progress was without adequate formal systems of support:

I want to help the kids heal, I want to help myself heal...we have been nervous wrecks...to have some degree of normalcy in this totally bizarre situation, but you have got all these people looking at you through a microscope. No, there is no time for healing. My healing took up until two years...before I even got a chance to start looking at it.

Some of the mothers described feeling depressed after seeing their ex-partner at access exchanges because
it would bring back old emotions and feelings of guilt over the loss of their marriage:

At the beginning, there was a lot of apprehension and dread...of seeing him. (How did that make you feel?) Depressed. It would bring it all back. The very recent separation, and the recent upheaval...Just the sadness of the whole situation...that this is my husband, this is the situation that my marriage has turned into.

In order to truly heal from their abuse, all of the participants identified the need to withdraw themselves from their abuser; "...I feel that I am recovering, and just for today I am here, but I might have to distance myself physically from him to really get away, you know, break free from him." As previously stated, the women also identified that they may never be able to truly break free of their abuser because of court-imposed custody and access. The sadness of this dilemma which was impairing the woman's ability to heal from her abuse is explicitly described by one of the mothers:

...I feel like he is constantly trying to drag me back. It's like I want to get on with my life. I know that I have got a wonderful life out there...that God has a wonderful plan for my life, that I don't have to live a defeated life, that I can live a victorious life. And it is like my husband,...is constantly trying to hook me in,...I
don't want to go back, I want to go forward, and I know he is back there, and he wants me to go back with him.

**Conceptualization of the Experience**

This conceptualization of the experience represents a summative effort of the researcher's investigation into this phenomenon of inquiry. This conceptualization of the experience was developed after careful and intensive analysis of the data to identify common themes and components of the women's experiences. The final synthesis and integration of the themes into a description of the phenomenon led to the creation of this conceptualization. Figure 1 is a diagrammatic illustration of the researcher's conceptualization of the women's experiences.
Conceptualization of the Experience - Battered Women's Experiences with Custody and Access: The Ongoing Exposure to Abusive Ex-partners

Figure 1: Conceptualization of the experience
Summary

In this chapter, the researcher presented both the analysis of the data and interpretations of this study of battered women and child custody and their ongoing exposure to abusive ex-partners. The women in this study described their experiences as having three components:

1) SAFETY: Living with Ongoing Danger; 2) STRESS: Living with the Imposed Restrictions of the Law and Legal System; 3) FORMAL SYSTEMS OF SUPPORT. Each of these components had separate themes. These themes were discussed and supported by excerpts from the data.

Safety and Stress were seen to be interrelated components with each one impacting the other. Three themes were discussed within the component of Safety. These themes included: 1) fear, 2) hyper-vigilance and 3) emotional dilemma. All of the women in this study continued to experience ongoing abuse from their ex-partners. As a result, the women feared for both their own safety and that of their children. As a means of coping with their fears, the women became hyper-vigilant to their surroundings. The women described a need to be able to continue to read their ex-partners' behaviour during access exchanges in order to predict their moods and, in turn, ensure their own safety and that of their children. All expressed a desire to escape and distance themselves from their abuser. Yet, these mothers also
described feeling torn over their children's need for a father and their families' need for safety.

In their experiences, the women endured various levels of stress and concern for their safety. The ongoing stress and often increased danger experienced by the women ultimately affected their physical health and psychological well-being.

Three themes were discussed in relation to living with the imposed restrictions of the law and legal system: 1) anger, 2) powerlessness and 3) despair. The participants were the most angry over their inability to prevent ongoing abuse. The women felt that access served as a means for their abusers to get back at their partners in some way. Usually, this was through ongoing abuse, harassment, threats, intimidation, and using the children against the mother. The fathers' legal rights to custody and access of his children left the women feeling powerless against the ongoing abuse. Four of the participants were involved in Section 15 custody reports. The women described feeling both terrified and powerless with this experience. The limitations of the law and lack of available support for the women left them with feelings of despair. The women described themselves as having defeated futures because of court-imposed ongoing contact with their abusers.

In order to enable the women to manage the stresses related to living with custody and access, there was a
need for support from formal support systems. One of the sources of distress for the women was thinking that the 'system' would be supportive or would be able to be supportive and then finding out that this illusion was not necessarily well-founded. Formal systems of support are needed to enable women to develop specific strategies for dealing with custody and access and the ongoing abuse they experience.

The fourth and final component described by all of the participants was the need to be able to heal and move forward in life. The women discussed how it was virtually impossible to heal from their abuse and move forward in life with court-imposed custody and access. The women described how they felt unsupported by both the law and the legal system. Knowledge and understanding of abuse were seen to be crucial factors in determining the outcomes of successful formal systems of support.

