


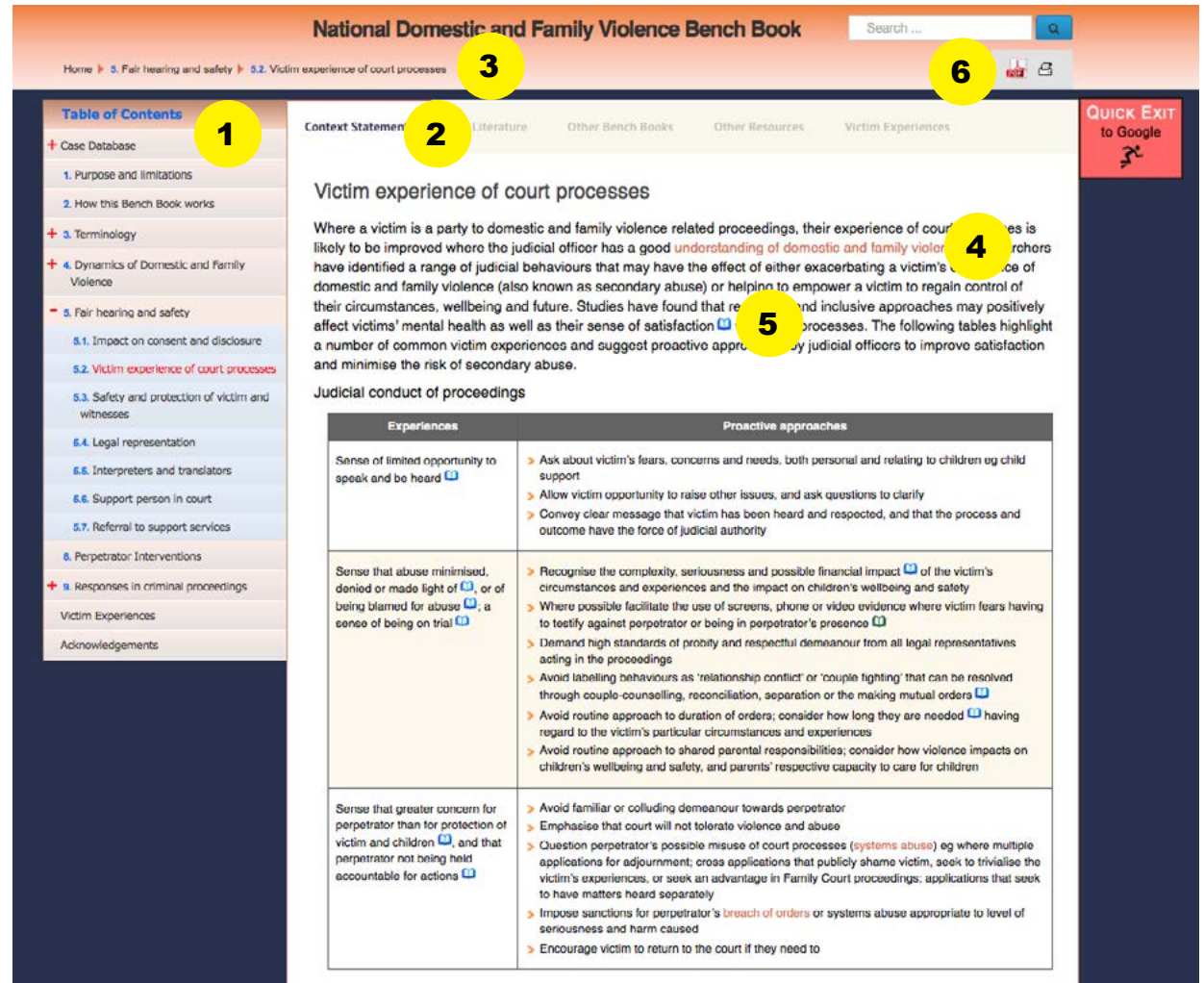


Using the National Domestic and Family Violence Bench Book

The numbered list below corresponds to the screenshot on the right and the available navigation tools.

