

NAVIGATING CASES WHEN ABUSE IS PRESENT

MOORE COUNTY ANNUAL LOCAL GOVERNMENT CONFERENCE FOR ATTORNEYS & PARALEGALS

HON. ASHLEIGH S. PARKER

WAKE COUNTY DISTRICT COURT JUDGE



WHO AM I?

Who am I? (Professionally)

- Wake County District Court Judge since 2017
 - Lead Child Support Judge
 - Abuse, Neglect, and Dependency Judge
- Assistant Attorney General from 2014-2017
- Assistant District Attorney from 2012-2014
- NCCU School of Law, *cum laude*, 2012
- Wake Forest University, 2009
- Lecturer, Meredith College Paralegal Program, since 2022
- Written numerous articles and publications for attorneys
- Served on numerous boards within the profession, including
- Immediate-Past President of the 10th Judicial District and Wake County Bar Association
- Co-Founder of the Wake County Legal Support Center





Who am I? (Personally)

- Boy Mom of 2—Isaac and Isaiah
- Hobbies
 - Speaking at events
 - Teaching
 - Serving in the community
 - Traveling the world
 - Reading for leisure
 - Working out
 - Sleep + Self Care



WHY SHOULD WE CARE ABOUT ABUSE?

ETHICALLY SPEAKING



RULE 1.1-COMPETENCY

A lawyer shall not handle a legal matter that the lawyer knows or should know he or she is not competent to handle without associating with a lawyer who is competent to handle the matter. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.



RULE 1.3-DILIGENCE

A lawyer shall act with reasonable diligence and promptness in representing a client.



RULE 1.4-CLIENT WITH DIMINISHED CAPACITY

- (a) When a client's capacity to make adequately considered decisions in connection with a representation is diminished, whether because of minority, mental impairment or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client.
- (b) When the lawyer reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial or other harm unless action is taken and cannot adequately act in the client's own interest, the lawyer may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client and, in appropriate cases, seeking the appointment of a guardian ad litem or guardian.



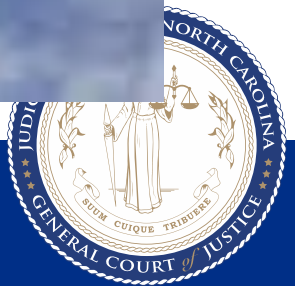
RULE 8.4- MISCONDUCT

- It is professional misconduct for a lawyer to:
 - (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on the lawyer's fitness as a lawyer;
 - (d) engage in conduct that is prejudicial to the administration of justice;

Comment:

[5] Threats, bullying, harassment, and other conduct serving no substantial purpose other than to intimidate, humiliate, or embarrass anyone associated with the judicial process including judges, opposing counsel, litigants, witnesses, or court personnel violate the prohibition on conduct prejudicial to the administration of justice.