The depth and breadth of the findings presented have clearly illustrated how difficult it can be for a battered woman once she leaves her abusive partner when custody and access are involved. The same threats of repercussions made by the abuser that may have once prevented a woman from leaving her abuser are now acted out. These women live in constant fear as the dangers actually escalate once they leave. The reality of custody and access laws is that women are forced by law to continue to have contact with men who they fear. The
ongoing danger and stress involved with trying to live and cope with these laws takes its toll on the women physically and psychologically. As a final note to her interview, one of the participants summarized her experiences by saying; "...if someone had told me I would go through all of this two and a half years ago, I would never have left him." This statement supports what is already known and has been found in this study: that women are not supported when they leave an abusive relationship, and, in fact, women may choose to remain in abusive relationships because it is safer than if they leave (Henderson, 1990).
CHAPTER FIVE: DISCUSSION OF THE CONCEPTUALIZATION

Introduction

In this chapter, the researcher will present a discussion of the conceptualization of this study. In the previous chapter, the researcher presented her interpretations of the data and addressed each aspect of the conceptualization as it related to the participants' experiences of the phenomenon. Although several of these dimensions merit further discussion, the scope of this chapter dictates that only some of the most significant aspects of the findings receive in-depth discussion. The researcher has identified three dimensions for discussion in this chapter: safety, escaping, and healing. The literature which was presented in chapter two, as well as, additional literature, will be used to illustrate the significance of the findings of this study.

Safety

Ongoing and often increased danger was a common component of all of the participants' experiences. All of the women described their concerns for their own safety and that of their children. The women's fears for safety were justifiable as they continued to be exposed to ongoing harassment, control, manipulation and abuse from their ex-partners. For all of the women, fears about the repercussions of leaving became their reality. Ongoing danger was an integrated experience persisting
throughout their experiences of living with issues related to the custody and access of their children. The women's concern for safety was so fundamental that it established the context in which they carried out their daily lives.

Just as this study has revealed, abuse does not end when a woman is separated or divorced from her abusive partner (Henderson, 1990; Jacobson, 1982; Pagelow, 1984; Sonkin, Martin & Walker, 1985; Statistics Canada, 1993; Zorza, 1995). This study supports other literature which states that separation or divorce only serves to increase the danger for many battered women (Pagelow, 1984).

The findings of this study also support the need for health care professionals to acknowledge the danger that battered women face upon leaving their abuser. In examining the formal systems of support utilized by the participants in this study, it became evident that many of the professionals involved with these women assumed incorrectly that the violence ends when the parties separate or divorce. This misconception thus affects the establishment of sufficient services to ensure the protection of battered women (Zorza, 1995). The seriousness of this concern for the safety of battered women is clearly illustrated in the American statistic which states that "...three quarters of all women hospitalized because of domestic violence are separated or divorced" (Zorza, 1995, p.147).
All of the women in this study recounted explicit incidents of ongoing harassment, threats, manipulation, control and abuse from their ex-partners. As well, each of the participants described specific instances of abuse that their children had witnessed. The women were concerned for both their own physical and psychological safety and that of their children. The mothers felt that the negative emotional climate in which they lived was adversely affecting both themselves and their children. These concerns for safety have been identified in other studies (Henderson, 1990; Jacobson, 1982). The effects on children of witnessing abuse are well documented (Ericksen & Henderson, 1992; Hershorn & Rosenbaum, 1985; Hilberman & Munson, 1978; Hughes, 1986; Jaffe, Wolfe, Wilson & Zak, 1985, 1986a, 1986b; Levine, 1975; Owens & Straus, 1975; Rosenbaum & O'Leary, 1981; Westra & Martin, 1981), as are the effects on children of being exposed to the ongoing discord of their parents (Emery, 1982; Jouriles, Murphy & O'Leary, 1989; Wallerstein & Kelly, 1980; Zaslow, 1988, 1989). The Canadian Panel on Violence Against Women (1993) concurred that custody and access serves as a means for a batterer to continue his abuse and expose his children to ongoing violence and discord.

A study on protection for battered women coordinated by Jacobson (1982) found that women had specific concerns about custody and access. Two of the women's most
critical concerns were, first, the ongoing danger to the mother and, second, the concern for the physical and psychological safety of their children (Jacobson, 1982). In the presentation of these findings, Jacobson (1982) merely states that women have concerns about custody and access, but does not discuss the women's perceptions of these concerns. This study supports the previous work of Jacobson (1982) by explicitly describing the women's perceptions of their need for safety in the face of ongoing exposure to abusive ex-partners.

All of the participants felt that their ex-partners were using custody and access as a means of continuing their abuse. The findings of this study are supported by literature which have described how abusive men will often extend their control through custody and access (Chesler, 1986; Henderson, 1990; Zorza, 1995). Zorza (1995) stated that even if prior to separation the abuse was only focussed on the mother, an abusive partner will "...shift his focus to control of the child as a way to continue the terror and violence against the mother" (p.147).