- 1 Left-hand menu enabling access to the bench book contents, case database, victim experiences and acknowledgments.
- 2 File tabs containing a variety of resources related to a particular issue.
- 3 Breadcrumb trail revealing the user's path from the home page to the current page.
- 4 Embedded links connecting to external sources and related material within the bench book.
- 5 Linked keywords connecting related material within the bench book.
- 6 Any bench book page and case summaries for each jurisdiction can be converted to a PDF and emailed or printed.

- + Open subsets of chapters
- Collapse subsets of chapters
-  Key Literature Link
-  Other Bench Books Link
-  Other Resources Link



The screenshot shows the National Domestic and Family Violence Bench Book website. The page title is "National Domestic and Family Violence Bench Book". The breadcrumb trail is "Home > 3. Fair hearing and safety > 3.2. Victim experience of court processes". The left-hand menu (1) is expanded to show "3.2. Victim experience of court processes". The file tabs (2) include "Context Statements", "Literature", "Other Bench Books", "Other Resources", and "Victim Experiences". The main content area (4) is titled "Victim experience of court processes" and contains text about the victim's experience of court processes. A table (5) titled "Judicial conduct of proceedings" compares "Experiences" and "Proactive approaches". The right-hand side (6) has a "QUICK EXIT to Google" button.

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Context Statements

Victim experience of court processes

Where a victim is a party to domestic and family violence related proceedings, their experience of court processes is likely to be improved where the judicial officer has a good understanding of domestic and family violence. Researchers have identified a range of judicial behaviours that may have the effect of either exacerbating a victim's experience of domestic and family violence (also known as secondary abuse) or helping to empower a victim to regain control of their circumstances, wellbeing and future. Studies have found that respectful and inclusive approaches may positively affect victims' mental health as well as their sense of satisfaction with court processes. The following tables highlight a number of common victim experiences and suggest proactive approaches for judicial officers to improve satisfaction and minimise the risk of secondary abuse.

Judicial conduct of proceedings

Experiences	Proactive approaches
Sense of limited opportunity to speak and be heard	<ul style="list-style-type: none"> > Ask about victim's fears, concerns and needs, both personal and relating to children eg child support > Allow victim opportunity to raise other issues, and ask questions to clarify > Convey clear message that victim has been heard and respected, and that the process and outcome have the force of judicial authority
Sense that abuse minimised, denied or made light of, or of being blamed for abuse, a sense of being on trial	<ul style="list-style-type: none"> > Recognise the complexity, seriousness and possible financial impact of the victim's circumstances and experiences and the impact on children's wellbeing and safety > Where possible facilitate the use of screens, phone or video evidence where victim fears having to testify against perpetrator or being in perpetrator's presence > Demand high standards of probity and respectful demeanour from all legal representatives acting in the proceedings > Avoid labelling behaviours as 'relationship conflict' or 'couple fighting' that can be resolved through couple-counselling, reconciliation, separation or the making mutual orders > Avoid routine approach to duration of orders; consider how long they are needed having regard to the victim's particular circumstances and experiences > Avoid routine approach to shared parental responsibilities; consider how violence impacts on children's wellbeing and safety, and parents' respective capacity to care for children
Sense that greater concern for perpetrator than for protection of victim and children, and that perpetrator not being held accountable for actions	<ul style="list-style-type: none"> > Avoid familiar or colluding demeanour towards perpetrator > Emphasise that court will not tolerate violence and abuse > Question perpetrator's possible misuse of court processes (systems abuse) eg where multiple applications for adjournment; cross applications that publicly shame victim, seek to trivialise the victim's experiences, or seek an advantage in Family Court proceedings; applications that seek to have matters heard separately > Impose sanctions for perpetrator's breach of orders or systems abuse appropriate to level of seriousness and harm caused > Encourage victim to return to the court if they need to