

# Custody Stalking: A Mechanism of Coercively Controlling Mothers Following Separation

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Published online: 11 July 2017  
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**Abstract** This paper adds to our understandings of women’s post-separation experiences of coercive control through the introduction of a new concept—custody stalking. It is defined as a malevolent course of conduct involving fathers’ use of custody and/or child protection proceedings to overturn historic patterns of care for children. The experience of custody stalking is explored through three composite narratives derived from twelve mothers who participated in an exploratory, qualitative study on the involuntary loss of maternal care time following separation. The losses suffered caused these mothers tremendous grief, damaged their psychological wellbeing and had a detrimental effect on their mothering relationships. Yet custody stalking, as a form of malevolent attack, is not well recognised and mothers’ resultant losses are largely culturally invisible. This is in marked contrast to paternal filicides, another form of post-separation avenging attack committed by some fathers that also leads to maternal loss experiences, albeit more absolute.

**Keywords** Coercive control · Intimate partner violence · Post-separation · Harassment · Custody stalking

## Introduction

Separation from intimate partners is typically viewed as a social and legal process for disentangling intimate lives. For those intimate relationships characterised by corrosive intimacy (Smart 2007), particularly intimate partner violence, separation has become culturally mandated (Elizabeth 2003; Jeffries 2016; Mahoney 1994;

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Morgan and Coombes 2016). Yet, where partners are also parents the presence of children means that partners are unable to completely go their separate ways. Children's looks, mannerisms and aptitudes frequently resemble a former partner (Mason 2008; Smart 2007). As a result, past intimacies can never be quite forgotten and reminders of these intimacies may intrude unbidden into daily life. Children are also an important nexus through which the state, by way of custody law and child support policy, imposes limits on how far partners as parents can pursue a project of disentanglement (Bancroft et al. 2002; Elizabeth et al. 2012a; Laing 2016; Miller and Smolter 2011; Przekop 2011; Tolmie et al. 2009).

In Aotearoa New Zealand, the locality of this research, custody law is premised on the welfare principle. Similar to other legislatures across the Western world, children's best interests following parental separation are thought to lie with the ongoing involvement of both parents in a child's life. This definition is given effect in section 17 of the Care of Children Act 2004, which stipulates that both parents will generally be joint legal guardians of their children. As joint legal guardians, mothers and fathers possess equal decision-making rights over their children's lives and are held to be equally responsible for meeting children's needs. Considerable emphasis is placed on joint guardianship corresponding with joint parenting in practice. Thus, when making an order that day-to-day care will be the responsibility of one parent, the court is required to consider 'whether and how the order can and should' ensure contact with the other parent. However, there is no presumption under New Zealand law of equal shared parenting or even that a child should spend 'substantial and significant time' with both parents. Nonetheless, there is mounting research and anecdotal evidence that when disputes over care and contact arrangements are litigated shared care arrangements are often imposed (Tolmie et al. 2010).

Children then, in New Zealand and elsewhere across the West, are a tie that binds parents together long after they cease to be partners, compelling some form of interaction between them. Because children legitimate ongoing parental interactions, children are also a channel through which violent and/or coercively controlling fathers can continue to violate former partners (Bancroft et al. 2002; Beeble et al. 2007; Elizabeth et al. 2012a; Hayes 2015; Harrison 2008; Humphreys and Thiara 2003; Varcoe and Irwin 2004; Watson and Ancis 2013). Perhaps the most grievous form of post-separation, malevolent attack against mothers involving children are paternal filicides. Paternal filicides simultaneously annihilate the ex-couple's children and mothers' parenting projects. Almost inevitably, paternal filicides are considered to be newsworthy events and are usually widely condemned, not only because of the needless loss of children's lives but also because of the suffering filicides inflict on mothers (Dawson 2015; Elizabeth 2016; Meyer and Post 2013). While also a tactic of malevolent retaliation against mothers who act autonomously—for example, through initiating separations—I focus in this paper on custody stalking. Custody stalking is a more commonplace mechanism of attack that jeopardises mothers' relationships with their children, causing mothers emotional pain over threatened or actual losses of care time.

