

# NEWSLETTER

## Family Violence and Family Law Community of Practice Newsletter

### *New Community of Practice Members*

We are pleased to welcome two new community of practice members:  
Rita Galea and Cristina Weaver.

Malta and has been in Canada since 1988. She is a Registered Social Service Worker and has completed the mediation program. She has been an employee of Anova for over 23 years where she has performed many roles including counsellor and outreach worker. Rita was involved in the Domestic Violence Safety program through Women's Community House, Changing Ways, Family Consultants and John Howard Society. She has worked with Changing Ways as a Partner contact. Rita has been with the Family Court Support Worker for London and Middlesex for the past nine years. Rita is a board member at Across Languages. She speaks Maltese, English, Italian and some French.



*Information about all Southwestern Ontario Community of Practice members can be found on the CREVAWC website:*

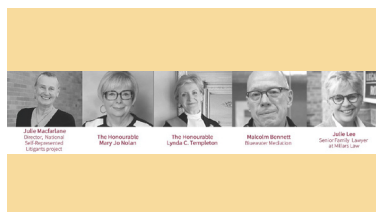


[Supporting the Health of Survivors of Family Violence in Family Law Proceedings - CREVAWC - Western University \(learningtoendabuse.ca\)](https://learningtoendabuse.ca)

### In This Issue

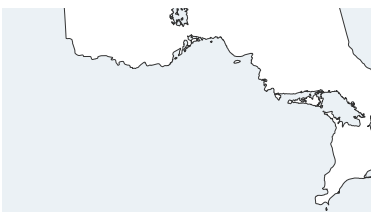
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# Knowledge Mobilization Activities

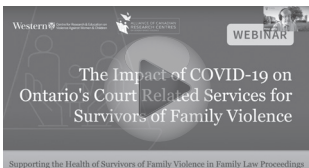
## Webinars

Recently, the Alliance centres have hosted webinars on the following topics:



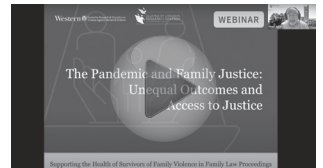
Why Can't Everyone Just Get Along? How BC's Family Law System puts Survivors in Danger (March 4, 2021)

Healing Trauma: Gender, Trauma, and Paths of Healing in Family Law Disputes (March 31, 2021)



The Impact of COVID-19 on Ontario's Court Related Services for Survivors of Family Violence (March 9, 2021)

The Pandemic and Family Justice: Unequal Outcomes and Lack of Access to Justice (April 29, 2021)



*Recordings and presentation slides are available online at:*



[Projects – The Alliance Canada \(alliancevaw.ca\)](http://Projects - The Alliance Canada (alliancevaw.ca))

## Upcoming Webinars

Self-Represented Litigants and Family Violence: Making a Difficult Experience Even Worse

June 15, 2021 | 3:00 p.m EDT.

To register: [Webinar Registration - Zoom](#)



**Julie Macfarlane**  
Director, National  
Self-Represented  
Litigants project



**The Honourable  
Mary Jo Nolan**



**The Honourable  
Lynda C. Templeton**



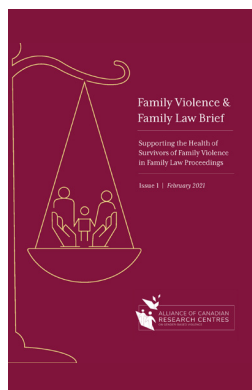
**Malcolm Bennett**  
Blewater Mediation



**Julie Lee**  
Senior Family Lawyer  
at Millars Law

## Briefs

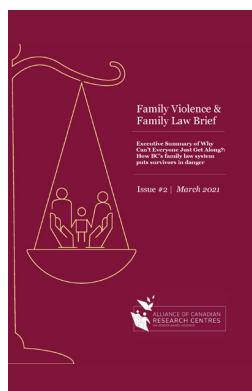
The following briefs have been issued through the project:



### 1. Supporting the health of survivors of family violence in family law proceedings **(February 2021).**

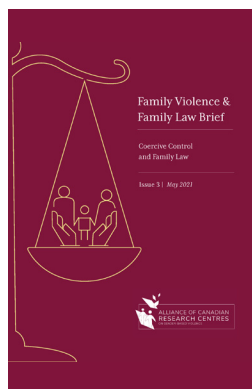
This brief provides an overview of current challenges confronting various legal professionals, mental health researchers, and family violence advocates who engage with family courts to support survivors who are navigating the system. While all sectors aim to achieve justice and healing, the institutional contexts in which they operate often lead to different problems when addressing family conflicts creating a sense of unfairness and frustration, and potential harm and/or re-traumatization for survivors of violence.