Similarly, Henderson (1990) found that several fathers were using their children to carry messages back to their mothers. The mothers in Henderson's (1990) study perceived that the children were being further disturbed by the access visits as they were often forced to take sides. The findings of this study support the
work of Henderson (1990). In this study, the mothers described their emotional dilemma at seeing their children being caught in the middle between their two parents. Although the women acknowledged their children's need for their father, they had doubts about his abilities as a parent.

The mothers in this study shifted their thinking from their original notion that their children needed a father no matter how terrible he might be, to a perception that their family's safety could not be guaranteed unless there was a break in the bond between the children and their father. A father's right to custody and access of his children jeopardized the safety of both the mother and her children.

**Escaping**

All of the participants in this study discussed a need to escape from their abusive ex-partners. The notion of needing to escape was described by the women within two of the categories identified by the researcher: 'Safety' and 'Stress'.

The notion of 'escaping' in relation to the phenomenon of custody and access has not been described in other research studies. This may be due to that fact that issues surrounding battered women and child custody have only recently been identified; however, to date these issues have not be recognized as resulting in credible problems (British Columbia Task Force on Family
Violence, 1992). Support for this notion of escaping can be found in some of the theoretical literature on family violence.

In describing how abused women can use the law to protect their children, Zorza (1995) discusses the women's right to relocate. Zorza (1995) confirms the realities of what the participants in this study were experiencing: "Even when a parent has both sole legal and sole physical custody of a child, the parent may not be free to move the child to wherever she or he chooses" (p.157). Court cases to determine if a parent can relocate a child are becoming increasingly more common (Zorza, 1995). Zorza (1995) states that these cases are often among the most gender-biased decisions that the courts make. The courts usually view the father's reasons as legitimate, yet the mothers' reasons are often viewed as less important, selfish or a vindictive attempt to deny the father access (Zorza, 1995).

The mothers in this study wanted to escape from their ex-partners because they perceived that this would be the only way to secure their safety and that of their children. Canadian provinces have yet to enact statutes that make wife abuse at least relevant in custody and access cases (Department of Justice Canada, 1993). As such, the courts are also unlikely to view wife abuse as having any bearing in deciding whether a women has the right to relocate (Zorza, 1995):
The court may be unwilling to see that the continued battering demoralizes the mother and hence hurts the children. Or it may believe that her desire to move is purely vindictive or that she exaggerated or even fabricates the abuse to give her reason to leave" (Zorza, 1995, p.157).

The women in this study wanted to escape the ongoing violence but were aware of the potential difficulties because of the father's legal right to access to his children. The courts may view their moving as a means of denying the father his legal access (Zorza, 1995). Zorza (1995) states that the courts "...do not view the women's moving as protective of themselves and their children and, hence, something that should be encouraged" (p.158).

Healing

Throughout all of the interviews with the participants, there was evidence that custody and access was a form of persistent, unrelenting stress and uncertainty. This persistent stress was experienced as continued abuse which prevented them from healing and moving forward in life. Adequate formal systems of support were seen as necessary to enable women to offset the stressors associated with custody and access and to support women in seeking change within the system. For this change to occur, there needed to be recognition of this abuse so that the women can begin healing and moving forward in life. The findings of this study indicate
that not all of the formal systems of support recognize this ongoing abuse, and, because of this, may contribute to its continuance.

All the participants discussed their need for formal systems of support rather than informal systems, such as, family and friends. These findings are supported by Bowker (1983) who noted that when battered women left their abusers their help-seeking behaviours switched from informal support networks to formal systems of support. Bowker (1983) states that battered women found formal systems of support to be more helpful.

Many of the women stated that they felt unsupported by some of the formal systems of support they had encountered. Formal systems of support which serve in the best interest of battered women are essential to enable them to heal and move forward in life. The findings of this study clearly indicate that specific formal systems of support for battered women are needed which recognize the problem of ongoing abuse related to issues of custody and access of children. These systems of support can provide women with specific strategies for minimizing the uncertainties and feelings of vulnerability associated with this type of abusive relationship. Formal systems of support are also needed to ensure that women receive accurate information about their legal rights. Professionals within these specific services for battered women can assume advocacy roles by
continuing to expose unrecognized inequities in a legal system that places abusive men's rights before the rights of women. Battered women have the strength to heal from their abuse and cope with custody and access issues if they are adequately supported.

Campbell et al. (1993) outline a recovery process that battered women go through after leaving their abuser. These authors describe this recovery process as a search for meaning in experiences (Campbell et al., 1993). Successful recovery depends upon the support given to abused women working through this process of recovery and healing (Campbell et al., 1993). These authors suggest that nursing can be instrumental in providing this formal system of support (Campbell, 1993).

Overall, the participants felt unsupported by the legal system, and told stories of judges, lawyers and other legal professionals undermining the abuse. The mothers felt that legal professionals did not understand abuse and the ramifications it had for women and their children.