Drawing on broader definitions of stalking (Logan and Walker 2009; Melton 2007; Nikupeteri and Laitinen 2015), and building on Miller and Smolter's (2011)

notion of paper abuse,<sup>1</sup> I define custody stalking as a malevolent course of conduct involving the use or threatened use of legal and other bureaucratic proceedings by fathers to obtain, or attempt to obtain, care time with their children far in excess of their involvement with them prior to separation. In keeping with others who see post-separation stalking as a form of coercive control (Logan and Walker 2009; Nikupeteri and Laitinen 2015), I view custody stalking as a specific pattern of coercive control that gains its efficacy from the unique insights former partners have about how to 'punish, humiliate and torment women' (Logan and Walker 2009, 249). As will be shown, custody stalking instils feelings of anxious dread in mothers who are its targets. And, if fathers are successful, custody stalking puts at risk women's mothering endeavours, causing them and often their children a great deal of possibly life-long psychological distress (Elizabeth 2015; Elizabeth et al. 2012a; Meier 2009; Morris 2005; Nikupeteri and Laitinen 2015; Tolmie et al. 2010).

Over 10 years ago Bancroft, Silverman and Ritchie (2002) pointed out that violent and abusive fathers often harass their former partners by being frequent and tenacious custody litigators. However, despite repeated documentation of women's experiences of paternal harassment following separation (Elizabeth et al. 2012a; Laing 2016; Przekop 2011; Varcoe and Irwin 2004; Watson and Ancis 2013), widespread recognition among family law professionals and the general public that custody stalking exists and that it may well be the post-separation weapon of choice through which coercively controlling and/or violent fathers attack and weaken the mother-child relationship has still not happened. Yet, paradoxically, contemporary socio-cultural, legal and institutional conditions lay the very foundations of custody stalking as a practice of paternal malevolence and retribution. Notably, current legal precepts and practices with respect to post-separation parenting arrangements operate as both an incentive to and a mechanism for fathers to seek to deny mothers care time with their children and, consequently, to fracture the mother-child bond (Elizabeth et al. 2012a; Flood 2010; Harrison 2008; Laing 2016; Miller and Smolter 2011; Przekop 2011; Rathus 2010).

I begin this paper with a brief discussion of the persistence of violence and coercive control post-separation, using filicide as an extreme case of fathers' enactment of violent malice. I then move to focus on custody stalking, a form of malevolent attack on mothers that is legally enabled and culturally condoned. To explore fathers' malevolent use of custody stalking, I present three composite narrative accounts derived from women who have been subjected to this practice. The attacks these women describe likewise resulted in maternal loss, albeit less spectacular and absolute than the losses mothers face as a result of filicides. Nevertheless, the losses experienced by the mothers in my study as a result of family law or child protection interventions were profoundly painful, producing a deep sense of anguish over their inability to protect and care for their children and also a deep sense of grief at being separated from their children for sometimes prolonged periods of time. Yet the losses these mothers suffered are largely

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<sup>1</sup> Paper abuse refers to the use of legal and other bureaucratic procedures by coercively controlling partners to continue to attack, harass and control their former partners through 'exerting power over them, forcing them to have contact, and financially burdening them with the costs associated with litigation' (Miller and Smolter 2011, 638).

culturally invisible or, as Stark (2007, 14; 2009, 1513) might say, ‘invisible in plain sight’.

### **Escalation, Diversification and Payback in the Wake of Separation**

In the West intimate relationships characterised by egregious physical and/or sexual violence, are widely recognised to be toxic and oppressive. In contrast to the willingness to recognise the oppressive nature of such relationships, the willingness to fully recognise the problematic nature of relationships characterised by coercive control, while increasing, has been much less forthcoming, especially when it comes to disputes over the care of children post-separation (Elizabeth 2016; Jeffries 2016; Stark 2009). As defined by Stark (2007), coercive control is a ‘malevolent course of conduct’ (15) that uses a variety of tactics to ‘intimidate, isolate, humiliate, exploit, regulate and micromanage women’s enactment of everyday life’ (171–172). The role played by physical violence in coercive control is far from central. According to Stark (2007, 2009), what is more significant is the use of other bullying and intimidating behaviours (for example, threats of harm to the woman, her children and/or pets, harassing phone calls, texts or emails, and stalking) to punish and instil fear and, thereby, to enforce stereotypical ways of enacting femininity as a partner and mother. Stark (2007, 2009) also points to the centrality of repeated attacks on a woman’s identity, her capacity for autonomous action, and her connections to people, places and projects that matter to her in creating a pattern of coercive control.

The culturally mandated response for women who experience male partner violence—especially when the level of violence is perceived to be severe and children are present—is for them to permanently leave the relationship (Elizabeth 2003; Jeffries 2016; Mahoney 1994; Morgan and Coombes 2016). Despite the emphasis given to separation as the key mechanism for escaping from a violent relationship, domestic violence scholars have long pointed out that separation does not necessarily achieve the hoped for cessation of violence and control (see for example, Harrison 2008; Humphreys and Thiara 2003; Mahoney 1991; Morgan and Coombes 2016). Rather separation is often associated with a diversification of tactics of coercive control—including, for instance, stalking by perpetrators through texts, emails, and the surveillance of women and children’s daily lives (Nikupeteri and Laitinen 2015)—as well as an escalation in the use of violence. Indeed, planned or actual separation is well recognised as a risk factor for intimate partner homicides, especially when male ex-partners display jealous surveillance (Campbell 2003; Dobash and Dobash 2011; Regan et al. 2007; Family Violence Death Review Committee 2014).