[Family Violence and Family Law Briefs \(learningtoendabuse.ca\)](http://learningtoendabuse.ca)



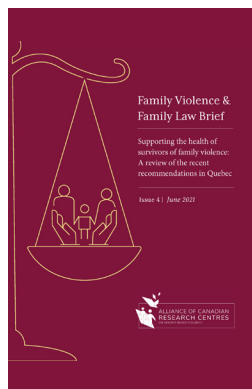
### 2. Executive Summary of Why Can't Everyone Just Get Along?: How BC's family law system puts survivors in danger. **(March 2021).** [Family Violence & Family Law Brief, Issue 2 \(Hrymak & Hawkins, March 2021\) - The FREDa Centre for Research on Violence Against Women and Children](#)

This brief summarizes research conducted by Rise Women's Legal Centre between 2017 and 2020 about the response of the legal system in British Columbia when family violence is raised since the Family Law Act came into effect in 2013.



### 3. Coercive control and family law **(May 2021).**

Coercive and controlling behaviour has been a focal point for emerging policies in family and criminal law in Canada. This issue of Family Violence & Family Law Briefs provides a primer on coercive control for legal, social service, and healthcare professionals who are supporting survivors of family violence in the family court system. This brief discusses key conceptual tenets of coercive control: current legislation on the inclusion of coercive control into Canada's Divorce Act and Criminal Code; and recommendations and future directions for addressing coercive control in family courts. [Family Violence and Family Law Briefs \(learningtoendabuse.ca\)](http://learningtoendabuse.ca)



### 4. Supporting the health of survivors of family violence: A review of the recent recommendations in Quebec. **(June 2021)**

This brief offers a summary of three reports recently released in Quebec related to family violence including the first report from the newly formed Domestic Violence Death Review Committee in Quebec, a report from the Expert Committee on support for victims of sexual assault and domestic violence, and the Quebec action plan on domestic violence (2018-2023). The report also highlights the effects of family violence on physical and mental health and social functioning of victims.

# Alliance National Community of Practice meeting

Members of the five Communities of Practice met on March 11, 2021 virtually on Zoom. More than 60 people attended the meeting representing British Columbia, Manitoba, Quebec, New Brunswick and Ontario. There were two presentations made by guest speakers:

1. Learning from parents, professionals and court responses to COVID-19: The critical role of multi-disciplinary research to support practice and innovation. Presented by Rachel Birnbaum and Claire Houston.

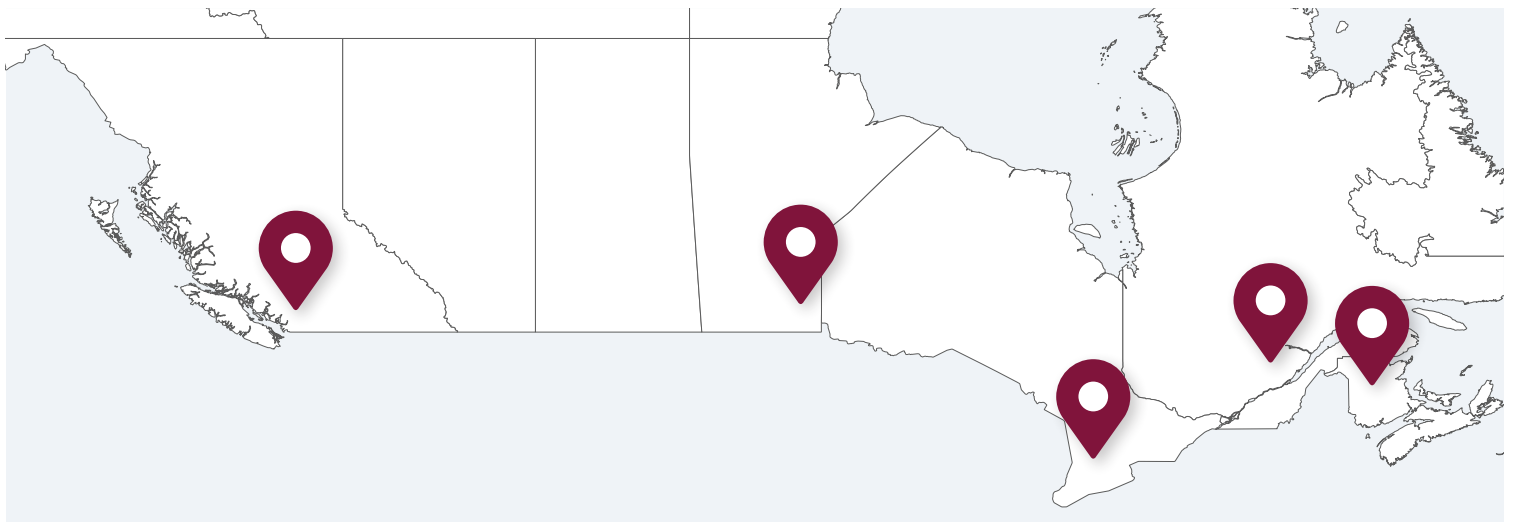
This presentation focused on a research study related to COVID-19 and the impact on court services using a mixed methods approach including case law review, online survey and interviews with mental health and justice professionals, and interviews with judges and litigants. Lessons learned included the need for a holistic family justice system that includes academia, mental health professionals, lawyers, judges, parents, children, and policy analysts.

The presentation was followed by small group discussions regarding how the preliminary results coincided with the experiences of participants in their jurisdictions.

2. Domestic violence and parental alienation. Presented by Simon Lapierre.

This presentation focused on research conducted in Quebec, Ontario and internationally regarding parental alienation with a focus on its legitimization and institutionalization in Quebec. There are challenges in distinguishing between domestic violence and high conflict. Many women are accused of making false allegations when reporting domestic violence because they are malicious or have mental health problems. Children are believed to have been negatively influenced by their mothers. Small group discussion centered on how these issues are playing out in courts in other jurisdictions of Canada.

The next meeting will take place in Fall 2021.



Location of the Five Communities of Practice (map of Canada)

# Southwestern Ontario Community of Practice activities

The Southwestern Ontario Community of Practice has met on three occasions. Some activities the community of practice has decided to explore include a case study, review of a Department of Justice toolkit, and intersectional impacts of litigants and legal professionals engaged in family law services. CoP members have also been involved as webinar speakers, and reviewers for briefs.

## Case Study

A case study was conducted during a recent meeting. The case study was presented by Dr. Kim Harris of the London Family Court Clinic. The case was based on a composite of cases over several years. The case identified situations which may lead to increased vulnerability and challenge when two parents are engaging with legal and social service systems including inequities related to income, education, power differences, mental health, and impact of trauma. The case was reviewed through the frameworks of domestic violence and parental alienation.



## HELP Toolkit

Members of the Community of Practice have participated in a review of the HELP toolkit which is being developed by the Department of Justice Canada. The toolkit is a bilingual, evidence and user-based tool for family law legal advisers with practical suggestions on how to identify and respond to family violence with a client in a safe way. Release of the HELP toolkit for use is expected in the near future

## Intersectionality Sub-Committee

A sub-committee has formed to examine how intersectional identities may have impact on litigants and legal representatives in court. The committee will continue to meet to discuss ways to ensure that the project can best address the needs and interconnecting challenges faced by family violence survivors, support services, and legal practitioners.





## Divorce Act Amendments



- the nature and strength of the child’s relationships with parents, grandparents, and other important people in their life
- the child’s linguistic, cultural and spiritual heritage and upbringing, including Indigenous heritage, and
- the child’s views and preferences

- violent
- threatening
- a pattern of coercive and controlling behaviour
- causes a family member to fear for their safety
- directly or indirectly exposes a child to such conduct.

As of March 1, 2021, courts will have to take family violence into account, to assess the seriousness of the violence and how it could affect future parenting arrangements. Courts will need to consider any other proceedings or orders involving any of the parties including when family court orders conflict with criminal court orders. More information is available at [Strengthening and modernizing Canada's family justice system](#).



# Western

Centre for Research & Education on  
Violence Against Women & Children

Centre for Research & Education on Violence Against Women & Children

## Project Team

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