

# The Impact of COVID-19 on Ontario's Court Related Services for Survivors of Family Violence

Supporting the Health of Survivors of Family Violence in Family Law Proceedings

# Welcome to our webinar!



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# Before we start:



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If you have a **question** for the webinar speakers, please type into the **Q&A box** and we will spend 15 mins near the end on Questions and Answers



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Once you complete the evaluation form, you will be directed to a website where you will be prompted to enter your full name and email address. **A certificate of attendance will be generated and emailed to you.**



**Presentation slides are posted on our website**, there will be a link in the chat box.  
The webinar recording will be posted on our website within the next few days



**Code of conduct** is in the chat function

Please think about the traditional lands you are currently situated on and join us in **acknowledging and thanking the generations of Indigenous peoples** who have cared for these Lands and in celebrating the continued strength and spirit of Indigenous Peoples. The ongoing work to make the promise of truth and reconciliation real in our communities and in particular to bring justice for murdered and missing Indigenous women and girls across the country should inform our discussions in this webinar and beyond.



# Janet Mosher

Associate Professor at Osgoode Hall Law School,  
York University, Toronto

Co-founder and co-director of the Feminist Advocacy: Ending  
Violence Against Women clinical program in partnership with the  
Barbra Schlifer Commemorative Clinic.

Co-investigator on a research project exploring the access to  
justice barriers experienced by survivors of domestic violence  
when they must navigate multiple legal systems.

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# The Impact of COVID-19 on Ontario's Court Related Services for Survivors of Family Violence

Janet Mosher

# “The Shadow Pandemic”

- The United Nations Entity for Gender Equality and Empowerment of Women (UN Women) **used the term “pandemic”** as early as 2014 to capture the global pervasiveness of violence against women and girls and the high rates of associated morbidity and mortality.
- The **term “shadow pandemic”** has been used to describe how the pandemic of violence against women exists simultaneously with, but in the shadow of/often obscured by, the COVID-19 pandemic.
- The two pandemics interact; **COVID-19 has resulted in the increased prevalence and severity of gender-based violence**, particularly intimate partner violence.
- **UN Secretary-General António Guterres**, observed that “[m]any women under lockdown for [COVID-19] face violence where they should be safest: in their homes,” and urged “all governments to put women’s safety first as they respond to the [COVID-19] pandemic” (April 5, 2020).
- **The UN Special Rapporteur on Women** called on countries to report on COVID-19 and domestic violence, including the impacts on women’s access to justice, and whether courts were open and providing protections and decisions in cases of domestic violence.

# Family Violence in the Context of COVID-19

- Increases in the prevalence and severity of intimate partner violence,
  - > Especially acute impacts on Indigenous women, non-status women, women with disabilities, low-income women.
- Correlations between the **COVID-19 pandemic and intimate partner** violence include: unemployment, insecurity, stress, isolation, alcohol consumption, deterioration in mental well-being.
- The impacts will be felt **long beyond the end of the COVID-19** pandemic.

(Peterman et al, "Pandemics and Violence Against women and Children"  
(1 April 2020), online (pdf): *Center for Global Development*,  
<https://www.cgdev.org/sites/default/files/pandemics-and-vawg-april2.pdf>



# New & Modified Tactics of Coercion & Control

“Perpetrators are weaponising COVID-19 lockdown conditions to enhance coercive and controlling behaviours” (p5)

- Not permitting women to leave the home
- Preventing women from going to work, citing infection concerns
- Isolating women socially
- Constant monitoring/surveillance, including through various technologies
- Preventing women’s access to technologies, destroying computers, phones
- Threatening to infect women and their children
- Spreading rumours that women are infected
- Micro-regulation of women’s compliance with COVID-19 guidelines
- Pressure to alter existing access arrangements
- Refusal to return children to their mothers after an access visit, citing women’s failure to comply with guidelines
- Using misinformation about the virus to frighten and control women
- Preventing access to medical advice and services by invoking exposure to the virus

See Carrington et al, “The Impact of COVID-19 Pandemic on Domestic and Family Violence Service and Clients: QUT Centre for Justice Research Reports” (2020) online <https://eprints.gut.edu.au/206624/1/72848410.pdf>