Separating from violent and/or coercively controlling male partners has also been shown to be an important contributing factor in a significant proportion of paternal filicides (Brown et al. 2014; Dawson 2015; Kirkwood 2012; Meyer and Post 2013). Fathers who commit filicides, in contrast to mothers, often have a prior history of perpetrating intimate partner violence (Kirkwood 2012; Meyer and Post 2013) and have been shown to also use filicide in retaliation for mothers’ decisions to end

relationships, reject fathers' preferred contact arrangements, or to pursue formal child support payments (Dawson 2015; Kirkwood 2012; Liem and Koenraadt 2008; Meyer and Post 2013). The destruction of the maternal-child relationship is an obvious consequence of paternal filicides, and the empathetic outpourings over the losses mother suffer as a consequence are entirely appropriate. Yet filicides remain relatively rare (Dixon et al. 2014); for example, it is estimated that approximately 25 children die through filicide each year in Australia (Brown et al. 2014).

Custody stalking—a specific form of what Miller and Smolter (2011) call paper abuse—is, by comparison, a more commonplace mechanism used by violent and/or coercively controlling fathers to fracture the mother-child relationship and produce maternal loss. Litigation over care and contact arrangements, as has been previously noted (Bancroft et al. 2002; Elizabeth et al. 2012a; Laing 2016; Meier 2009; Przekop 2011; Stark 2009; Watson and Ancis 2013), provides a perfect vehicle for fathers intent on payback for a number of reasons. Custody stalking, via custody litigation and/or reports of suspected abuse or neglect to child protection agencies, affords coercively controlling fathers with culturally and legally legitimate channels through which they can attack mothers. Indeed, fathers who pursue care time with their children are likely to be viewed as moral agents and to receive applause for their actions, regardless of their histories violence and/or control (Elizabeth 2010; Elizabeth et al. 2012a; Eriksson and Hester 2001; Harrison 2008; Neustein and Leshner 2005; Rhoades 2002; Wallbank 1998). In addition, custody stalking threatens a central and self-defining project for many women—their mothering. As Morris (2005, 225) points out, the level of investment most women have in their children's wellbeing and in their identities as mothers 'makes mothering an easy target for men who wish to injure and punish' their partners or former partners (see also Meier 2009; Miller and Smolter 2011; Watson and Ancis 2013). Furthermore, the capacity of mothers to oppose fathers' pursuit of care time with their children is severely hampered by the tendency for such opposition to be interpreted as misplaced hostility or attempted alienation and the possibility that once interpreted in this light of even more drastic diminutions of the mother-child relationship (Boyd 2004; Elizabeth 2010; Elizabeth et al. 2010, 2012a; Neustein and Leshner 2005).

In contrast, however, to the widespread willingness to interpret filicides as a crime motivated by paternal anger, malevolence, and a desire for revenge, there remains insufficient recognition that fathers' pursuit of care time with their children may be motivated by similar emotions or of the existence of custody stalking. What follows are three composite cases from mothers subjected to custody stalking that illustrate the role played by fathers' malevolent desire for payback in this pattern of behaviour.

## The Study

To provide insights into custody stalking as a culturally and institutionally enabled malevolent practice, I now turn to my interview data. This data was collected in late 2014 and early 2015 as part of an exploratory project into the involuntary loss of maternal care time following parental separation and builds on previous research

into mothers' experiences of custody disputes (Elizabeth et al. 2010, 2012a, b; Tolmie et al. 2009, 2010). Participants were recruited to the project through advertisements in several local women's centres and also through 'snow-balling'. Twelve interviews with mothers who had either lost or been threatened with the loss of significant amounts of care time with their children were conducted. Seven of these women were Pākehā (white) New Zealanders, two were Māori, two were white migrants from other Western countries, and one was a non-white migrant from a non-Western country. Participants were diverse: they ranged in age from their early 30s to their early 60s; their occupations and income levels varied, although there was a preponderance of highly educated women; and the ages of their children ranged from pre-schoolers to teenagers. In spite of these differences all of the mothers adhered to the cultural norms of intensive motherhood: mothering that is defined by being emotionally absorbing, labour intensive and guided by experts (Hays 1996; Villalobos 2015). As a consequence of their uptake of this cultural ideal, the mothers in this study were emotionally invested in their children's physical, emotional and psychological well-being and had developed intimate and affective bonds with them. In addition they had prioritised caring for their children over other dimensions of their lives; if they worked for pay at all following the birth of their children it was in a part-time capacity. In contrast, all but one mother in the study reported that their children's fathers were highly uninvolved fathers, leaving almost all aspects of their children's lives to them to take care of.