Formal systems of support have long been recognized as major external resources that individuals and families can draw upon in coping (Caplan, 1974, 1982). The participants in this study felt victimized by the issues of custody and access because of the lack of formal systems of support to assist them to heal and move forward in life. As such, they felt an ongoing
vulnerability to the continuing abuse through the ongoing contact with their abusive ex-partners that they were legally forced to uphold.

The need for organized formal systems of support to aid battered women in their pursuit of freedom from violence has been well documented in the literature (Brendtro & Bowker, 1989; British Columbia Task Force of Family Violence, 1992; Campbell, Smith McKenna, Torres, Sheridan & Landenburger, 1993; Henderson, 1990; 1993; Tilden, 1989). Henderson (1990) states that battered women need support to help them deal with the demands they face upon leaving their abuser. Henderson (1990) discusses how parenting preparation can help women anticipate the potential problems involved with custody and access and the ongoing contact with abusive ex-partners. In her article, Henderson (1990) identifies that women need clear information about the services to which they are entitled.

Inappropriate or insufficient formal systems of support for battered women is also well documented (British Columbia Task Force on Family Violence, 1992; Drewitt, 1993; Henderson, 1990; 1993; McMahon & Pence, 1995; Campbell et al., 1993). The women in this study felt unsupported by the legal system and the professionals working within this system. There is theoretical literature which supports these women's negative views of the legal system.
McMahon and Pence (1995) state that:

Women come to believe they can trust neither the courts nor social service agencies. These agencies have, like the men who abused them, the power to separate them from their children, characterized them as unfit mothers, and interpret the meaning of their experience and behavior (p.198).

McMahon and Pence (1995) also state that the practices of human services and the courts discount the effects of violence on women and children when determining the 'best interests of the child.' The practices that these authors are referring to include psychological assessments (Section 15), data gathering, report writing, and the education and training of agency and court staff (McMahon & Pence, 1995). McMahon and Pence (1995) claim that these practices used to determine child custody "...fail to see the harm that violence does to both battered women and their children and thus threatens the welfare of both" (p.198).

Four of the participants in this study had to endure psychological assessments (Section 15) to determine if they were 'fit parents.' The women described this experience as frightening. All of the women perceived these reports to be biased against them, and that the professionals who wrote the reports played down the abuse. These participants' experiences are supported by McMahon and Pence (1995) who state that psychological
assessments are often gender-biased and take little or no account of the fact that these women at the time of these assessments are recovering (or attempting to recover) from years of abuse. McMahon and Pence (1995) state that the psychological damage, low self-esteem and guilt suffered by battered women will "...no doubt affect the results of psychological assessments and home visits done by case workers" (p.198). These authors also claim that it is not uncommon for psychological assessments to construct a battered women as an unfit parent and as the parent who has put her children at risk; "...a battered women's relationship with a violent man itself may be constructed as a 'failure' to protect her children" (McMahon & Pence, 1995, p.198).

In examining the current practices used to determine custody, McMahon and Pence (1995) question why it is that a father's parenthood is conceptualized in terms of his rights to the child versus his responsibility to "...heal the harm done by violence?" (p.199). McMahon and Pence (1995) state that the specific items which the law says are relevant to "the best interests of the child", such as emotional and economic stability, do not account for the effects of abuse:

On the surface this kind of concern with children's welfare is both reasonable and justified. However, domestic violence is itself responsible for many of the conditions and phenomena that then are used as
independent grounds for assessing what represents children's welfare. In this sense, not only is violence not addressed, but it's workings also are deeply and invisibly embedded in how we resolve questions of children's interests.

McMahon and Pence (1995) suggest that the courts need to rethink the notions of parents' rights and children's interests, because the children do not stand separate from the effects of violence. The authors also state that taking the standpoint of the child means revisiting the meaning of family where children can not conceptually separate themselves from the harm done to mothers, brothers and sisters (McMahon & Pence, 1995).

The fears and stresses experienced by the women in this study are supported by McMahon and Pence (1995) who state that no matter how well intended, the current practices of the courts and the legal system "...present a new set of risks to women who have experienced violence...and to their children" (p.200).

**Summary**

In this chapter, a discussion of some of the most significant dimensions of this study was presented. In the previous chapter, the researcher presented her interpretations of the data; the scope of this chapter dictated that only a selection of the most notable aspects of the findings be discussed. Three dimensions were identified and discussed in detail: safety, escaping
and healing. Literature presented in Chapter Two as well as additional literature was used to illustrate the significance of the findings of this study.

All of the participants described their concern for their safety and that of their children because all continued to be abused by their ex-partners. The women's concerns for their safety permeated their entire experiences, and they established the context in which they carried out their lives. Although issues of safety have been reported in literature which cites that divorce and separation only serve to increase the danger for battered women (Pagelow, 1984), these issues have not received significant attention.

Also supported by the literature was the need for health care professionals to acknowledge the increased risk that battered women face upon leaving their abuser. The fact that custody and access serves as a means for the batterer to continue his abuse and expose his children to violence and discord has been supported by the literature. This study shows how formal systems of support can attenuate that abuse.

