

LEGAL BULLETIN

Issue No. 46

Parental Decision-Making, Relocation, and Coercive Control
A.S.A. v. T.L., 2025 ONCJ 51

Introduction

This case addresses the legal considerations surrounding parental decision-making, relocation, and family violence. The Ontario Court of Justice determined whether it was in the best interests of the parties' child for the mother to relocate with the child to Wisconsin and whether the father's history of coercive control and financial abuse warranted granting sole decision-making responsibility to the mother.



Case Background

The applicant (mother) and the respondent (father) have an eight-year-old daughter. The central issue before the court was the mother's request to relocate with the child to Wisconsin. The mother also sought sole decision-making responsibility and permission to travel internationally with the child without the father's consent. The father opposed the relocation, arguing for joint or parallel decision-making responsibility and an equal parenting

schedule if the child remained in Canada. Throughout the litigation, the mother asserted that the father had exerted coercive control and financial abuse over her, both during and after their relationship. While the father was acquitted of criminal charges related to alleged physical abuse, the court found credible evidence of psychological abuse, financial control, and coercive behavior.

Court's Analysis and Findings

The court granted the mother permission to relocate to Wisconsin, citing the following factors:

1. Relocation of the Child

The mother was unable to work in her field in Canada and was financially dependent on social assistance. The relocation would allow her to achieve financial independence, which would benefit the child. The mother's fiancé, M.T., was financially stable and

provided a supportive environment. The mother had been the child's primary caregiver since birth, and the father's parenting involvement was inconsistent. The mother proposed a comprehensive parenting schedule that preserved the child's relationship with the father. While the court acknowledged that the relocation could impact the child's relationship with the father, it found that the child's well-being and financial stability outweighed the potential disruption.

2. Family Violence and Coercive Control

Although the father was acquitted of criminal charges, the court found that he engaged in coercive control by restricting the mother's financial independence and decision-making. He deliberately withheld child support for an extended period, exacerbating the mother's financial instability. He exhibited controlling behaviour, including limiting the mother's ability to make decisions about the child's schooling. He engaged in psychological abuse, including demeaning and hyper-critical behaviour toward the mother. The court found that this pattern of behaviour created a power imbalance that was not in the child's best interests.

3. Decision-Making Responsibility

The court granted sole decision-making responsibility to the mother, with the following considerations. High conflict and lack of trust between the parents made joint decision-making unworkable. The mother had consistently prioritized the child's well-being. In the past, the father had obstructed the mother's ability to make important decisions for the child. The father was permitted to have decision-making authority over the child's health and extracurricular activities during his parenting time in Canada.

4. Parenting Time

The court structured a parenting schedule to ensure the father maintained a meaningful relationship with the child. The father was granted six weeks of summer vacation, winter and spring school breaks, and holiday weekends. He was allowed to visit the child in Wisconsin up to two weekends per month. The mother was responsible for transporting the child to Canada for the father's parenting time, while the father was responsible for returning the child to Wisconsin. Virtual parenting time was increased to three times per week.

5. Child Support

The father was ordered to pay child support based on an imputed annual income of \$88,800. The court found that the father had been underemployed and had the capacity to earn at least \$88,800 per year. He had failed to provide proper financial disclosure, leading to an adverse inference against him. He had engaged in financial misconduct by delaying child support payments.

Implications

A.S.A. v. T.I. demonstrates how financial control and coercive behaviour are relevant to determining the child's best interests, and the need to consider the primary caregiver's long-term economic and emotional stability in relocation cases. This decision affirms that financial abuse and coercive behaviour are relevant factors in parenting and relocation

decisions. A well-structured parenting schedule can minimize the impact of relocation while preserving the child's relationship with both parents.

Ultimately, the ruling focuses on balancing parental relationships with the need to provide a stable and supportive environment for the child's well-being.

This bulletin was prepared by:

Juliana Wiggins



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



Department of Justice
Canada

Ministère de la Justice
Canada