Most of the interviews were conducted face-to-face in women's homes across the larger Auckland region, although several were conducted via Skype to allow women who lived at some distance the opportunity to participate. The semi-structured interviews set out to enable participants to narrate the stories of the loss of care time in their own words. The interviews began by asking about practices of care prior to separation, the reasons for and processes associated with separation, the processes by which care arrangements were determined, and their feelings about these arrangements. The interviews lasted approximately two hours, were digitally recorded, and transcribed in full.

The interviews have been narratively and thematically analysed. The process of narrative analysis consisted of distilling the contours of participants' stories to identify the temporal sequence of important events, the actors involved, and the meanings attributed to these events and actors by participants. Through this analytical process I identified a number of preliminary themes that were confirmed and supplemented through a careful reading of the transcripts for commonalities across the data. A more sustained examination of mothers' experiences of losing care time with their children is the focus of writing to come.

Although not actively seeking women who had been exposed to domestic violence or coercive control, the majority of participants had been subjected to either domestic violence or coercive control prior to their separation. In many cases this pattern of behaviour did not include physical violence; some mothers indicated they wish they had been physically assaulted because they believed this would have led to better recognition of the toxic nature of their intimate partnerships, both for themselves and for their children. Those women who did not describe former partners as violent or coercively controlling talked of ex-partners who were

exploitative, manipulative and in several cases mothers believed fathers were grooming their children to be sexually abused. Despite their differences, most of the mothers in this study reported that following their separation the fathers of their children used the family court system and in some cases New Zealand's child protection services—Child, Youth and their Families Services—to undermine and attack their mothering by obtaining care time with their children far in excess of the father's pre-separation pattern of involvement in care. I argue that such actions are constitutive of custody stalking.

In what follows I present three composite narratives derived from women's interviews that point to the role malevolent anger and retribution played in the fathers use of custody stalking and mothers' subsequent loss experiences. The decision to present women's accounts in this manner was motivated by the need to take into consideration two inter-related issues, one methodological, the other ethical. The argument being made in this paper is a temporal one, requiring links to be made between the past and the present, between pre and post-separation experiences of caring labour, coercive control, abuse and violence. For this reason presenting the data as narrative case studies that speak to the themes identified makes a great deal of sense. Yet New Zealand is a small country of just over four million people. In this context the presentation of narrative case studies raises the possibility that participants may be identified. In order to minimise this I have constructed composite stories derived from elements from several women's stories and reflecting themes identified across the data set. Although not commonplace, the use of composite narratives are certainly not unheard of in a range of social science and health science fields as an alternative approach to the presentation of case study material (see, for example, Upton-Davis 2015). My own inspiration comes from the work of Laurel Richardson (1994, 2002; Richardson and St Pierre 2005), a United States sociologist who, along with a number of other US based social scientists, has explored alternative modes of representing interview data. While others who have diverged from more standard formats for the presentation of interview material have challenged the fact-fiction binary (Banks and Banks 1998), the extracts presented below are not fictionalised reconstructions but verbatim quotes, and the surrounding narrative are close paraphrases that draw heavily on women's own words. Thus, despite the recombinant nature of the narratives presented below, readers are still presented with the meanings attributed to unfolding events by participants.

### **Composite Narrative One: Custody Stalking as Payback for Crushing his Dream of 'A Happy Little Family'**

Jamila is Māori and was adopted as a baby by hard-working Pākehā parents. Her former partner, Pita, is a much wealthier man who has a lavish lifestyle and comes from a tight-knit Māori family. Initially their relationship was a lot of fun but over time Pita became controlling and violent:

He was always jealous, and very controlling. He had a lot of male friends, so he always thought I was sleeping with them or worse. And he would say horrible things, like you know, you just don't understand what Māori people

are like, you don't understand family, aunties, uncles, they have this strong whanau [extended family] type of life. You don't understand.

Pita was keen for them to start a family together; Jamila had been advised by her doctor that it was highly unlikely that she would ever become pregnant, but pregnant she became. The discovery of her pregnancy caused Jamila to seek a termination because she 'was already concerned about their relationship'. On the day of the operation, Pita stalked her down and abused her for even thinking about an abortion, saying 'how could she kill a child' and similar kinds of things until she submitted to his will to abandon it. Despite insisting that Jamila continue with the pregnancy, Pita provided very little practical or emotional support during a difficult pregnancy, delivery and aftermath.