The participants described a desire to escape from their abuser to ensure their safety and that of their children. The mothers, however, felt that relocating was complicated by the father's right to custody of and access to his children. Although the notion of 'escaping' was not explicitly conceptualized by any other
research studies, there was theoretical literature to support the women's experiences. The literature supported the women's feelings that they may never be able to truly break free of their abuser because of custody and access laws. These laws can legally prevent women from relocating when children are involved. This is in contrast to the usual view that the mother's reasons for relocating are vindictive attempts to deny the father his legal right to access (Zorza, 1995).

All the participants provided evidence of an inability to heal and move forward in life because they could not resolve the demands that custody and access made on their lives. The need for formal systems of support which serve the needs of battered women and assist them to cope with issues of custody and access were supported by the literature. As well, the inappropriate or lack of available formal systems of support for battered women was also supported by the literature. The negative feelings that the participants held towards the legal system and the laws that govern custody and access were validated by the literature.

The fears and stresses that custody and access imposed upon the women were supported by literature which stated that current custody and access laws presented a new set of risks for battered women and their children (McMahon & Pence, 1995). The risks involved for these women ultimately affected their physical and emotional
well-being. The ramifications that custody and access have in terms of the health of battered women have not been found in any other research studies. Lack of other research studies to support the findings of this study is likely due to the fact that issues concerning battered women and custody and access of their children have, to date, not been recognized as a credible problem (British Columbia Task Force on Family Violence, 1992).

This study provides an in-depth understanding of the nature of ongoing abuse experienced by women who have left abusive relationships and are living with issues of custody and access. The legal system holds and protects an abusive man's rights at the expense of women. This was noted by the women in this study and had been reported in related literature presented in this chapter. Such issues of inequality exist and must be addressed as they illustrate the need for change within the legal system and other formal systems of support. Such change could begin by recognizing women's rights and society's obligation to support and protect victims of violence.
CHAPTER SIX: SUMMARY, CONCLUSIONS, AND IMPLICATIONS
FOR NURSING

Summary

Abuse against women in intimate relationships represents a major social and health problem in North America: wife abuse has become epidemic in Canada (MacLeod, 1987). Research supports that abuse does not end when a woman separates or is divorced from her abuser, but, in fact, the danger for many women increases (Henderson, 1990; Jacobson, 1982; Pagelow, 1992; Sonkin Martin & Walker, 1985; Statistics Canada, 1993). In the United States, it has been reported that three quarters of all women hospitalized because of domestic violence are separated or divorced from their abusers (Zorza, 1995).

For battered women, the decision to leave an abusive partner is difficult (Henderson, 1990). When she does leave, a woman is seeking to terminate her violent marriage and build a new life free of violence (Pagelow, 1992). A father's legal right to custody of and access to his children and the children's bond with their father make it difficult if not impossible for a battered woman to truly break free of her abuser. Custody and access can serve as a means for a batterer to continue his abuse and expose his children to ongoing violence and discord. Literature on how custody and access issues are affecting battered women is limited.
The researcher initially became interested in battered women's experiences with custody and access through her role as a facilitator of a parenting support group for battered women. During weekly sessions, the researcher came to see that leaving an abusive partner did not usually mean the end to the abuse. Women continued to experience abuse from their ex-partners through involvement with court-imposed custody and access visits.

The ongoing abuse and stress suffered by these women ultimately affected their physical and psychological well-being. There are critical issues involving custody and access which can adversely affect the health and welfare of abused women and their children. Although some of these issues had been identified in other studies, the researcher could find no other studies which described the women's perceptions of these issues. Key details about this phenomenon were not known. Hence, the researcher employed the qualitative research methodology of phenomenology to study battered women's perceptions of custody and access and their ongoing exposure to abusive ex-partners. It was this researcher's belief that in-depth exploration of this phenomenon would provide insight for nurses and other professionals who cared for battered women. In addition, the researcher believed that information from this study would provide knowledge
that could be used by battered women and ultimately contribute to their liberation.

Five participants volunteered for this study. These participants were single mothers who had left abusive relationships and were at the time sharing custody and/or access visitations of their children with their abusive ex-partners. Unstructured non-directive interviews were conducted to elicit spontaneous descriptions from the participants. All of the first interviews were audio-taped and subsequently transcribed verbatim by the researcher to ensure accuracy of the descriptions and participant confidentiality. Descriptive notes were kept on second interviews which served to validate the descriptions of the findings with the participants.

Direction for data analysis was taken from the specific steps outlined by Giorgi (1975). As the researcher read the transcripts, meaning units and inherent themes were identified. Each interview was analyzed and then used as a basis for structuring subsequent interviews. As themes emerged from the data they were validated by the participants. The goal of the analysis was to make explicit a deeper understanding of the participants' experiences. Once the themes were identified, they were elaborated upon and related to each other as a whole. The researcher subsequently integrated her insights into a descriptive structure of the
phenomenon of battered women's experiences with custody and access and the ongoing exposure to abusive ex-partners.

