



# High conflict separation or domestic violence: how to see things (a little) more clearly?

Supporting the health of survivors of domestic violence in family law proceedings

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Please be aware of the traditional lands you are on and join us in paying tribute and expressing gratitude to the generations of Indigenous people who have cared for them, and in celebrating the strength and spirit that continues to animate the Indigenous Peoples. All the efforts undertaken to make the promise of truth and reconciliation a reality in our communities and, more particularly, to ensure that missing and murdered Indigenous girls and women in Canada obtain justice, should inspire our discussions, within this webinar as well as outside.



# Elisabeth Godbout

Elisabeth Godbout, Ph.D., T.S., is an assistant professor at the School of Social Work and Criminology at Laval University. Her research focuses on family transitions (parental separation and family recomposition) and more particularly on the severe conflicts surrounding parental separation (in particular, conflicts surrounding custody and access and the exposure of children to conflicts and violence marital). She is interested in the adaptation of children in these contexts as well as respect for their rights and interests. She also conducts research on the accessibility of psychosocial and legal services dedicated to separated families.

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# Catherine Turbide

Holder of a doctorate in social work from Laval University, Catherine Turbide is a regular professor in social work at the University of Quebec at Rimouski. Previously a social worker within youth protection services, she now specializes as a researcher on issues affecting these practices and the families who benefit from them. As part of her work, she was interested in the point of view of parents followed by youth protection services due to a severe separation conflict. More specifically, she examined their journey in terms of their family and service trajectories. Her research interests focus on situations where parental breakdowns represent a risk of child abuse (such as severe separation conflict or post-separation domestic violence) as well as on the services offered to these families by youth protection. She is also more broadly interested in the prevention of mistreatment and tools to support intervention with families.



# Introduction

- Intimate partner violence (IPV): the greatest risks are observed around the period of separation (Coroner's Office, 2022; Campbell & Messing, 2017; Hotton, 2001)
  - In research and in the news: difficulty for survivors having IPV recognized before family courts and youth protection authorities
  - Knowledge on IPV has developed in parallel with that on high conflict separation (HCS)
  - In the last two years: a multitude of reports, judicial decisions, draft laws/amendments move in the direction of better recognition of IPV and family violence and the distinction between IPV and HCS
  - Need for research insight.
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# Plan of the presentation

- An overview of research located at the intersection of the two phenomena (HCS; IPV)
- Overview of the issues for the family justice system and the youth protection system

## 2 studies to illustrate these issues:

- Data from the Longitudinal Study of Separated Parents and Stepfamilies in Quebec
- Experience of parents receiving youth protection services due to a HCS

# Issues for the family justice system when these families end up in the family justice system

## What does the research say?

- Nearly 50% of parents fighting over custody of their child report an incident of serious physical violence committed by their ex in the past year (Beck, Walsh, & Weston, 2009)
- Different types of IPV are found in the family justice system (Beck et al., 2013, N=845 couples in custody dispute)
  - 17% report a severe form of physical violence involving controlling and coercive behavior (13% = male perpetrator of violence, 4% = mutual)
- When the case goes to trial, there are 3X more often the presence of allegations of violence than in cases not going to trial (19 vs. 6%) (Poitras et al., 2021)



# When these families end up in the family justice system: what does the research say?

**1) Perception of survivors who judicialize a disagreement over the sharing of parenting time** (Bemiller, 2008; Coy et al., 2015; Elizabeth et al., 2012; Feresin, 2020; Gutowski & Goodman, 2019; Khaw et al., 2018 ; Laing, 2017; Miller & Manzer, 2018; Roberts et al. 2015; Rinfret-Raynor et al., 2008; Slote et al., 2005; Zeoli et al., 2013)

Revictimized by the justice system, are not listened to or believed, are perceived as alienating/hostile, acts of violence are compartmentalized = loss of sight of the general pattern of domination, their trauma is not recognized.

