

The Use of Sole Occupancy Orders in Supporting Women with Disabilities

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The availability of affordable, accessible housing is a considerable barrier to women with disabilities escaping violence, making exclusion orders particularly pertinent. The following article is based on a presentation by Chris Jennings, at the Taking Back the Castle forum, by the Australian Domestic & Family Violence Clearinghouse. See www.dvirc.org.au for related articles.

Women can face isolation, emotional trauma and acute economic disadvantage as a result of their decision to leave an abusive relationship. Mental illness, the development of substance dependencies and the incarceration in correctional facilities have also been identified as consequences of exposure to family violence and homelessness.

Women with physical, intellectual and psychiatric disabilities often face a whole realm of additional problems if they are forced from their homes. For some, it can mean long-term loss of independence and identity. Fear of such devastating loss and social disadvantage may imprison women in violent relationships (Southwell 2002).

Exclusion orders are particularly valuable for women and children, for whom the disruption of emergency accommodation and a series of subsequent relocations are especially traumatic. Likewise, the orders are an essential requirement for those who cannot leave their homes due to financial dependency or reliance on disability-modified premises and proximity to support services (Southwell 2002).

Potentially there are great benefits both for women with disabilities, and women who have children with disabilities, to participate in family violence programs that support the removal of the perpetrator from the home.

Housing situations are precarious for many women with disabilities. A decline in the supply of low cost housing, an increase in

unemployment, the level of poverty, and changes in the service delivery policies of specialist services, have increased the risk of homelessness for many Australians. The impact of these changes is even greater on the more vulnerable among the homeless, most notably, women with disabilities (WWDA 2005).

The DVIRC Violence and Women with Disabilities project has found that the current housing crisis in Victoria creates a significant barrier to women with disabilities escaping violence. Women with disabilities pay the highest level of their gross income on housing, yet are in the lowest income earning bracket. Women with disabilities face discrimination in accessing housing, whether in the private or public rental market.

For many women with disabilities, considerable financial and human resources go into setting up a living environment, with the aim of maximising personal independence. Being suddenly removed from that environment has the potential to severely impact on the women's confidence and independence, at least initially if not long term.



Women with disabilities carry the additional costs of their disability, which compound their lack of options in the housing market. Watson (1995) details a range of such costs, including those of modifying dwellings internally and externally to provide access as well as costs incurred by the need to purchase personal care and accommodation support services without which quality of life and level of independence would be severely restricted (Cooper 1993; WWDA 2004).

Women with disabilities face discrimination in accessing housing, in the private and public rental market. Security of tenure is a matter for concern, particularly in private rental accommodation. Women with disabilities need access to support services in order to maintain their independent living style. The location of their accommodation needs to be close to transport and all other amenities. Access to such purpose-built dwellings is limited and often makes security of tenure a crucial issue for many women with disabilities. Without access to safe, accessible and secure housing the risk associated with potential homelessness is made greater (Currie 1996; WWDA 2004).

Women with disabilities living with an abusive partner fear they will not have any support services if they leave. They are right. Funding guidelines for some services require women to have a carer in the home to be eligible for service. If the carer is also a perpetrator of violence there is often no capacity for the service to continue supporting the woman. This is a major disincentive for workers to identify violence amongst carers. Crisis services are not able to guarantee a woman's care needs can be met in the immediate or even longer term (Howe 2005).

The community has been slow to recognise and categorise violence against women; in particular violence against women with disabilities; especially if committed in the privacy of one's home and by a family

member. Women themselves have been taught that the violence is a personal matter.

Anecdotally women who have children with disabilities often return to the abusive relationship because crisis housing is too disruptive for their child. If your child has a disability, a change of address can mean a loss of contact with any one or a combination of many of these services:

- specialist child care, playgroups or school options
- specialist recreational options; in home support
- therapist (occupational, physio, speech); respite care; school based assistance
- district or community nursing; medical specialist & GPs who know your child's history
- family & behavioural intervention and support teams; child & adolescent mental health teams

Opportunities for national and international discussions about leading practice in the area (of removing the perpetrator from the home) would significantly advance understanding and efforts in Australia to support adult and child victims of domestic violence to safely remain in the family home (McFerran 2007).

These opportunities to discuss leading practice must include how to provide support to women with disabilities and women who have children with disabilities. In pursuing opportunities in leading practice we need to engage with how women can better access the criminal justice system.

A wide body of research pointing to women's inferior access to the law on account of gender-based social inequality now exists. Women with physical, intellectual or psychiatric disabilities, those who have limited access to independent

financial resources, and women who do not speak English find it even more difficult to enter the legal system. Some critical issues relating to women applying for intervention orders include difficulty in gaining access to legal aid, court facilities that are sensitive to the needs of victims of violence and inadequate or inappropriately-used interpreting facilities (Southwell 2002).

In the absence of information to the contrary, many women believe they do not have an equal entitlement to the family home. This belief is supported by a range of social and economic structures and influential cultural attitudes. Women who do assert their right to be protected by the law often find their way blocked by professionals who 'gate-keep' their legal options. Navigating a successful pathway through an insensitive, and at times hostile, legal system is especially difficult for certain groups of women including women with disabilities, those with poor access to independent financial resources, and women who do not speak English well (Southwell 2002).

Many women with disabilities seeking sole occupancy orders would require assistance from supportive family violence services if they were to be successful in navigating

the criminal justice system. The issue of women with disabilities experiencing family and domestic violence is a critical one that we must address in a more effective way than we are currently doing. This issue is the responsibility of all services and organisations concerned with preventing and responding to family violence.

References

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Getting Safe Against the Odds

Women with disabilities are at high risk of experiencing family violence. A range of research reports have identified the need for creative information strategies that address the difficulties faced by these women.

Getting Safe Against the Odds is DVIRC's project to produce a web-based and print guide to educate women with disabilities on surviving violence, based on learnings of other women. It will also provide a useful resource for service providers in the family violence and disabilities fields. The project is generously funded by the Telematics Trust.

To read some of the stories women have shared with us, please see:
www.dvirc.org.au/UpdateHub/DisabilityProject.htm

And be sure to keep checking back as new stories will be added.