The women described their experiences as having four components: 1) SAFETY: Living with Ongoing Danger; 2) STRESS: Living with the Restrictions of the Law and Legal System; 3) FORMAL SYSTEMS OF SUPPORT; and 4) TO HEAL AND MOVE FORWARD IN LIFE. Each of these components had separate themes which were discussed and supported by excerpts from the data. The findings of this study indicated that all of the women were living in great fear for their safety and that of their children. The participants' concern for safety is well supported by recent literature. The ongoing danger and stress of living with the restrictions of the law and the legal system took its toll on the women and ultimately affected their physical health and psychological well-being.

The experiences of living with ongoing danger were described within three separate themes: 1) fear, 2) hyper-vigilance, and 3) emotional dilemma. The risk of danger escalated for all of the participants after leaving their abusive partners. As a result, the women lived in fear for both their safety and that of their children. To protect themselves from abuse and ensure their safety they coped by becoming hyper-vigilant to their environment. Some of the participants described a
need to continue face-to-face contact with their abuser so that they could read their ex-partners' behaviour during access exchanges in order to predict their moods and, in turn, ensure their children's safety. All of the participants described a desire to escape and distance themselves from their abuser. Yet, escaping is in reality difficult if not legally impossible for battered women. These mothers were torn between their children's need for a father and their family's need for safety. Yet, these women could not escape without the legal support of the courts to grant the right to relocate. The woman's right to relocate from her abuser and the difficulties she faces in fulfilling this dream have been supported by the literature.

The participants discussed three themes in relation to living with the restrictions of the law and the legal system; 1) anger, 2) powerlessness, 3) despair. The women were most angry over their inability to prevent ongoing abuse. These women perceived that custody and access served as a means for their abuser to get back at their partner in some way. Usually, this was through ongoing abuse, harassment, threats, intimidation, and using the children against the mother. The women felt powerless to end this abuse because of the father's legal right to his children. Powerlessness against both their abuser and the legal system led to feelings of despair. The women described themselves as having defeated futures.
because of court-imposed ongoing contact with their abusers.

Four of the participants had psychological assessments (Section 15) done to determine which parent would receive custody of the children. All of the participants had strong negative emotions about this experience. The women recounted incidents where the professionals writing these reports discounted the abuse and portrayed them as being unfit parents. All of the participants encountered biases in the writing of the custody reports, the most obvious bias being that wife abuse was not seen as having any impact on the children or on the husband's ability to be a father.

Formal systems of support which serve in the best interest of battered women were identified as being essential to enable women to heal and move forward in life. The participants discussed how they felt unsupported by the law and the legal system. Professionals' knowledge and understanding of abuse were seen to be crucial factors in determining the effectiveness of formal systems of support. The need for, yet lack of, formal systems of support to aid battered women has been supported by the literature.

Inherent in all of the women's descriptions was the need to heal and move forward in life. The participants discussed how healing was virtually impossible to achieve with court-imposed custody and access and without the
help of formal systems of support. The women felt that any attempts made to heal from their abuse would be discounted by their ex-partners during weekly access visits.

The abuser's threats that may have once prevented the women from leaving are now acted out through his right to custody of and access to his children. The realities of custody and access laws are that these women were forced to have ongoing contact with the men who they lived in fear of and of whom they wished to escape. The ongoing danger and stress experienced by these women ultimately affected their physical health and emotional well-being.

Conclusions

The findings of this study support several important conclusions about battered women's experiences with custody and access and the ongoing exposure to abusive ex-partners. Most significant is the woman's concern for her safety and that of her children. So fundamental was this concern for safety that it established the context in which they carried out their daily lives. This study suggests that custody and access provides a means for an abuser to continue his abuse and expose his children to ongoing violence and discord.

More specific conclusions derived from this study are stated as follows:

1) Living with ongoing danger and the stresses of
living with the restrictions of the law and the legal system ultimately affects the women's physical and psychological health.

2) The threats that may have once prevented a woman from leaving her abuser are now acted out by the abuser: These women live in fear for their lives and with the fear of losing their children.

3) Battered women perceive that custody and access adversely affects the physical and psychological health of their children.

4) Battered women are faced with the emotional dilemma of providing for their family's safety and the society's view that children need their father.

5) Escaping and distancing themselves from their abuser is seen as the best way to live a life free from violence, but any hope of freedom is complicated by the abuser's legal right to custody of and access to his children.

6) Battered women feel unsupported by the legal system which completely disassociates wife abuse from the abuser's rights to custody and access of his children.

7) Battered women perceive that psychological assessments (Section 15) are gender-biased. As well, these reports discount the abuse and the fact that women and their children are victims
of violence who have suffered physical and psychological damage which, if not taken into consideration, can be used to construct mothers as 'unfit' or unstable parents.