**2) Studies of the practices of experts and judges** (Bernier et al., 2019; Haselschwerdt et al., 2011; Hardesty et al., 2015; MacDonald, 2016; Naughton et al. 2015; Saunders et al., 2013)

Certain beliefs and attitudes about IPV= importance on practices beyond other factors (sociodemographics, training); IPV seen (by the majority?) from the angle of conflict rather than from the angle of the imbalance of power/domination.

# When these families end up in the family justice system: what does the research say?

## 3) Study of court files (Kernic et al., 2005; Morrill et al., 2005; Ogolsky et al., 2022; Shaffer & Bala, 2003)

Files involving IPV : little or no difference from those that do not mention it in terms of parenting time or measures aimed at protecting victims. Inconsistency between jurisdictions (criminal and penal law vs. family law).

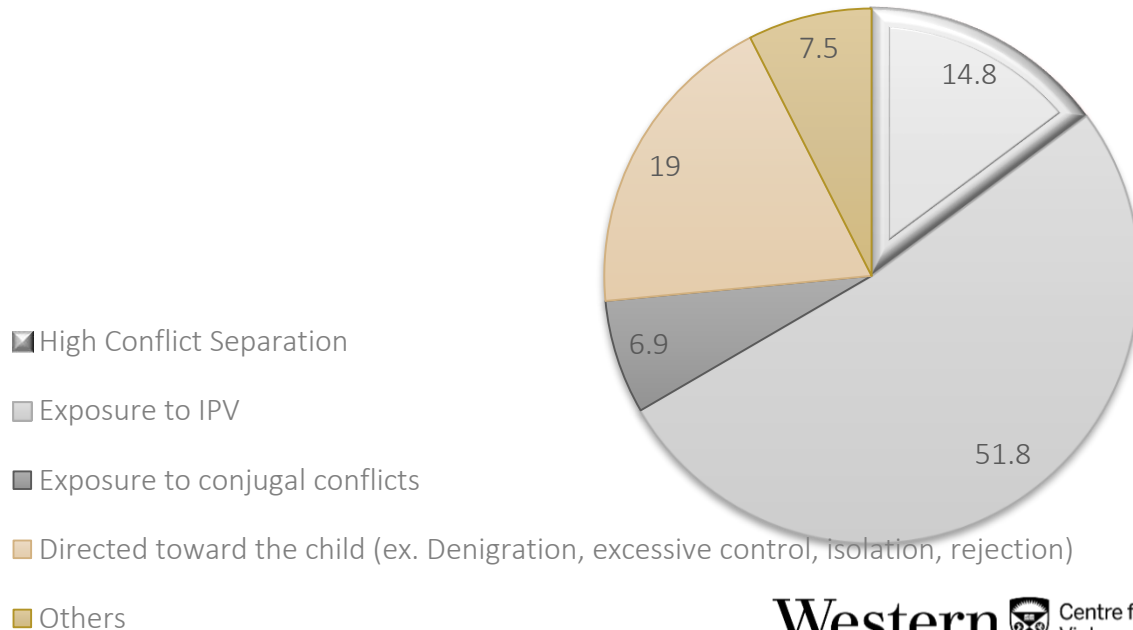
# Issues for the family justice system: putting it into context

Contrasts between the goals of the family justice system and those of domestic violence advocacy groups (adapted from Johnston & Ver Steegh, 2013)

<b>Family justice system</b>	<b>Advocacy groups for victims of IPV</b>
Pragmatic division of parental time and importance of ties with both parents	IPV must be detected, seen as a serious problem and the safety of victims = primary consideration
Normalize separation	Perpetrators of violence must be held accountable
Gender equality taken for granted and must be reflected in the decisions rendered	Need to recognize gender inequalities

# Issues in youth protection services

Issues associated to reports to youth protection for emotional abuse in Quebec (INESS, 2016)



# Issues in youth protection

For youth protection workers (Godbout et al., 2018; Saini et al., 2012; Lapierre, 2011)