When Maia, their baby, was just over 18 months old Jamila escaped one night to a women's refuge because Pita continued to be controlling and was increasingly violent:

He never hit me; he strangled me and grabbed me. He'd hold me down by the neck but he'd never hit. But he'd strangle, always strangle, or hold me down or take Maia. His way to hurt me was to take Maia.

While she was in refuge, Pita and his parents went to child protection services, claiming that Jamila had a significant mental health issue and a drug and alcohol problem. However, their complaint 'came to nothing' because the social worker 'didn't actually believe anything'.

For Jamila leaving Pita was about the severance of their relationship not the severance of his relationship with their daughter. Jamila's history of being adopted meant she believed very strongly that Pita and their toddler needed to see each other. After one of Pita's overnights Maia came home with a large red mark on her leg. Worried that there was something wrong, and already feeling threatened, Jamila went to see an after-hours doctor who couldn't determine what might have caused it and advised a cautionary response. For this reason, Jamila sought to cancel the next contact with Pita, reassuring him that she was hopeful that Maia would be well enough to go for the next arranged date in a few days' time.

Pita and his family began to 'cause trouble'. As Jamila said, 'they wanted Maia no matter what and they were trying to get her'. Pita's family called the police, repeating their accusations that Jamila was using drugs and claiming that she'd burnt Maia. The police rang Jamila and told her to present the baby for contact. She refused and rang her lawyer, who advised her to go to the hospital.

Behind her back and without asking Jamila about the nature of her relationship with the father of the child, staff at the hospital contacted Pita. The next thing Jamila knew was that Pita was there, accompanied by a lawyer and with a different child protection worker in tow. Pita once again alleged that Jamila was a drug addict and was abusing Maia by burning her. This time the social worker was suspicious and put Jamila under supervision for the duration of her hospital visit. Despite the supervisor observing a very close bond between Jamila and Maia, the social worker uplifted Maia and transferred her into the care of Pita's family.

Asked about what it was like when Maia was uplifted Jamila said:



I can't even express the shock, the grief, the numbness, the anger, the heartache. ... I think the first 3 months I just cried and cried and cried. I wouldn't get out of bed, only to go see her, or do something I thought would help the situation. ... The way I dealt with my grieving and my loss of Maia was going second-hand shopping and buying kids toys.... I've been fighting for Maia since the day they took her off me, I did everything, I went everywhere, did everything I possibly could to get Maia back.

In spite of child protection services admitting that a mistake had been made when Maia was uplifted—she wasn't in any danger and should never have been taken from Jamila's primary care—Maia was still, several years later, in the care of Pita and his family because they had obstructed attempts by child protection to transfer Maia back to Jamila's primary care, and subsequently used family court processes to block Jamila from securing even a 50:50 shared care arrangement. As a result of Pita and his family's actions, Jamila remains on the fringes of Maia's life, only seeing her every second weekend.

According to Jamila, Pita's pursuit of the custody of their daughter, first through child protection and then through the family court, was not motivated by any real desire to be an active father but by a desire to pay her back for leaving him and crushing his dream of being a happy little family:

He is so crushed about us not being a happy little family and this is what all this is about. He doesn't want Maia, he just wants to get at me. He never touched Maia for eight months of her life. He never touched her, never changed her nappy, never got up to her, never ever came home from work so he could see her.

### **Composite Narrative Two: Custody Stalking as Retaliation for Pursuing Child-Support**

Tanya is a non-Western migrant to New Zealand, who met her former husband, Blake, while they were working for the same organisation; he is a Pākehā New Zealander. They married within a year of beginning their relationship and went on to have two children, a son aged 10 and daughter aged 6 at the time of separation. Blake was a workaholic, who left for work early before the children were awake and came home late after the children were in bed. Despite Tanya's attempts to involve him more actively in their children's lives, Blake had very little to do with their children, except on the rare occasion they had visitors and he wanted to be seen as a good father.

Tanya described Blake as a 'charmer', a Jekyll and Hyde character, who was one kind of person in public and a completely different kind of person in private:

If you saw him from day to day you would think he was lovely, he was sensible. He would make you laugh. He would make you feel quite special. He was all those things in the first few years, but it just got less and less, and his anger and controlling behaviour became more and more and more.... It was always behind closed doors.... There were never any witnesses.