8) Battered women feel that they have defeated futures because the realities of custody laws and the relentless determination of their ex-partners will prevent them from ever truly breaking free.

9) Battered women are unable to heal and move forward in life because of ongoing abuse; adequate formal systems of support are needed to serve in their best interests and to recognize the ongoing issues associated with custody and access.
Implications for Nursing Practice

Abuse against women takes its toll on the health and well-being of women and their children. Nursing knowledge of wife abuse must extend beyond the identification of individual cases of abuse to encompass the dynamics of abuse and the impact that abuse has on the family. Nurses need to recognize that men who abuse women usually do not stop after they are separated; separation/divorce actually increases the risk of danger to women (Zorza, 1995).

Battered women experience abuse through ongoing contact with abusive ex-partners mandated by custody and access orders. The findings of this study indicate that concern for safety is a predominant and enduring theme for battered women. The findings of this study serve to enlighten nurses about the nature of ongoing abuse experienced by women who are legally forced to share custody and access of their children with their abuser. These findings also support the need for assessment and intervention to aid these women who are at risk of danger.

Nurses are in the ideal position to intervene in the cycle of violence. Because of the sheer number of nurses in a wide variety of practice settings, nurses have the ability to contribute to the prevention, detection, and intervention of women and children who continue to be
exposed to abuse because of court-imposed custody and access. "Clinical practice takes nurses into the homes and lives of families in a confidential and intimate way" (Campbell & Humphreys, 1984, p.6). The closeness of the nurse/client relationship allows the nurse to explore sensitive issues such as wife abuse and, specifically, the issues involving custody and access.

There is sufficient literature to support the assertion that health care professionals, since they lack knowledge on the issue of wife abuse, are unlikely to identify women as abused and are reluctant to become involved with situations where they are unclear of their role (Brendtro & Bowker, 1989; Henderson, 1992; Polk & Brown, 1988). Henderson (1992) states that it is unfortunate that health care professionals ignore the threat to both the physical and mental well-being of battered women because, "...all of the evidence points to the conclusion that abused women would willingly, indeed gratefully accept help if it was available" (p. 30). Battered women who are separated/divorced from their abuser face an even greater likelihood of being ignored by health care professionals who may wrongly assume that abuse will end once a woman leaves her abusive partner. All women should be assessed as potential victims of violence (Canadian Nurses Association, 1992). In addition, this study supports the need for nurses to assess the safety and well-being of women who are
currently sharing custody and access of their children with their abusive ex-partners.

Nursing assessments need to include assessments of the risk of danger to battered women. Danger assessment guides such as the one developed by Campbell (1986) can be used by nurses to assist them in determining the risk of danger (homicide) which exists for abused women. Research has identified several risk factors for homicide in violent intimate relationships such as: increased frequency and severity of physical violence; presence of a weapon and threats with weapons; threats to kill or believing that he is capable of killing; violent behaviour in public (Campbell, 1996). It is important that women are assisted to assess their risk of danger. This knowledge can be used to aid these women in developing safety plans which provide for the physical safety of themselves and that of their children (Campbell, 1986). Nursing administration needs to develop policies and procedures that emphasize a supportive, caring, non-judgmental and empathetic approach to the nursing care of battered women (Boychuk-Duchscher, 1994).

... Nurses can also help battered women recover from their abuse by becoming involved with follow-up support groups for battered women (Henderson, 1993). Nurses have the knowledge and the ability to encourage social support by establishing parenting support groups which could help
battered women develop strategies to cope with issues such as custody and access and the ongoing exposure to abusive ex-partners (Henderson, 1990). To effectively aid these women, nurses need to be knowledgeable about resources in the community and about specific legal rights and services to which battered women are entitled.

Education

To provide effective nursing care, nurses must, first, recognize the problems of wife abuse and, second, look beyond isolated incidents of abuse to acknowledge the far reaching effects that wife abuse has on women, children, extended family and society. The findings of this study support that in order to be effective in their care of battered women, nurses need to become more knowledgeable about the social, legal and political inequalities experienced by women and appreciate the power differentials between genders (Ross, 1994).

Participants in this study validated the fact that the medical model fueled by its patriarchal system produces interventions which only focus on treating physical injuries or prescribing prescription medication. The medical model of care avoids the identification of abuse and the acknowledgment of the impact that abuse has on women's health. Education on wife abuse and the dynamics of battering can provide nurses with the necessary knowledge and skills they need to challenge these patriarchal norms and provide supportive care which
encourages women to make informed choices congruent with their own values, beliefs and personal health goals (Boychuk-Duchscher, 1994).

Educational programs directed towards family violence need to be integrated into the curriculum of nursing schools at the level of diploma, baccalaureate and masters degree. Inservice education and continuing education programs are required to better prepare nurses with the skills needed to have an impact at all three levels of prevention of wife abuse. The three levels of prevention are health promotion, identification and intervention, and care during recovery from wife abuse.