# Impact on Accessing Services

- Locked in the home with the perpetrator + his surveillance make it difficult to connect with services and increases the risks to women
- Limited or no access to the internet for some women due to his control and/or the digital divide
- Women's labour market employment more profoundly impacted than men's leading to increased dependence
- Limited access to emergency housing/shelter and to safe, affordable housing presents an enormous barrier
- Access to health, counselling, and other professionals is significantly impacted
- Challenges in accessing safety assessments and planning
- Access to informal supports, including accommodation options, is also greatly diminished

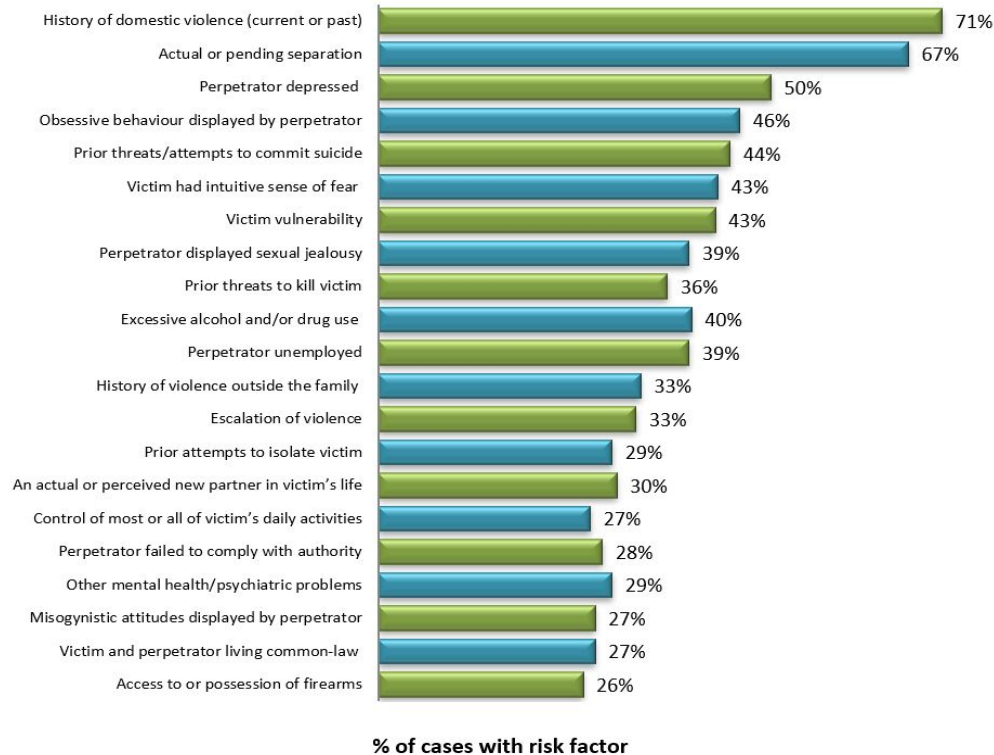
# “Family Violence”

## *Divorce Act*

s2(1) *family violence* means any conduct, whether or not the conduct constitutes a criminal offence, by a family member towards another family member, that is violent or threatening or that constitutes a pattern of coercive and controlling behaviour or that causes that other family member to fear for their own safety or for that of another person — and in the case of a child, the direct or indirect exposure to such conduct — and includes

- (a) physical abuse, including forced confinement but excluding the use of reasonable force to protect themselves or another person;
- (b) sexual abuse;
- (c) threats to kill or cause bodily harm to any person;
- (d) harassment, including stalking;
- (e) the failure to provide the necessities of life;
- (f) psychological abuse;
- (g) financial abuse;
- (h) threats to kill or harm an animal or damage property; and
- (i) the killing or harming of an animal or the damaging of property

**Frequency of Common Risk Factors in DVDRC Cases Reviewed  
from 2003-2018  
(n=329)**



# Ontario's Domestic Violence Death Review Committee, 2018 Annual Report

<https://www.mcscs.ius.gov.on.ca/english/DeathInvestigations/OfficeChiefCoroner/Publicationsandreports/DVDRC2018Report.html>

# Complexities of Family Law Cases Involving Domestic Violence

- Families are often involved not only in family law proceedings, but in criminal proceedings, child welfare investigations or proceedings, and for some, also immigration or refugee law proceedings
- Multiple services are often engaged (and all have been impacted by COVID-19) – these include:
  - > PARS, supervised access, legal aid, Office of the Children’s Lawyer, policing
  - > Counselling, health, rehabilitation, etc.