Blake manipulated, intimidated and bullied Tanya. He also isolated Tanya from her family and friends, and Tanya believed that had she stayed much longer Blake probably would have become violent towards her:

Blake never hit me, but he did shove a stick in my face. Blake did block me in corners. He did make me stop the car and put his hand on the handbrake so I couldn't move the car and try to take the keys out.

Tanya attempted to leave her marriage three to four times before she finally managed to escape. On each occasion Blake blocked her attempts by physically stopping her from leaving or preventing her from taking their children. On the day Tanya actually managed to leave, Blake had become irrationally angry with their son, Leon. When Tanya defended Leon, Blake became even more enraged and began kicking the furniture and punching the walls:

It was the greatest display of anger and potential violence that I had seen from him. I had always thought he could really, really hurt me and would if he thought he could get away with it. Leon and Lisa were there this last time, and they were scared as well because it was getting louder and angrier. I was certain that things weren't going to end well; either me or the kids were going to get hurt. So I said to him, 'I am taking the kids for takeaways. They are hungry. I will be back shortly', never thinking for one minute that he would let me out of the house. Oddly he said 'Okay'. His last words to me as I drove off were 'Don't think this is over. It is not over'. I left that afternoon with only the dirty shoes I had been using in the garden, my wallet and the two kids. That was it.

In the aftermath of Tanya's dramatic separation Blake was initially conciliatory. However, that only lasted for a short time before Blake was back to his bullying ways and refusing to let Tanya take her share of the furniture or even her personal property, including photos that she had taken of the children when they were toddlers. Tanya let the matter of the chattels go because she felt the threat to take the children was ever present.

Despite everything, Tanya and Blake actually managed to reach an agreement about their children's care: Tanya would continue to be the primary parent and Blake would see Leon and Lisa one night during the week and every other weekend. This arrangement persisted for a little over 18 months, during which time Blake refused to give Tanya any assistance with the costs of raising their children thereby forcing her to supplement her very modest income with the money she had got from selling Blake her share of their business. When Tanya eventually applied to receive child support Blake reacted angrily and almost immediately applied for 50:50 shared care.

The outcome of the subsequent court case was an equal shared care arrangement. Asked how she felt Tanya said:

I was devastated, devastated. I never thought I would get over it. How do you go from being a full-time Mum to a part-time Mum? How do you go from being responsible for every single thing in their daily life to all of a sudden

having a situation where there is nothing? You've got no control or say over what happens to them in that place. How do you explain to your kids that even though they are hugely upset they have to go to their Dad's? How do you explain? How do you?

The arrangement not only caused Tanya heartache, it had a profoundly negative impact on her son, Leon, because he became the replacement for Blake's anger. According to Tanya, Blake's aggression towards Leon had not dissipated with time; quite the reverse, Blake had hit Leon on at least one occasion and become so angry with Leon that he had grabbed his shirt and shouted at him. Leon's stress over his father's frequent angry and violent outbursts led to plummeting self-confidence and saw him go from near the top of the class to near the bottom. Unsurprisingly, Leon started speaking to Tanya about reverting to seeing his father every other weekend so that he was not exposed to Blake's tirades so regularly. Yet when Blake was faced with this possibility he simply became litigious, threatening to call the police to enforce the current order and promising to fight the matter through the courts should Tanya seek to change their parenting order.

### **Composite Narrative Three: Custody Stalking as 'Hurting me and Winning'**

Gillian is a white migrant to New Zealand and, at the time of her separation a few years ago, was a full-time mother of two daughters, aged six and eight. Her ex-husband, Gerry, was a migrant from a developing country and the family income earner. Throughout their marriage, Gillian was responsible for caring for the children and she described Gerry as a very uninvolved father who left everything to her.

Gillian initiated the separation, partly because they had grown apart and partly because of her in-laws' ongoing hostility towards her and Gerry's loyalty to them. During a visit not long before Gillian and Gerry's separation, Gerry's parents had 'had a go at her':

It was really just out of the blue but clearly they had come ready to have a go at me. They all sat together, and then his parents went through this big list of things where I'd offended them and their family. And Gerry's mother said, 'you're a very strange white girl'. And I just sat there and, sort of like, 'Where's this come from? What's going on?'. And Gerry just sat there silently.

When Gerry's parents returned for another extended stay, even though they were refusing to talk to her, it was the last straw for Gillian. She told Gerry that she was thinking about a separation. About this time, through a quirk of fate, Gillian discovered that Gerry had purchased recording equipment to keep her under surveillance. This discovery, together with Gerry's sarcastic reaction to her suggestion that they end their marriage, caused her to suspect that she was going into a 'nasty, nasty war'. Her perception was confirmed when shortly afterwards Gerry threatened to strip Gillian bare of everything that mattered to her:

He said, ‘you know my grandfather died?’ And I said, ‘yes’. And he said ‘well my mother inherited a huge amount of money, and she’s willing to spend all of it to bury you. ... We’re willing to spend as much as it takes, if you won’t agree to what we are proposing: you leave this marriage without your children ... and if you don’t, we’ll make sure that you don’t even have your underwear’.