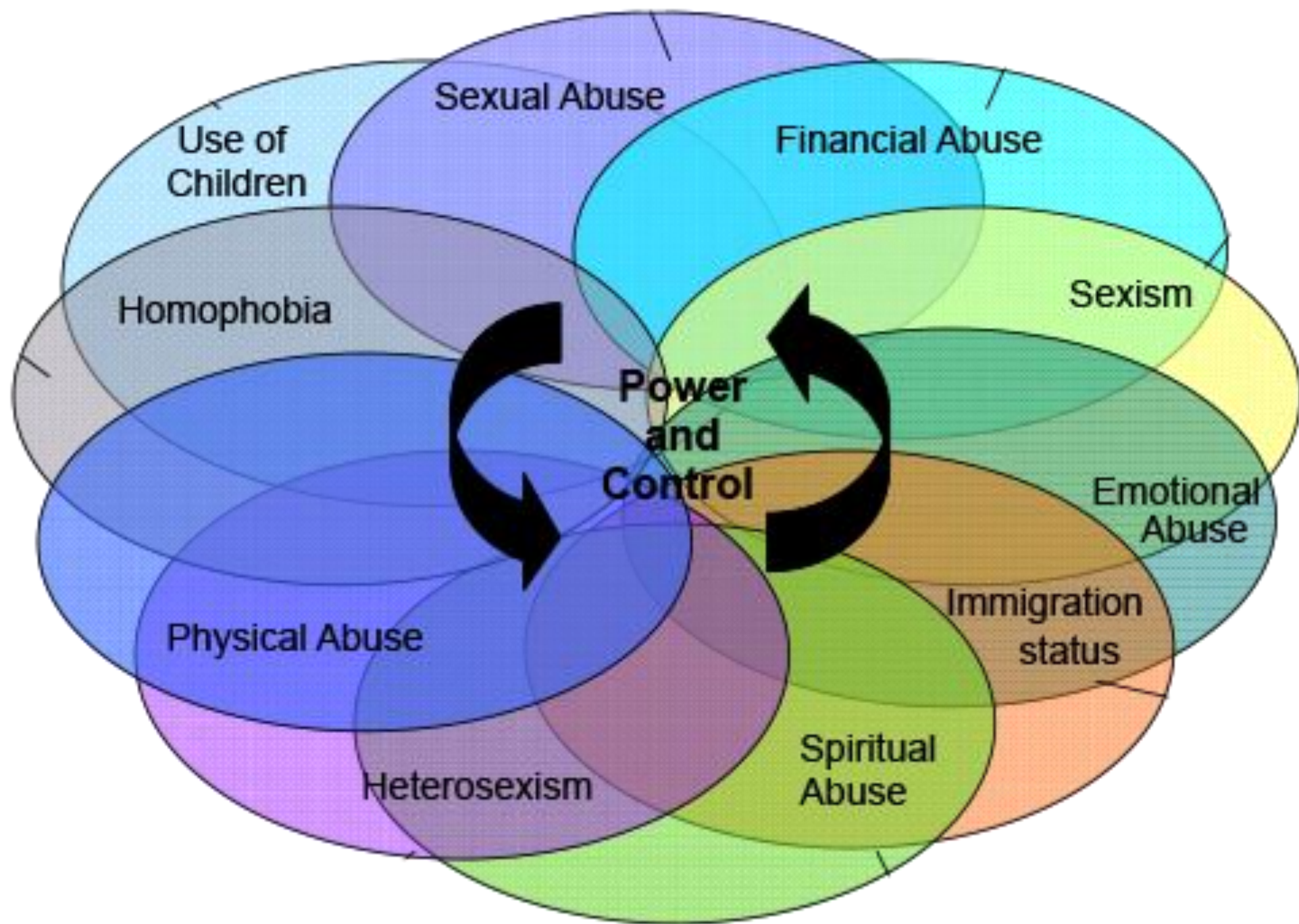
WHAT IS THE MOST COMMON
FORM OF INTIMATE PARTNER ABUSE
THAT YOU SEE IN YOUR CASES?



7 TYPES OF ABUSE (GENERALLY)

1. Physical
2. Emotional/Psychological
3. Sexual
4. Technological
5. Financial
6. Immigration
7. Spiritual
8. Litigious*





PHYSICAL ABUSE

Definition: “Inflicting or attempting to inflict physical injury”

Examples:

1. Hitting, slapping, punching, kicking
2. Burning
3. Strangulation
4. Damaging personal property
5. Refusing medical care and/or controlling medication
6. Coercing partner into substance abuse
7. Use of weapons



SEXUAL ABUSE

Definition: “Coercing or attempting to coerce any sexual contact without consent”

Examples:

1. Marital rape
2. Forced sex after physical beating or when unconscious/not fully awake
3. Forced prostitution
4. Fondling
5. Sodomy
6. Coercing partner to have sex without protection, with others, or sabotaging birth control
7. Criticizing sexual performance and desirability
8. Accusations of infidelity
9. Withholding sex



FINANCIAL OR ECONOMIC ABUSE

Definition: “Making or attempting to make the victim financially dependent”

Examples:

1. Maintaining total control over financial resources
2. Withholding money and/or access to money
3. Harassing the person while on the job
4. Requiring accountability and justification for all money spent
5. Withholding information about bills that are unpaid
6. Not allowing/supporting them working (ie: helping with children)
7. Putting partner on allowance –performance based
8. Intentionally damaging a partner’s credit score



TECHNOLOGICAL ABUSE

Definition: “Use of technology to control and stalk a partner”

common in teens and young people

Examples:

1. Hacking into phones, emails, social media, and other personal accounts
2. Using old iPhones/iPads to view messages
3. Tracking devices in cell phones, cars, etc.
4. Demanding to know partner’s passwords
5. Monitoring interactions via social media
6. Threatening to post information, pictures, videos



IMMIGRANT ABUSE

Definition: “Exploitation of the legal system against immigrants, asylum seekers, and refugee populations”

- Complexity of an unfamiliar legal system
- Conflict between cultural background, new surroundings, and language barriers

Examples:

1. Threatening to have them deported
2. Hiding or destroying legal documents
3. Refusing to file the necessary paperwork for naturalization, child custody, divorce, or other legal proceedings
4. Restricting person from learning English
5. Threatening to hurt partner’s family in their home country



SPIRITUAL ABUSE

Definition: “Manipulation of religious texts to justify abusive behavior”

Examples:

1. Justification of marital rape
2. Control clothing, hair, behavior, relationships, finances, parenting, or family planning
3. Force partner to engage in spiritual practices they don't believe in
4. Instill fear to embarrass, silence, shame, belittle or hurt partner
5. Prevention of practicing own religious beliefs



LITIGATION ABUSE

Definition: “Misuse of the court system to exert power and control over separated/divorced partner”

Examples:

1. Excessive discovery demands
2. Not complying with orders requiring multiple court dates
3. Trying to financially strain partner through attorney fees
4. Filing frivolous motions, show causes, and contempt actions
5. Calling CPS for illegitimate reasons
6. Extensive and exhausting settlement negotiations, only to not comply



LITIGATION ABUSE

Four states have protections for this: Washington, Idaho, Vermont, and Tennessee

2021 HB 795 “North Carolina Abusive Litigation Act”

At the hearing to determine the presence of abusive litigation, evidence of any of the following creates a rebuttable presumption that litigation is being filed, initiated, advanced, or continued for the purpose of harassing, intimidating, maintaining contact with, or retaliating against the opposing party:

- The same or substantially similar issues between the same or substantially similar parties have been litigated within the past five years in the same court or any other court of competent jurisdiction.
- The same or substantially similar issues between the same or substantially similar parties have been raised, pled, or alleged in the past five years and were dismissed on the merits or with prejudice.
- Within the last 10 years, the filing party has been sanctioned for filing, initiating, advancing, or continuing litigation that was found to be frivolous, vexatious, intransigent, or brought in bad faith involving the same opposing party.
- A court of record has previously determined that the filing party engaged in abusive litigation or similar conduct and has been subject to a court order imposing prefiling restrictions.



LITIGATION ABUSE

- Burden of proof: preponderance of the evidence
- Abusive litigation shall be dismissed, denied, stricken, or resolved by other disposition with prejudice
 - Impose all costs of any abusive litigation against the filing party
 - Award the opposing party reasonable attorneys' fees and costs of responding to the abusive litigation, including the cost of seeking the order restricting abusive litigation.
 - Identify the protected person and impose prefiling restrictions upon the restricted person for a period of not less than 48 months nor more than 72 months



emotional

abuse

emotional

despair

stress

grief

person

depression

sad

violence

harassment

solitude

abused

expression

physical

social man

concept

school

divorce

hopelessness

depressed

face

serious

young

problem

fear

anxiety

pain

adult

broken

domestic

conflict

hurt

trouble

victim

child

alone

tired

loneliness

childhood

problems

relationship

family

sorrow

upset

bullying

youth

afraid

people

sadness

unhappy

issues

scared

mental

tragedy

loss

difficulties

punishment

loneliness

child

kid

crying

frustration

emotion

misery

EMOTIONAL / PSYCHOLOGICAL ABUSE

Definition: “Non-physical behaviors meant to control, isolate, intimidate, harm, or frighten”

Examples:

- Constant criticism and/or monitoring
- Belittling partner’s abilities and competency
- Name-calling, insults, put-downs
- Silent treatment
- Passive aggressiveness
- Gaslighting
- Repeatedly making and breaking promises



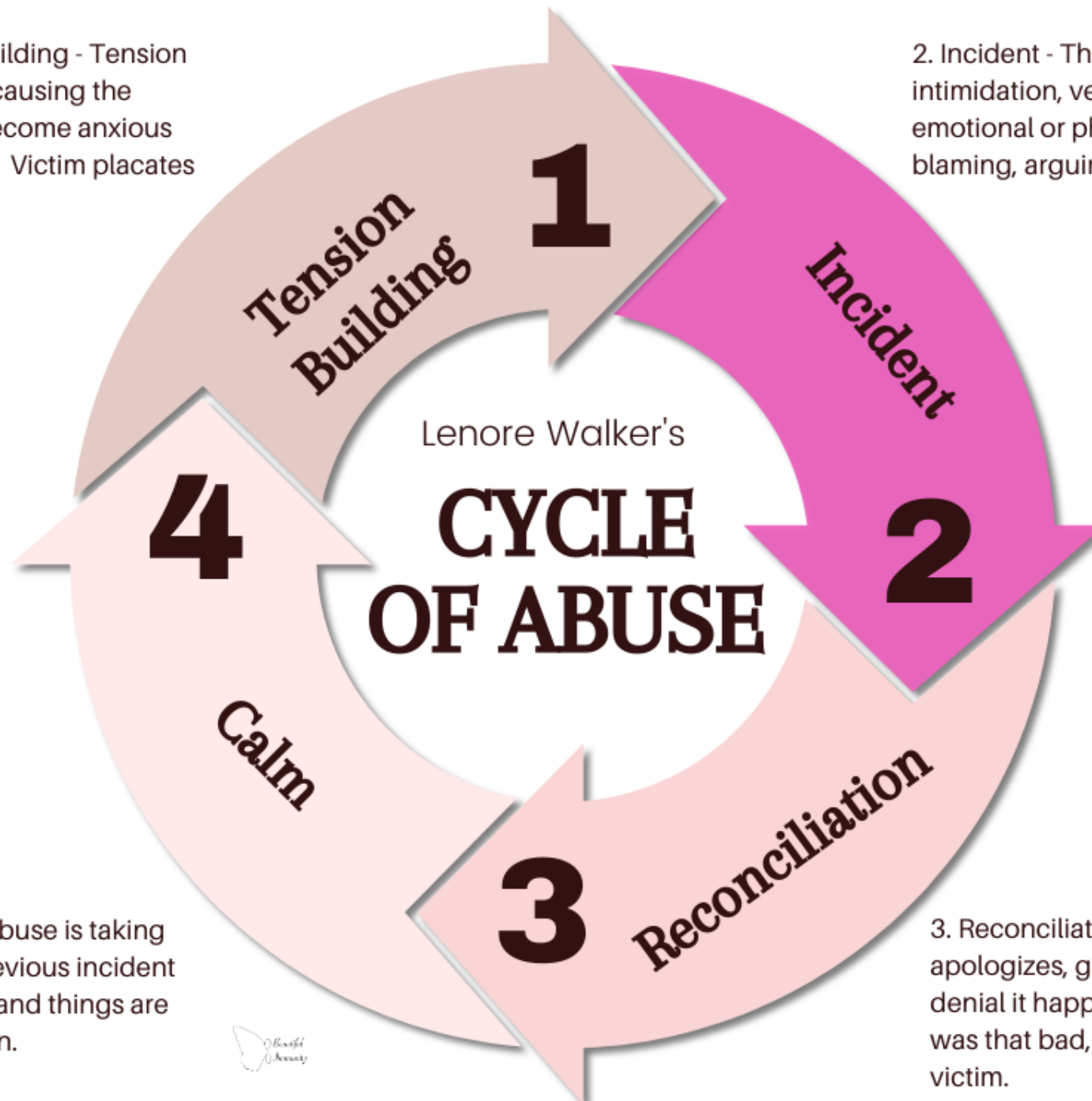
EMOTIONAL / PSYCHOLOGICAL ABUSE

- Accusations of cheating or other signs of jealousy/possessiveness
- Constant arguing or opposing
- Isolating from family and friends
- Withholding affection and attention
- Refusing to participate in the relationship/seeking counseling
- Using children to affect partner
- Shaming or blaming
- Planning dates or giving gifts to “appease” partner
- Scapegoating and triangulation