Nurses also need to support the training and continuing education of police, legal professionals, social workers, physicians, as well as nurses (Campbell et al., 1993). The findings of this study clearly indicate that existing formal systems of support are inadequate because professionals within these systems have insufficient knowledge of wife abuse and the far reaching effects it has on women and their children. "Workshops for professionals and interested key people and public education on abuse are needed and can be conducted by nurses" (Campbell et al., 1993, p.274).

Research

The findings of this study clearly indicate the need for new laws and policies on custody and access as they relate to battered women and their children. The
Canadian Department of Justice (1993) addressed the need for research which would shed light on the practical realities of custody and access issues. The Canadian Department of Justice also acknowledged the fact that wife abuse may not be properly considered by the courts in determining custody and access. Although caution must be taken when generalizing the findings from a study of this nature, the findings of this study support the above statement that wife abuse and the totality of its effects on the health and well-being of women and their children are not considered when determining custody and access.

Further nursing research which utilizes inductive research methods or a replication of this study with other samples of battered women is recommended to elicit a deeper understanding of this phenomenon. More research would also serve to support the need for political, legal, and social change to empower women and bring about changes to current custody and access laws as they relate to battered women and their children.

The findings of this study indicate that further research could focus specifically on children's perceptions of custody and access and their ongoing exposure to witnessing abuse and discord. Although the women in this study described their perceptions of their children's experiences with custody and access, further research is needed to understand the children's experiences with this phenomenon.
Another question of interest to this researcher is how battered women come to resolve their emotional dilemma of their children's need for a father and their family's need for safety. The women in this study began questioning their values regarding families. The women began to realize that custody and access were not working. Further research is required to better understand how battered women resolve their changing values and beliefs around families and their personal needs for safety.

All of the participants in this study were in the process of negotiating custody and access. Replication of this study should be undertaken but with a sample of participants who have the permanent custody decision resolved and have been living with custody and access issues for longer than five years. This additional research could be compared to the findings of this study to determine if the issues experienced by battered women change over the course of years of living with custody and access and the continuing exposure to their abusive ex-partners.

In this chapter, the researcher has provided a summary regarding this phenomenological study of battered women's experiences with custody and access and the ongoing exposure to abusive ex-partners. Important conclusions from the findings of this study were
presented. Finally, implications for nursing practice, education and further research were discussed.
References


British Columbia Family Relations Act, R.S.B.C. (1979), c.121, ss 15.


Dear ____________________:

My name is Tina Shalansky. I am a Registered Nurse and a student in the Graduate Nursing Program at the University of British Columbia. For my Master's thesis, I am interested in studying battered women's experiences with custody and access and the ongoing contact with abusive ex-partners. This letter is to invite you to participate in my research study. The title of my study is: "Battered Women and Child Custody: The Ongoing exposure to Abusive Ex-partners." To do this research, I would like to talk to women who have left abusive partners and are currently involved with sharing custody and access of their children with abusive ex-partners.

I initially became interested in battered women's experiences with custody and access through my role as a facilitator of a parenting support group for battered women. During the weekly sessions, it became clear to me that leaving an abusive partner did not always mean an end to the abuse. Many women continued to experience abuse from their ex-partners through their involvement with custody and access visits.

Your involvement in this study will include being interviewed in a private setting which is safe and convenient. Interviews will be about one hour in duration. Participation will involve one interview with the possibility of one or two subsequent interviews to clarify and validate information; thus your total time commitment is one to three hours. With your permission, interviews will be audiotaped and transcribed. Only myself and two U.B.C. professors will have access to the information you provide. Your identity will be kept confidential. All data about you will be kept in a locked filing cabinet at my home and subsequently destroyed when the study is complete.

You are under no obligation to participate in this study. If you chose to not participate or to withdraw from the study at anytime you will in no way jeopardize your right to use the
Appendix B

Interview Questions

Sample interview questions:

1) Tell me about your experiences with custody and access of your children and your contact with your ex-partner.
2) What is it like to see your ex-partner?
3) How do you feel about your current custody and access arrangements?
4) How do you feel about having ongoing contact with your abusive ex-partner?
5) If you could change anything about your current custody and access arrangements with your ex-partner what would it be?

Sample probe questions:

1) So you are saying that...
2) So it was a concern that...
3) It sounds like you are saying that...
4) Could you tell me a little more about...
I have received a copy of this consent form.

Participant: ________________________________

Date: ______________________________________
Appendix D
Demographic Data

Name (initials only):
Age:
Place of birth:
Education (highest grade completed):
Marital status:

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<th>Number of children</th>
<th>Age</th>
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How long has it been since you left your abusive relationship?

What is the relationship of your abuser to your children?

Describe your current custody and access arrangements with your abusive ex-partner: