

# **How to manage tech abuse with safety planning & family law**

*October 2, 2020*

*Webinar prepared for CLEO*

# Disclaimer

This webinar is for general information purposes only and is not legal advice. It is not intended to be used as legal advice for a specific legal problem. This webinar was recorded on October 2, 2020, and reflects developments in the law before that date.





## About our presenter...

Pamela Cross is a feminist lawyer; a well-known and respected expert on violence against women and the law for her work as a researcher, writer, educator and trainer. She is the Legal Director of Luke's Place Support and Resource Centre in Durham Region, where she leads the organization's provincial projects, including research, training and advocacy.



We acknowledge that the land from which we are presenting this webinar is the traditional territory of the Mississaugas of Scugog First Nation.

# Luke's Place

- Durham Region: services for women who have left abuse & are engaged with family law
- Provincial & national level: research, resources, training & systemic advocacy

Webinar supported by



FamilyCourtAndBeyond.ca



LukesPlace.ca



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# Disclaimer

This webinar is not to be interpreted  
as legal advice.

Only a lawyer can provide legal advice.

## We recognize

- Men can be victims
- Abuse happens in same-sex relationships
- Trans or non-binary folks may face abuse in relationships

Abuse rooted in misogyny & traditional male power

Women are subjected to most serious forms of coercive controlling & physical violence

We use gendered nouns & pronouns when talking about violence within families

# What is tech abuse?

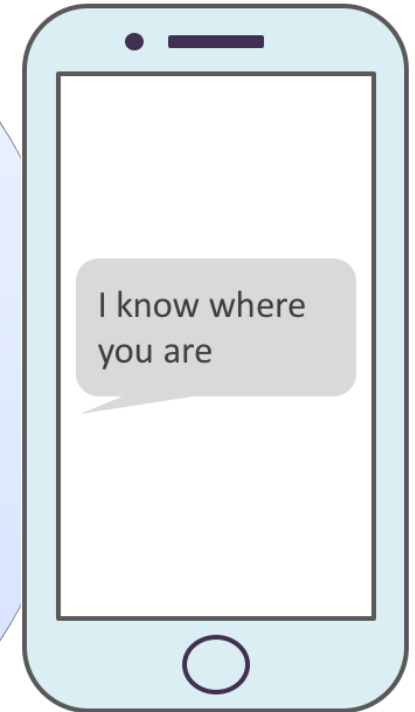
CYBERSTALKING

CYBERBULLYING

ELECTRONIC ABUSE

Using communication devices, apps & services to:

- Control woman's access to technology
- Monitor her behaviour
- Frighten & intimidate her