1. Tension Building - Tension increases, causing the victim to become anxious and fearful. Victim placates the abuser.

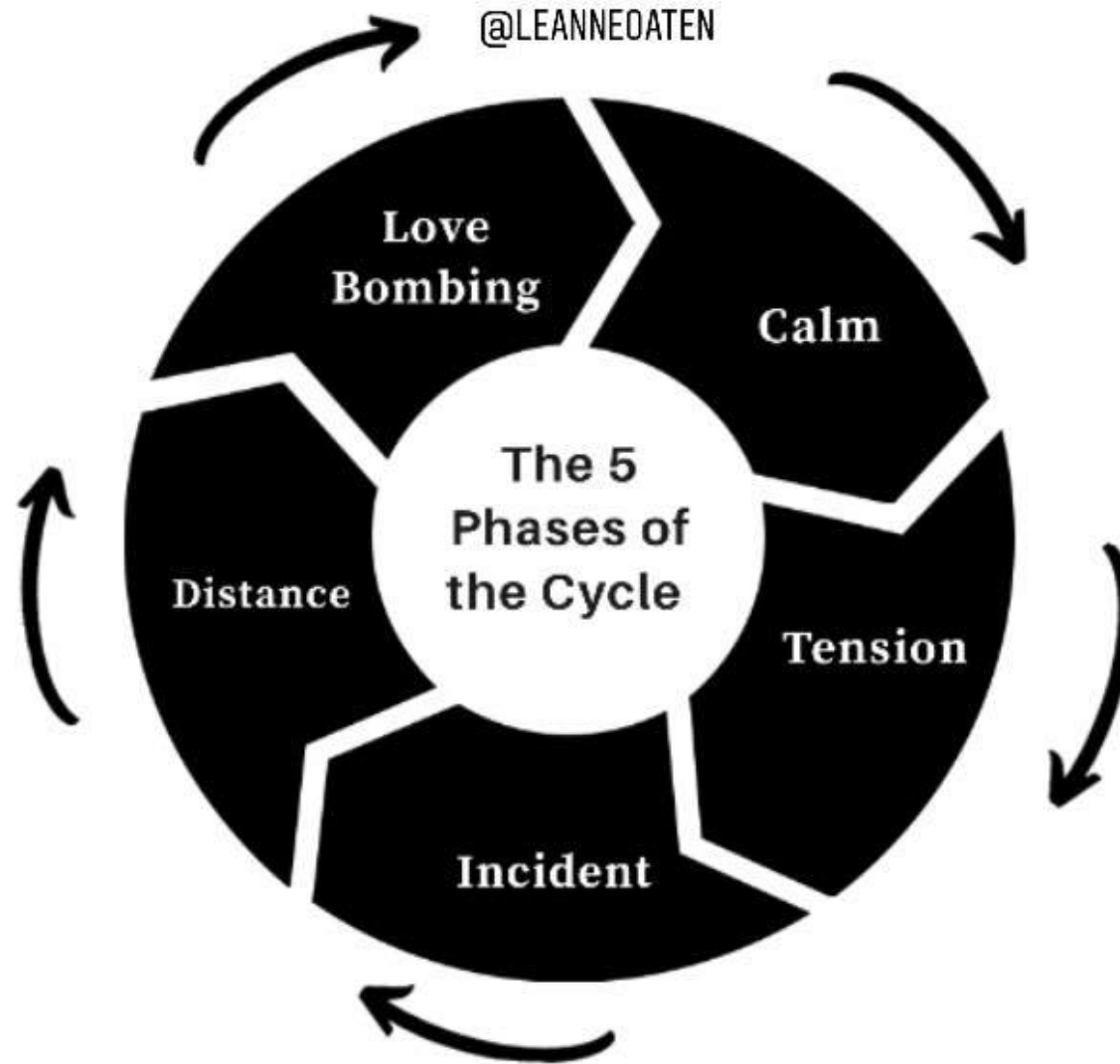
2. Incident - Threats, intimidation, verbal, emotional or physical abuse, blaming, arguing.