# General Legal Principles in Family Law COVID Decisions and Their Implications for Cases Involving Family Violence

**Urgency threshold** – Concerns must require “immediate” resolution, be serious (a significant impact on health, safety, or well-being), “definite” rather than speculative, “material” rather than theoretical, and “clearly particularized in evidence.” (*Thomas v Wohleber* 2020 ONSC 1965)

**Presumption that all custody and access orders should continue and be complied with** ((*Ribeiro v Wright*, 2020 ONSC 1829)

**Settlement expectation** (communicate, cooperate)– “Right now, families need more cooperation. And less litigation.” (*Ribeiro v Wright*, 2020 ONSC 1829)

**Maximum contact intensified** – “Children need love, guidance and emotional support of *both* parents, now more than ever.” (*Ribeiro v Wright*, 2020 ONSC 1829)

# Particular Challenges of Accessing Justice (and Safety) During COVID-19 in Cases Involving Family Violence

- Limited ability to access the relevant professionals, services, and reports to document family violence and its impacts
- Delays and backlogs during which there is ongoing exposure to family violence
- Reluctance of judges to decide competing allegations of family violence on the basis of affidavits
  - > Concern also raised regarding the challenges of assessing credibility when trials are conducted remotely
  - > Privacy and safety concerns related to virtual participation
- Privacy and safety concerns related to virtual participation

See Smyth et al, COVID-19 and Separated Families, 2020, reporting on the experience in Australia, [https://accsa.org.au/wp-content/uploads/2020/06/ANU\\_COVID-19\\_Issues\\_Paper\\_May2020.pdf](https://accsa.org.au/wp-content/uploads/2020/06/ANU_COVID-19_Issues_Paper_May2020.pdf)

# Julie Lee

Family Law Review Counsel, Community Legal Services and Western Law, at Western University, London

Supervises and collaborates with Western clinical law students offering family law representation to community clients.

Previously served as a sole practitioner with emphasis on family law issues of parenting disputes; child protection.

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# AnnaLise Trudell

Manager of Education, Training and Research at ANOVA, London, Ontario

Oversees facilitation, curriculum development, and evaluation of youth anti-violence programming and professional trainings.

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# GBV Services & Covid

AnnaLise Trudell, PhD  
Manager of Education, Training & Research



# Balancing act

- Trauma and Violence Informed Care (TVIC) and Health recommendations: what is the biggest risk?
- Some shelters have decided on full capacity, others have moved entirely to alternative housing options (eg hotels)

*“As they had to maintain distance and not console us women when we needed it plus you could not really tell what facial expression they were using”.*

*“I also think it’s a bit traumatizing for residents to be faced with strict isolation and PPE requirements, as strict regulation can often be a part of the abuse they faced, and the reason they came to us in the first place. We have had to make several changes to residents’ ability to sign out, isolation upon intake, communal space restrictions, etc. that I feel could trigger past abusive experiences and cause extreme harm to our clients.”*



# Benefits

## For women:

- greater independence, they preferred the privacy

## For staff:

- capacity to serve more women

## For EDs:

- some women would have difficulty following the strict shelter COVID-19 restrictions and so hotels offered an alternative

# Concerns

## For women:

- difficulty getting the help they wanted, worried about missing daily check in if they left their room
- stress because where hotel located, other residents

