

Quantifying the legal and broader life impacts of domestic and family violence

Justice Issues paper 32, Dr Christine Coumarelos, June 2019

This paper draws on the LAW Survey to provide the first quantitative assessment using population data of the legal problems linked to DFV victimisation. Respondents who had experienced DFV ('DFV respondents') were 10 times more likely to report a wide range of legal problems other than domestic violence. These legal problems were more likely to be severe, have greater adverse knock-on effects on health, housing and income, and require professional assistance and formal court or tribunal resolution. The results highlight the importance of accessible, joined-up legal and human services for people experiencing DFV to address their myriad of legal and related needs.



About the LAW Survey

The Legal Australia-Wide (LAW) Survey is the most comprehensive quantitative assessment of legal needs ever conducted across Australia. It interviewed 20,716 people about 129 different legal problems (categorised into 12 problem groups), their responses to these problems and the outcomes they achieved. The survey found that legal problems are widespread, with half of all respondents experiencing a legal problem in the 12 months prior to interview. Justice Issues paper 32 compares the experiences of DFV respondents with other respondents.

Demographic profile

- DFV respondents tended to be female, younger and more disadvantaged than other respondents.

Vulnerability to legal problems

- DFV respondents were 10 times more likely than others to experience legal problems other than domestic violence, including a wide range of family, civil and crime problems. In a 12 month-period, they:
 - experienced 20 legal problems on average, including 16 legal problems other than DFV victimisation, compared to only 2 legal problems for other respondents
 - were 16 times as likely to experience family law problems
 - were more than 3 times as likely to experience 10 of the other 11 legal problem groups examined.

Severity of legal problems

- The legal problems of DFV respondents were more likely to be severe:
 - 67% rated at least one legal problem other than DFV victimisation as severe, compared to only 23% of other respondents
 - fewer than 5% rated all their legal problems as having no impact or only a slight impact on their everyday life, compared to 46% of other respondents.
- 51% of DFV respondents rated DFV victimisation as their most serious legal problem, followed by family problems (16%) and other crime problems (12%).

Adverse consequences of legal problems

- DFV respondents' legal problems led to greater adverse impacts on broad life circumstances compared to other respondents' legal problems:
 - stress-related illness (53% vs 19% of problems)
 - loss of income or financial strain (49% vs 29%)
 - relationship breakdown (46% vs 9%)
 - physical ill health (43% vs 18%)
 - moving home (27% vs 5%), with 1 in 8 DFV respondents having been homeless at some point in the previous 12 months.

Responses to legal problems

- DFV respondents were more likely than others to seek professional advice for their legal problems (75% vs 51% of problems), especially from:
 - health or welfare advisers (56% vs 26%)
 - legal advisers (52% vs 30%).
- DFV respondents who used a legal adviser consulted a free legal service (e.g. legal aid or a community legal centre) in 54% of cases and a private lawyer in 61%.

Finalisation and outcomes of legal problems

- In a 12-month period, DFV respondents' legal problems were less likely to be finalised (41% vs 64%)
- DFV respondents' DFV victimisation problems were more likely to be resolved in court compared to other respondents' legal problems (19% vs 3%).

Policy implications

- Experiencing DFV has a compounding effect on legal and related problems, often requiring a holistic, joined-up approach to legal and human services.
- Joined-up services for DFV could usefully screen for a broad array of legal and related needs.
- As DFV goes hand in hand with serious family law problems, coordinated service approaches such as DVUs and FASS should remain a key priority.
- There is potential utility in further expanding joined-up services to also cover the wide range of criminal and civil law problems that are often tied up with DFV.
- Wrap-around legal and human services for DFV require adequate ongoing funding and professional training to operate effectively and meet demand.