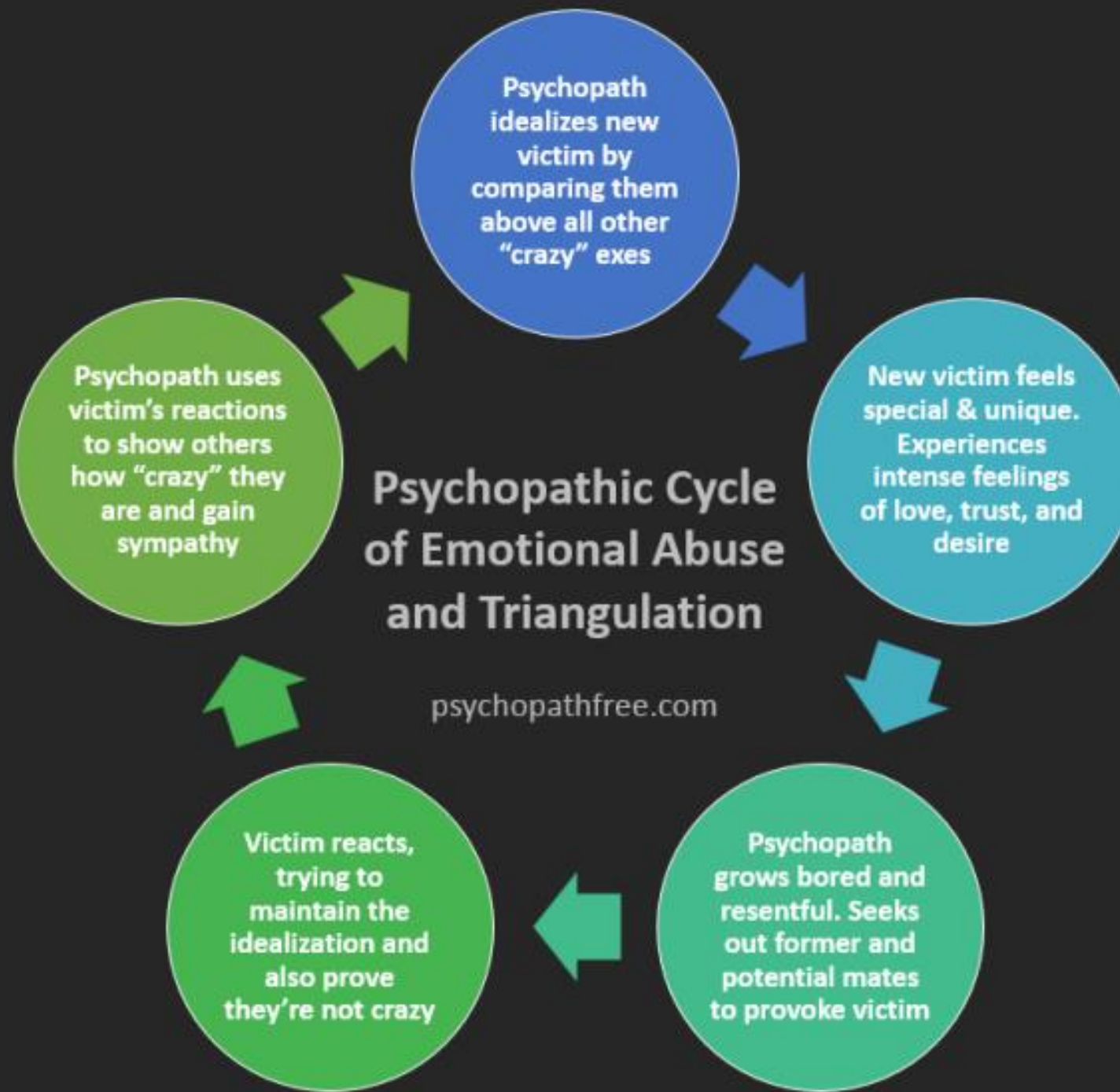


4. Calm - No abuse is taking place. The previous incident is "forgotten" and things are peaceful again.

3. Reconciliation - Abuser apologizes, gives excuses, denial it happened or that it was that bad, or blames victim.

THE 5 PHASES OF THE EMOTIONAL & PSYCHOLOGICAL ABUSE CYCLE







NPD = Narcissistic Personality Disorder

Sources:

www.paracelsus-recovery.com

Pincus, A. L., Dowgwillo, E. A., & Greenberg, L. S. (2016). Three cases of narcissistic personality disorder through the lens of the DSM-5 alternative model for personality disorders. *Practice Innovations*, 1(3), 164-177. <https://doi.org/10.1037/pri0000025>

Withholding

Someone with NPD might criticize everything about you, destroying your self-esteem and thus making you feel 'lucky' to have them in your life.

Love-bombing



Showering you with an inappropriate amount of compliments and adoration at the beginning of a relationship to eradicate boundaries.

Gaslighting



Occurs when someone tries to gain control over you by making you question your perception of reality.

Campaigns

ate effort to
your reputation.
sist might
ize their
nking habits,
er mention
he narcissist
act with
about how
you were at
ereby
our credibility.

Use

on that intentionally
harm or injures
r person. This can
o physical, mental,
or emotional abuse.

Accusations

Someone with NPD might frequently accuse you of lying,

Disrespecting Boundaries



Someone with NPD might read your messages, follow you, forbid you from doing things, or do something you've asked them not to do. Attempts to reinforce boundaries will be met with hostility, accusations and gaslighting.