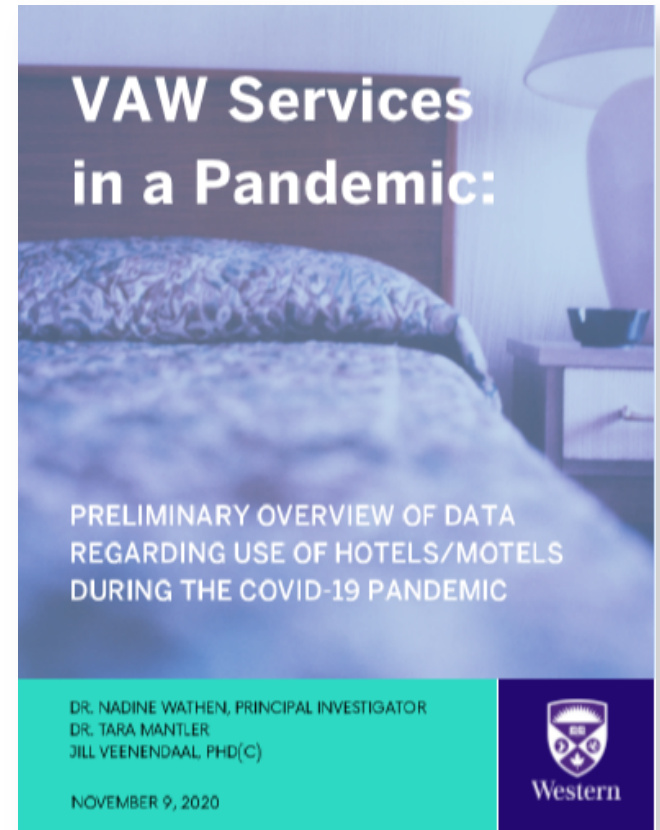
## For staff:

- unable to make genuine connection, hard to assess if appropriate (risk, trauma symptoms)
- inability to monitor who goes into hotels

## For EDs:

- security concerns (lack of controlled entry, hotel staff not trained)

Find out more: <https://gtvincubator.uwo.ca/vawservicespandemic/>



# Bottlenecks

Shelters remain full with little to no movement of bed availability because they have nowhere to move.

When women cannot move out this means the next woman (and their children) calling our crisis line can't get a bed. It means they remain in abusive and dangerous situations.

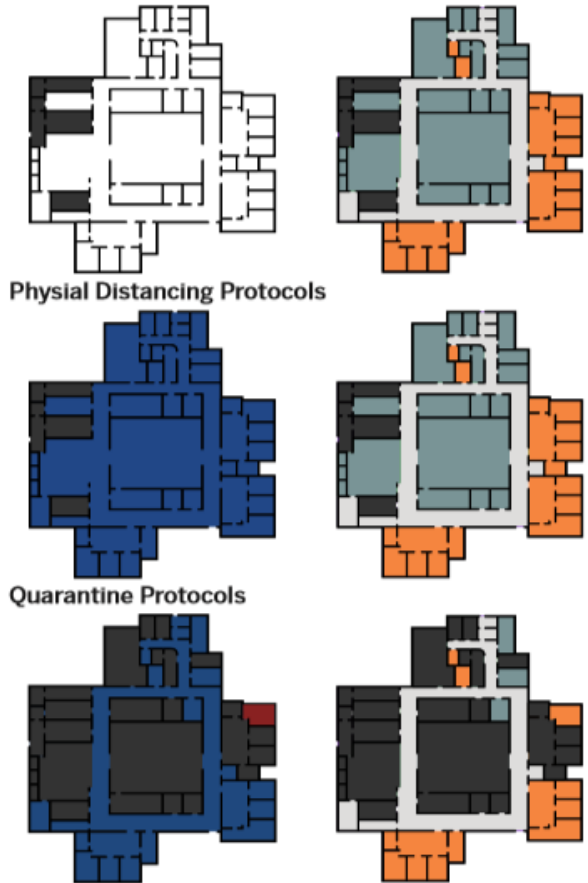
-Ontario Association of Interval and Transition Houses

## Anova:

- the length of stay was up on average by 71 days
- number of times we had to turn women away shelter was up— 28% of calls in 2020

## 15 VAW/GBV shelters in Ontario

- Shelters suffered on average 27% space loss (range of 7-56%)



# Impact on staff/volunteers

*“Working for survivors of sexual abuse, you hear a lot of horrible stories every day. Since Covid hit, I had to invite those stories into my home. My entire living space has been slimed with stories of sexual violence, making it hard to “leave work at work”. I think about work more often now. **I feel like I can’t escape it.**”*

81% said work-related stress under COVID-19 to be somewhat (53%) or significantly more stressful (28%) than prior to the pandemic.