# LukesPlace.ca/tech-abuse



# Agenda

## Safety planning

- General principles
- Family court processes

## Managing electronic communication

## Family court

- Evidence
- Family court outcomes

# SAFETY PLANNING

# When to do tech safety planning

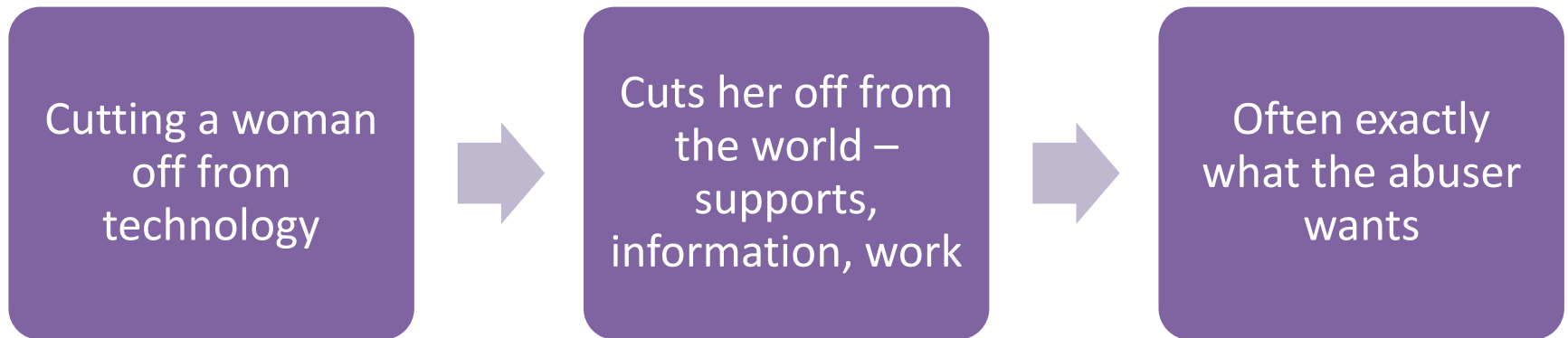
While she still lives with him

Especially when a woman is ending a relationship

- Tech abuse escalates with separation

Even if there was no tech abuse

# Women have a right to use technology



Safety planning lets her use technology strategically

# Personalize the plan

She leads:  
she knows

- The abuser
- Her needs
- Her children's needs

List tech use



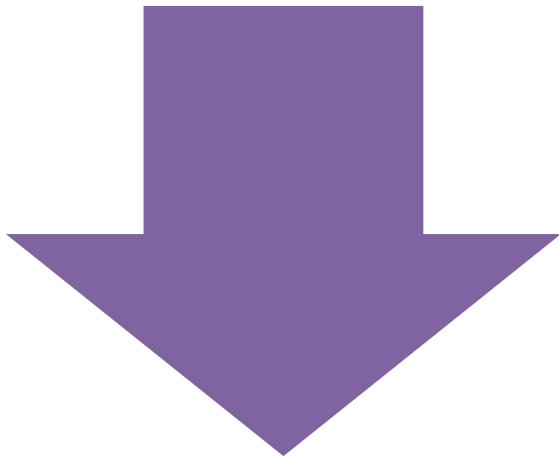
Prioritize tasks

- What's important
- What's easy:  
change passwords

# The children's use of technology

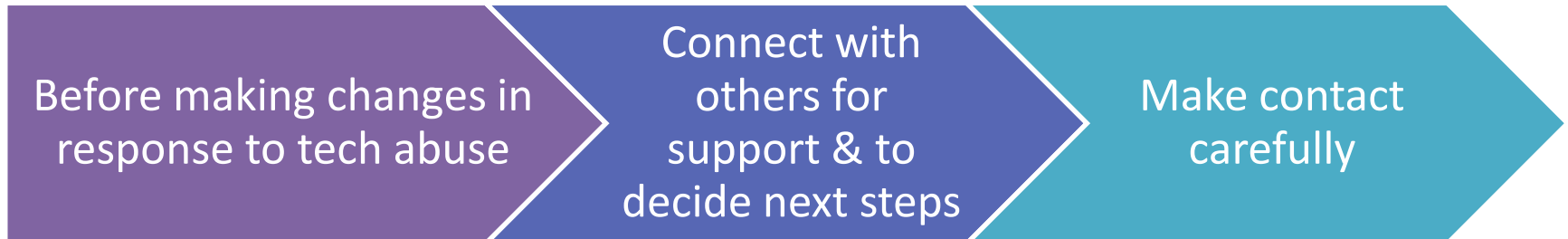


Abuser will likely use them



Avoid interfering with children's relationship with their father

# Caution before action



Abuser will likely be alerted about any changes she makes

Make changes when she & children are safe

Document evidence



# Technology is constantly changing

## Online resources

- Tech Safety Toolkit

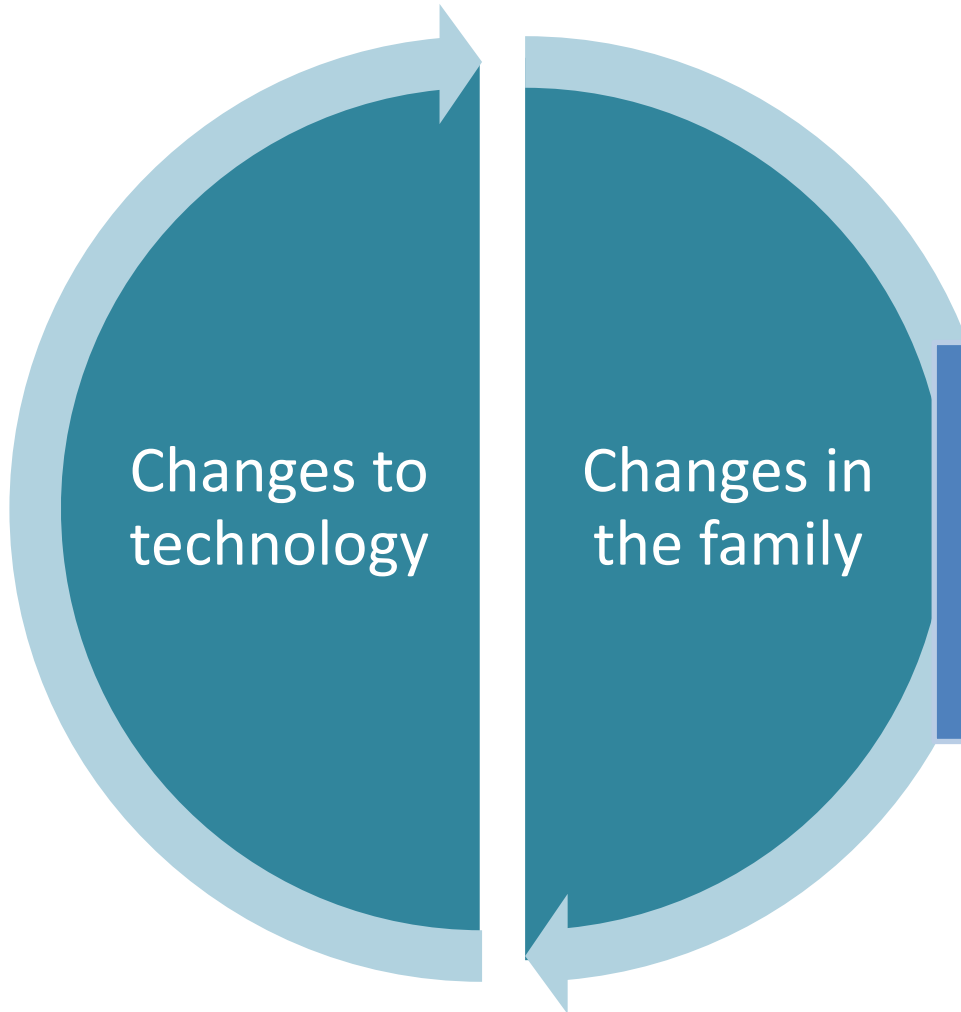
## Privacy settings

- "Settings"
- Contact service for help

## Experts in network/community

- Family, friends
- Women's organization
- Tech services
- Police

# Be vigilant



- Re-assess safety when he:
- Knows things he shouldn't
  - Increases violence
  - Involves others

# **SAFETY DURING FAMILY LAW PROCESSES**

# Remote hearings & online document filing

If ex-partner engages in legal bullying & tech abuse

Ensure high level of tech security for material preparation, filing or serving electronically

Use safe & secure location during remote hearings

Take regular breaks

# Online mediation

Safe &  
secure  
location

Children  
can't  
overhear

# Video conferencing safety during remote hearing or online mediation

## Devices

- If not used, should be out of the room
  - Ex-partner may try to intimidate her with texts, calls, emails

## Background

- Don't provide him with
  - Clues of location
  - Clues of how to break into home
  - Evidence he can use against her

Save all documents & communication in more than one place

Keep both paper & electronic files secure

Change passwords

Keep computer locked so children cannot access it

# MANAGING COMMUNICATION



**She can't control  
his communication**

**BUT**

**She can control  
her own**

# Common tactics

Constant communication to monitor, distract & remind her

Manipulates woman into saying things she regrets

# Put technology to work!

Use email to communicate

- Easier to reply to slowly
- Easier to manage records

Set up free account  
(e.g. Gmail, Yahoo!)

