

Family Violence Family Law

**National Community of Practice
Meeting Report**

February 10, 2022



ALLIANCE OF CANADIAN
RESEARCH CENTRES
ON GENDER-BASED VIOLENCE

This Report was prepared by the Centre for Research & Education on Violence Against Women & Children (CREVAWC) on behalf of the Alliance of Canadian Research Centres on Gender-Based Violence. CREVAWC is based at the Faculty of Education, Western University, London, Ontario, Canada, on the unceded territories of the Anishinaabeg, Haudenosaunee, Lunaapeewak and Attawandaron Peoples.

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Introduction

The Supporting Survivors of Family Violence in Family Law Proceedings project (FVFL-VFDF) is a three-year initiative (2020–2023) carried out by the Alliance of Canadian Research Centres on Gender-Based Violence along with a financial contribution from the Public Health Agency of Canada. To date, five Communities of Practice (CoP) have been established in the following regions:

- British Columbia (FREDA Centre for Research on Violence against Women and Children),
- Winnipeg and the surrounding area (RESOLVE),
- Atlantic Canada (Muriel McQueen Fergusson Centre for Family Violence Research),
- Southwestern Ontario (Centre for Research & Education on Violence against Women & Children), and
- Quebec (Recherches Appliquées et Interdisciplinaires sur les Violences intimes, familiales et structurelles).

Each regional CoP comprises family violence experts, survivors, family lawyers, researchers, mental health, and social service professionals. Regional CoPs meet on a quarterly basis and nationally on a bi-annual basis and discuss how they can foster communication, collaboration and build relationships across sectors to support family violence survivors, as well as develop training opportunities within the field that promotes trauma-informed practice.

To date, the FVFL-VFDF project has produced 14 **briefs** and 14 **webinars** on a variety of topics relating to supporting survivors of family violence in family law proceedings which can be found on our website: www.fvfl-vfdf.ca.

This report outlines the events of our third National Community of Practice meeting held on February 10, 2021, with 72 attendees. The guest speaker, Dr. Jill Messing, Professor in the School of Social Work and the Director of the Office of Gender-Based Violence at Arizona State University, presented on risk assessment in intimate partner violence, which was followed by small group discussions. More details of the meeting are provided below, including a link to a spoken word performance by El Jones.

For more information about the Supporting Survivors of Family Violence in Family Law Proceedings project, **go to: www.fvfl-vfdf.ca**

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Presentation: Assessing Risk to Inform Interventions: Connection, Communication, and Action

Dr. Jill Messing provided an introductory background on the development and testing of risk assessment instruments in cases of intimate partner violence (IPV) and discussed the features of risk assessment, as well as guidelines for how to choose an appropriate risk assessment tool in practice. Specifically, Dr.

Messing emphasized the need for connection, communication, and action in assessing risk.



Risk assessment tools can inform practitioner expertise around who is at high risk and such tools should be used by practitioners to make connections with survivors to help them understand the risk they may face. To help survivors mitigate the risks, *communication* is necessary – first by having the practitioner communicate the risk factors and interventions to the survivor, and second, by ensuring that communication is happening between and amongst practitioners to ensure a common knowledge and understanding about the type of risk assessments being used. Connecting and communicating risk through risk assessment can lead to action and intervention. Once the risks are known,

it is important to use evidence-based framework as part of a comprehensive intervention plan. Risk assessments can be used as the best evidence of future violence and can be strengthened by incorporating practitioner expertise alongside the self-determination of the survivor.

CoP members discussed the following questions in small groups:

- Whose job is it to do domestic violence screening and risk assessment?
- Within your jurisdiction, to what extent are professionals using risk assessment tools? (i.e., Lawyers, custody evaluators, mediators, mental health professionals, supervised parenting centres, shelters, child protection, programs to address abusive behaviour)
- To what extent do different professionals collaborate in sharing information on risk assessment?

Highlights from the small group discussions:

1. Survivors face several challenges with the family law system as there is a lack of understanding and recognition of broader forms of abuse. This may create missed opportunities for screening and risk assessment by professionals and therefore, more education and training is needed (for example, with medical professionals).
2. Attendees discussed the need for proper training on family violence and the need for these changes to be made in law school. There were concerns that survivors may be retraumatized by criminal and family court lawyers, judges, and police because they lack the necessary training or specialization to recognize family violence.
3. There were diverging thoughts about the use of risk assessment. Some felt that all professionals involved in cases of IPV in the family court system should be responsible for conducting screening and risk assessment, whereas in Ontario, the only professions/systems that are mandated to do risk assessments are police and probation/correctional facilities. Further, there was hesitation around whether certain professionals were qualified to conduct risk assessments and whether this could result in potential biases in how the assessments were conducted. Further, some noted that conducting risk assessments had the potential to create a false sense of security (for example, it could potentially increase a survivor's confidence in assuming that the perpetrator would be arrested, or alternatively, it could increase the perpetrator's confidence in the likelihood of avoiding legal sanctions). Others felt that having results of risk assessment would be helpful to highlight any IPV that would have otherwise been overlooked by the courts. It was noted that a shared language was needed if risk assessment tools were to be used in family law courts since there are different tools available.
4. Service sector attendees expressed concerns that services want a better understanding of who is doing the screening, where the risk assessment information goes after it is conducted and how the information is being used and communicated to the courts. This is even more crucial in understanding the dynamics of family violence in relation to cultural differences and expressions.
5. It was recommended that lawyers and judicial services screen families going through the divorce process for violence so that if detected, family would be connected to services (such as making parenting classes mandatory). It is necessary to continuously assess risk throughout the family's entire custody, separation and divorce journey since children suffer the most throughout the divorce.
6. Attendees agreed that collaboration and communication between different services is needed, however there are challenges that may arise from this. Families need lawyers and other service providers to collaborate, however, there is no integrated system to ensure that systems work together for the survivor. Communication and information sharing challenges also exist between services.
7. It was suggested that each survivor be given a designated case manager who is responsible for informing every person involved while monitoring and assessing the risks. Another suggestion was to give survivors the opportunity to be accompanied throughout the process by a support person/expert survivor who understands and can help advocate for them. It would be important for service workers, case managers and support persons to attend any legal meetings with the survivor to reaffirm their story and rights.
8. There is often a tendency for survivors to downplay their situation out of fear that the information will be used against them in custody and access proceedings. Therefore, rapport building with survivors is crucial so that they can navigate more difficult conversations.



Watch her powerful spoken word performance: [El Jones Spoken Word](#)

El Jones is a spoken word poet, an educator, journalist, and a community activist living in African Nova Scotia. She was the fifth Poet Laureate of Halifax. In 2016, El was a recipient of the Burnley “Rocky” Jones human rights award for her community work and work in prison justice. She is a co-founder of the Black Power Hour, a live radio show with incarcerated people on CKDU that creates space for people inside to share their creative work and discuss contemporary social and political issues, and along with this work, she supports women in Nova Institution in writing and sharing their voices.

Resources and Programs:

Our CoP members have suggested several resources to share with our membership including:

MyPlan app

MyPlan app (also highlighted in Dr. Messing’s presentation) is a free and secure personalized app that helps with safety decisions if you or someone you care about is experiencing abuse in their intimate relationship.

<https://myplanapp.ca/en/>

Rise Women’s Legal Centre

Rise Women’s Legal Centre is a community legal clinic based in Vancouver BC, serving individuals who self-identify as women all over British Columbia.

<https://womenslegalcentre.ca>

WomenatthecentrE

WomenatthecentrE is a non-profit organization that works to eradicate violence against women, women-identified, gender queer, 2-spirit and trans-identified people through personal, political and social advocacy.

<https://www.womenatthecentre.com>

Family Violence & Family Law Brief 5

Family Violence & Family Law Brief 5 *The 2021 Divorce Act: Using statutory interpretation principles to support substantive equality for women and children in family violence cases* by The Honourable Donna Martinson and Margaret Jackson.

https://www.fvfl-vfdf.ca/briefs/Family_Violence_Family_Law_Brief-5-EN.pdf

The FAM Network

The FAM Network, formerly SafePet Ottawa, fosters animals for survivors and their children who need to exit from domestic violence into the safety of local Violence Against Women (VAW) shelters or into a Transitional Housing Support Program.

<https://famnetworkcanada.com>

Conclusion

The National CoP meeting feedback indicated that the meeting provided attendees with opportunities to learn and appreciate regional differences with the goal of working collaboratively to promote the health of survivors throughout family court proceedings. We look forward to continuing these important discussions at our next National Community of Practice meeting, which will be held on September 27, 2022, from 3-5pm ET.

To learn more about the *Supporting the Health and Well-Being of Survivors of Family Violence in Family Law Proceedings* project, go to: www.fvfl-vfdf.ca or our partnered research centres:

The Centre for Research & Education on Violence Against Women & Children



Western

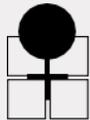
Centre for Research & Education on
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<http://www.learningtoendabuse.ca>

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The FRED A Centre
for Research on Violence
Against Women and Children

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Dr. Margaret Jackson

Muriel McQueen Fergusson Centre for Family Violence Research



Muriel McQueen
Fergusson Centre for
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<https://www.unb.ca/mmfc>

Dr. Catherine Holtmann

Recherches Appliquées et Interdisciplinaires sur les Violences intimes, familiales et structurelles



Recherches Appliquées et
Interdisciplinaires sur les Violences
intimes, familiales et structurelles

<https://www.raiv.ulaval.ca/en>

Dr. Geneviève Lessard

Dr. Dominique Bernier

Site Web du professeur Bernier

RESOLVE: Research and Education for Solutions to Violence and Abuse



<https://umanitoba.ca/resolve>

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