Find out more:

<https://endingviolencecanada.org/wp-content/uploads/2020/08/FINAL.pdf>



# Tim Kelly

Executive Director of Changing Ways in London and Middlesex County, Chatham/Kent County and St. Thomas/Elgin County

Co-developer and trainer leader for Caring Dads: Helping Fathers Value Their Children, a group intervention program that works with fathers who have harmed their children either directly or through exposing them to intimate partner violence.

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# Partner Assault Response Programs

Tim Kelly MSW RSW

Executive Director-Changing Ways  
Service Manager Family Violence Counselling Program-  
Oxford Children's Aid Society



# Program delivery changes for clients referred to PAR programs

- Many realized that behaviour change in the pandemic was no longer the goal of interventions
- Refocused on risk monitoring and addressing immediate needs to reduce threat to those who live with the service users of PAR programs
- Increased contact with service users from weekly group attendance to weekly telephone check-ins as a way of monitoring developing escalation of risk.
- Developing ongoing safe behaviour planning for PAR clients that address the dynamic nature of the pandemic

# How we adjusted our work

- Make a connection so that men had someone to reach out
- Identify key areas of dynamic risk for re-assault
- Work with men to understand their risk to others
- Collaborate with other social service providers to manage and reduce dynamic risk
- Provide practical support to help manage immediate stress

# Principles developed for providing PAR

- Response to covid19- balance COVID response with safety of victims of intimate partner abuse
- Program changes must be informed by safety --not expediency within criminal justice system
- Risk assessment and risk management-ongoing use of lethality and risk assessments
- Coordinated community response—increased communication and case management with criminal justice partners

# Where we landed on providing interventions

- Groups be limited to eight participants
- Groups run for a duration of one hour
- A minimum of three individual phone contacts with each group participant

# Partner/survivor outreach

- Immediate recognition of the risks to the partner/survivor.
- Increased weekly contact with the partner/survivor
- These contacts became a outside lifeline for many of the partner/survivors

# At this point in the pandemic

- Programs are being offered on line using Zoom
- Programs are offering sessions with regular individual checking phone calls scheduled by the counsellors
- Partner/survivor contact continues to be much more regularly conducted throughout the time the offender is in program.
- Currently no indication of a scheduled return to in person services

# Amanda Bruyns

Program Coordinator, Merrymount Children's Services, London

Assists families going through separation and divorce who are having difficulties over custody and access arrangements

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# Supervised Access

Amanda Bruyns Program Coordinator  
London & Middlesex Court Districts





# Supervised Access in Ontario

- **1992:** Supervised Access Pilot Project launched
- **1994:** After successful review, Program became permanent part of the Ministry of the Attorney General.
- **2000-2003:** significant expansion
  - 52 Court Districts across Ontario
  - Database development
- **2008:** Full province-wide expansion
- **2018:** New database released
- **2020:** Program changed divisions within Ministry of the Attorney General
  - The Pandemic...

# The Pandemic

- March 17, 2020: London site temporarily-suspended providing in-person services
- Virtual access offered to active families in Program
- Choosing a platform
- Safety
- Connectivity
- Successes

# In-Person Services

- Centre challenges to resuming in-person services
- Public Health
- Costs
- Increased Staffing Needs
- Reduction in services offered
- Program ongoing need to be flexible with changing circumstances

# Contact Information

## **Amanda Bruyns**

Program Coordinator

Supervised Access Program

London & Middlesex Court Districts

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[amanda@merrymount.on.ca](mailto:amanda@merrymount.on.ca)

Ministry of the Attorney General:

<https://www.attorneygeneral.jus.gov.on.ca/english/family/supaccess.php>

# Questions

Review of questions posted



[www.alliancevaw.ca](http://www.alliancevaw.ca)



# Contact Information

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Link to evaluate this webinar is posted in the chat