Emotional Blackmail



When you don't do what the person wants, they might try to manipulate you and make you feel guilty, afraid or like a 'bad' person.

Insults

Someone with NPD might criticize everything about



so if they ever mention the abuse, the narcissist can counteract with statements about how intoxicated you were at that time, thereby destroying your credibility.

Abuse

An action that intentionally causes harm or injures another person. This can refer to physical, mental, verbal or emotional abuse.

Accusations

Someone with NPD might frequently accuse you of lying, stealing, cheating or any other negative behavior, such as 'not really loving you.' The tactic here is to manipulate you into a defensive mindset and distract you from their actions.

Sabotage

Someone with NPD might sabotage your career, relationships or other elements of your life so as to keep you under their control.

Emotional Blackmail

When you don't do what the person wants, they might try to manipulate you and make you feel guilty, afraid or like a 'bad' person.

Insults

Someone with NPD might criticize everything about you, destroying your self-esteem and thus making you feel 'lucky' to have them in your life.

NPD = Narcissistic Personality Disorder



Withholding

Someone with NPD might criticize everything about you, destroying your self-esteem and thus making you feel 'lucky' to have them in your life.



Love-bombing

Showering you with an inappropriate amount of compliments and adoration at the beginning of a relationship to eradicate boundaries.



Gaslighting

Occurs when someone tries to gain control by making you doubt your perception of reality.

Smear Campaigns

The deliberate effort to undermine your reputation. e.g. a narcissist might overemphasize their partner's drinking habits, so if they ever mention the abuse, the narcissist can counteract with statements about how intoxicated you were at that time, thereby destroying your credibility.



Abuse

An action that intentionally causes harm or injures another person. This can refer to physical, mental, verbal or emotional abuse.



Accusations

Someone with NPD might



Insults

Someone with NPD might

8 CHARACTERISTICS OF AN {EMOTIONALLY} ABUSIVE PARTNER

1. Emotionally intense and codependent
2. Could be charming, popular, and talented
3. Fluctuates between emotional extremes
4. Might be a former victim of abuse
5. History of abuse and violence in childhood
6. Controlling
7. Inflexible and judgmental
8. May suffer from alcoholism or drug addiction



Signs of Narcissistic Abuse Syndrome

- Feelings of isolation
- Self-doubt and guilt
- Physical symptoms
- Difficulties in making decisions
- Self-destructive behaviors
- Loss of self-identity
- Inability to instill boundaries
- Anxiety and depression
- The "freeze", "flight", "fight", "fawn" response
- Restlessness and feeling "on edge"
- Dissociation
- Trauma bonding
- Trust issues
- Self-harm behaviors
- Self-gaslighting
- Sacrificing personal needs



NARCISSISTIC ABUSE CYCLE



WHAT DO SURVIVORS LOOK LIKE?



WHAT DO SURVIVORS LOOK LIKE?



WHAT CAN WE DO?



WHAT CAN WE DO?

- Be aware of the different forms of abuse
- Be aware that this can affect anyone
 - Yourself, staff, colleagues, etc.
- Don't "rank" the type of abuse on a scale
- Be mindful that many people don't even understand that they are a victim of abuse in other types of cases (ie: custody, child support, etc.)
- Be empathetic to the cycles
- Encourage judges to craft judgments to minimize contact with abuser and survivor
 - Not everyone can coparent with their abuser
- Educate ourselves on treatment methods
- Encourage mental health services for abuser **and** survivor
- Support survivors in creating boundaries



QUESTIONS





THANK YOU

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SOURCES / RESOURCES

- [Women Against Abuse](#)
- [Woodbridge VRT](#)
- [Safe Voices](#)
- [Forbes "Domestic Violence in the Courtroom: The Legal System As A Weapon in Domestic Violence Cases"](#)
- [WomensLaw.org](#)
- [Shalva Cares](#)
- [Very Well Mind: Identify and Cope with Emotional Abuse](#)
- [RavenStorms Blog: 5 Steps of the Sociopaths Cycle of Emotional Abuse and Triangulation](#)
- [Lori Booty: Every Person Should Be Taught the Cycle of Abuse](#)
- [Psychology Today Blog: Love in the Age of Narcissism](#)
- [Paracelsus Recovery-What is Narcissistic Abuse?](#)
- [WikiHow: Tell if You are in an Abusive Relationship](#)