By this stage, Gerry had manipulated Gillian into making inquiries about returning to her country of origin only to then hack into her emails to provide the evidence he needed to secure a non-removal order for the girls, which effectively trapped Gillian in New Zealand.

As time elapsed, Gerry became angrier and angrier, and his behaviour became less and less predictable, and more and more threatening. After one especially shocking incident where Gerry’s actions showed he was on the brink of being violent towards her, Gillian decided she needed to leave the family home immediately to keep herself and the children safe.

Gillian’s flight to women’s refuge marked the beginning of a new chapter in their separation that centred on the care arrangements for their children. Gillian wanted to return to her country of origin because she had nothing left in NZ; she’d had to close her small business and she’d lost all of her friendships because Gerry had deliberately sabotaged them. Yet if she returned home she would have the support of her family to get back on her feet and deal with her daughters’ distress.

At a court hearing to examine their case just before the long summer school holidays, the Judge held Gillian responsible for the children’s unwillingness to spend time with Gerry, discounting the effects on the girls of his angry assaults: on one occasion when Ava, their older girl, had tried to get him to stop the car so she could go and see Gillian, Gerry reacted angrily and grabbed Ava’s arm so tightly she was bruised and ‘very upset’. On another occasion, Gerry asked their younger daughter, Sienna, to get off her bed and when she refused he pulled the mattress up, flipping her onto the floor so that Sienna scratched her back badly. The judge, asserting that the girls needed to build a relationship with Gerry and ignoring Gerry’s lack of parenting experience as well as his violent assaults on Ava and Sienna, made a 50:50 shared care parenting order.

From Gillian’s perspective, it was a decision that aided and abetted Gerry’s vendetta against her. Feeling powerless, completely demoralised and subjected on an ongoing basis to Gerry’s threatening interactions—‘I will take you to court. I’ll do this, I’ll do that. You’ll lose this, you’ll lose that’—Gillian felt she couldn’t take it anymore and made her first suicide attempt:

I really wanted to die. I didn’t want to live any more. I thought it would be best for them to be with him. I became addicted to the idea of escaping the world, escaping the situation. I didn’t want to deal with it any more. I didn’t want to see a court ever again. I didn’t want to hear from a lawyer. I didn’t want to fight for the girls. They’re mine. How could it be? How could it be?’

After a second suicide attempt, also precipitated by losses she had suffered through family court processes, Gillian's psychiatrist called an emergency family meeting to negotiate her return home so she could be with her family:

We were all in the room and he told Gerry I want Gillian to go home to recover. And Gerry said, 'she can go'. And the psychiatrist said, 'no I want the girls to go with her.... Will you please allow Ava and Sienna to be with her? I can guarantee she will be back with the kids'. And Gerry said, 'I've been ambushed. No way'. And so the psychiatrist said to me, 'I still think you should go'. And the girls started crying. And he said to Gerry, 'the only thing I'm asking you, the only thing I'm asking is that you stop all legal processes while Gillian is at home with her parents'.... And Gerry said, 'I promise'.

So Gillian booked her tickets. The day she arrived in her home country Gillian got a call from her lawyer who told her that Gerry had applied for and gained sole custody over Ava and Sienna:

And that's when I lost the kids completely - no rights whatsoever. If I wanted to talk to them I was not allowed. If they asked to talk to me they were allowed, but he was standing by, he was listening to the conversation, and if I started crying or they started crying, he immediately disconnected the conversation.

And it was probably the hardest time of my life and also for the girls. It was traumatic. It was physically painful. I was going to bed and all my bones were aching. And it wasn't a good decision to go home because I dealt with a different kind of depression there because of the separation from the kids.

When Gillian returned to New Zealand Gerry restricted her access to their children to an hour after school several times a week under his supervision. However, Gerry held out a ray of hope to Gillian: he promised that he would withdraw the application for permanent sole custody at an upcoming court hearing and work towards a shared care arrangement. Nevertheless at the hearing Gerry's lawyer pushed for Gillian to have supervised access with the girls. Dismayed at Gerry's betrayal and the continuing separation from her children, Gillian made another attempt on her life.