Use it to avoid being distracted by his messages when looking at those from other people

Limit responses to specific issue

Read message on own schedule

Delay responses

- 24 hours to think

# To avoid/manage email tampering

Don't use the reply button



Save original email



Create new email,  
"Reply to your email of [date]"

How often she will check & respond to messages

To keep messages focused

**Tell the ex-partner**

She will not respond to other issues

She will keep a record of communication

# COLLECTING EVIDENCE

All digital communication leaves a record

Abuser may use this record to learn what woman is doing

Record can be used as evidence in court

# The record of his tech abuse supports a woman's story about abuse

- ✓ Continuous & harassing texts, messages, emails, etc.
- ✓ Tampered with technology
- ✓ Monitoring technology
- ✓ Screen shots of posts on social media, etc.



# Keep a log

- Think about different forms of tech abuse
- Create a date list: helps court see full picture, patterns, increases

## Identifying Technology Abuse worksheet

[FamilyCourtAndBeyond.ca/keep-safe/web-phone-safety/identifying-technology-abuse/](http://FamilyCourtAndBeyond.ca/keep-safe/web-phone-safety/identifying-technology-abuse/)

The image shows three overlapping worksheets titled "IDENTIFYING TECHNOLOGY ABUSE" from Family Court and Beyond. The worksheets contain instructions and a checklist for logging technology abuse.

**CHART IDENTIFYING TECHNOLOGY ABUSE**

Technology abuse is serious, and threats made online or in texts are real. Use this chart to think about how your ex-partner is using technology in his efforts to control and intimidate you. Then consider which strategies you need to use to keep you and your children safe and how much outside help (technical expertise, police) you may need. Keeping a record of this information is also helpful as evidence of abuse for your family law case. Learn more in the "Evidence" section.

**UNWANTED COMMUNICATION**      **DETAILS (DATES, NUMBER OF TIMES, CONTENT, ETC.)**

- Repeated texts
- Abusive texts
- Repeated phone calls
- Abusive phone calls
- Repeated emails
- Abusive emails
- Repeated Facebook messaging (include # times per day)
- Abusive Facebook messages
- Other social media contact

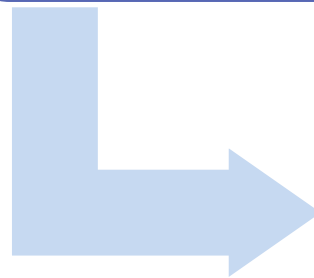
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Abuser will use  
electronic  
evidence against  
the woman



Manage  
communications  
with ex-partner  
carefully



Abuser/lawyer  
will monitor  
social media  
account(s)

- Parenting ability/suitability
- Credibility

What does your court see as acceptable formats for digital evidence?

Check with

Family Court  
Support  
Worker

Duty counsel

Police

# POSSIBLE FAMILY LAW OUTCOMES

# Seek outcomes that protect her & her children as much as possible

## Parenting orders

- Stipulate kind of online presence / activity permitted & prohibited

## Restraining orders

- No-contact provisions
- Include tech abuse

## Sample language

# Father not permitted to

Monitor social media accounts of mom & kids

Use any monitoring device to track them

Post or distribute image of them on social media

Share/post negative information about them

Tech Safety Toolkit

[www.LukesPlace.ca/tech-abuse](http://www.LukesPlace.ca/tech-abuse)

Beyond  
family law

## Some tech abuse can constitute criminal harassment

Woman could report  
to the police

Police will  
decide whether  
or not to lay  
criminal charges

Woman should speak with a  
women's advocate before police  
to learn about pros & cons of criminal process

# Summary

- Tech safety plans: personalized & consider the children
- Be cautious before making any changes to technology
- During video conferenced hearings or mediation, take steps to ensure safety
- Ensure a secure computer set up
- Use email to manage communication
- Evidence of tech abuse will support the broader story of abuse
- Remember: ex-partner will also use technology to collect evidence
- Parenting orders & restraining orders can stipulate what is permitted or prohibited
- Tech Safety Toolkit: [LukesPlace.ca](http://LukesPlace.ca)



*Thank you!*

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