But this time Gillian's subsequent hospitalisation proved to be a personal turning point. At the next court hearing, instead of fighting against Gerry she said she would be willing to agree to any arrangement that Gerry wanted, even if this meant ongoing supervised access visits. It turned out that Gillian had called Gerry's bluff: within less than a month Gerry had started permitting Ava and Sienna to spend overnights with her and before long they had largely transitioned back into her care:

He gave up. All along it was about it was it was hurting me and winning. That's what he wanted. It was not about the children, ever. ... For mothers there's nothing worse you can do than take their right, take their right away to be a mother. And court tends to do it with no mercy.

Gillian's narrative and the narratives of Jamila and Tanya foreground a number of themes, some of which have been noted previously (see for example, Bancroft et al. 2002; Kruk 2010; Laing 2016; Miller and Smolter 2011; Watson and Ancis 2013): a history of almost exclusive maternal care and a corresponding general lack of paternal involvement in children's lives prior to separation; mothers who initiate separation in order to secure their well-being and the well-being of their children; the pursuit by fathers of care time as a malevolent punishment for this and other acts of autonomy by mothers; professional actors who, in assuming a father's pursuit of care time is an indicator of his good intentions, act in concert with them and ensure that custody stalking is an effective retaliatory strategy; and mothers who suffer considerable emotional pain and diminished mental health as a result of their losses.

## Discussion and Conclusion

I began this paper by making a connection between paternal custody stalking and paternal filicides. Both practices use children as a vehicle through which to malevolently attack mothers for acts of autonomy and insubordination, and both lead to maternal loss experiences, admittedly of different magnitudes. However, while paternal filicides are criminalised and often understood as the cruellest and most vindictive attack against a mother imaginable, the losses that mothers suffer as a result of custody stalking are usually perceived to be legitimate.

The perceived legitimacy of the maternal losses brought about by custody stalking is grounded in both the contemporary cultural context that surrounds parenting in general and post-separation in particular, as well as the institutionalised settings that gives rise to these maternal losses (Elizabeth 2010; Elizabeth et al. 2012a; Humphreys and Thiara 2003; Laing 2016; Przekop 2011; Rhoades 2002; Tolmie et al. 2009, 2010). These institutional settings are purportedly governed by gender neutral precepts (Elizabeth et al. 2012a; Miller and Smolter 2011) and presided over by professionals—judges, lawyers, clinical psychologists and social workers—who are supposedly unbiased. Put differently, the decision-making that leads to the maternal losses described herein is represented as the outcome of the objective deliberation by independent professionals who are purportedly oriented to the 'best interests' of the child as opposed to the desires of parents. Understood in these terms, fathers who perpetrate custody stalking are not the malevolent and vengeful agents of maternal loss; rather maternal loss is the consequence of dispassionate actors acting in accord with the principles governing their specific institutional locations.

Yet, as shown above, maternal loss experiences brought through custody stalking are deeply felt and associated with experiences of high levels of distress, intense sorrow and prolonged states of grief that continued, for most of the women in this study, to cast shadows over their everyday lives (see also, Babcock 1998; Keilty 2005, 2008; Kruk 2010). Such emotional states indicate that custody stalking, like stalking in general, is a form of attack on mothers' psychological integrity. In Gillian's case, the assault on her psychological integrity was such that it prompted her to attempt suicide several times—as she said, 'she was lucky to be alive'.

The feeling states of these mothers, similar to the feelings of grief that follow paternal filicides, are also symptomatic of states of powerlessness, most notably in relation to their mothering endeavours. However, the agents of this powerlessness are somewhat different: in the case of paternal filicides it is fathers who dictate a premature ending of women's mothering projects; in the case of custody stalking it is ultimately family court professionals who determine the temporal and spatial conditions of women's mothering, leaving mothers with very few options other than to largely accept their status as part-time or even contact mothers.

Despite the pivotal roles played by professional actors in enabling custody stalking to be an effective means of retaliatory attack by fathers, the decisions made by judges and other family court professionals are seldom seen to be symptomatic of either professional or institutional failure. This is in marked contrast to the criticisms of professionals and their institutions that typifies the aftermath of filicides. This difference points once again, not only to the cultural invisibility that surrounds the losses mothers suffer as a result of custody stalking, but to the cultural invisibility that surrounds custody stalking per se. By naming custody stalking and demonstrating its links to other, better known, malevolent practices—coercive control and paternal filicides—it has been my aim to contribute to making the invisible visible.

**Acknowledgements** This article is dedicated to the twelve women who spoke with me about their experiences of loss, as well as to all of the other women who would have liked to have spoken formally to me about but could not face the ordeal. Your obvious love for your children and desire to protect them was and remains inspiring.

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