- Distinguish between HCS and IPV situations
- Take a stand on the truth of the facts
- Clarify their role
- Reconciling the child protection mandate and maintaining parent-child ties

# Issues in youth protection

For parents (Johnston et al., 2019; Polak & Saini, 2018)

- Suffering
- Worry for the child
- Feeling of not being taken seriously
- Sometimes paradoxical situations



## A complex phenomenon

Significant relationship problems between parents

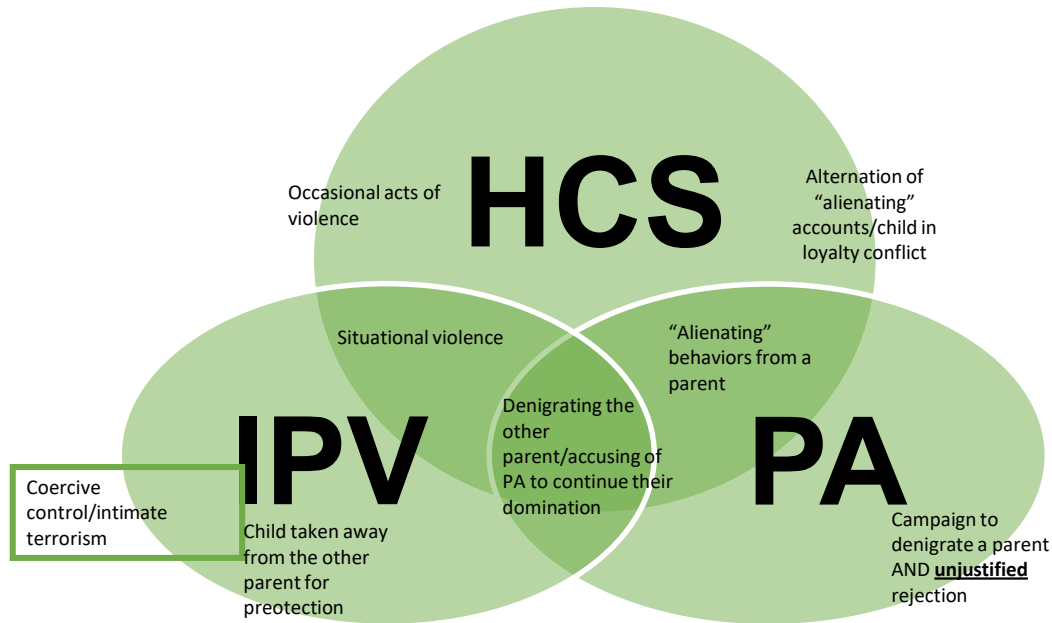
Difficult or even impossible co-parenting

Repeated use of services/repeated disputes

Impacts on the child

Persistence of conflict over time

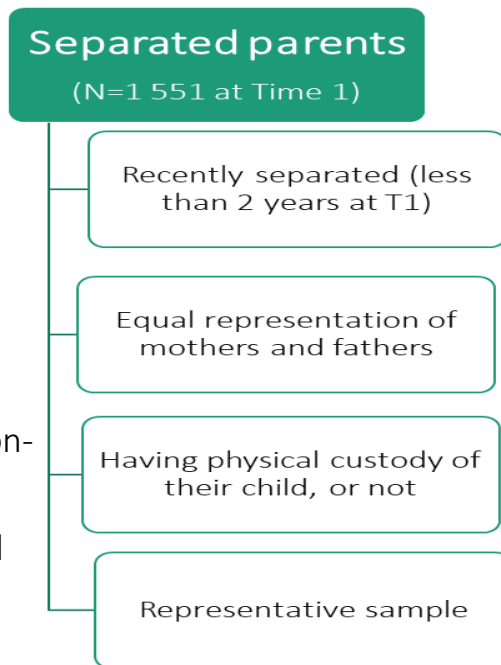
# Persisting conceptual and clinical confusion





# The Longitudinal Survey of Separated Parents and Stepfamilies in Quebec (LSSPSQ) (Saint-Jacques et al.: doi:10.5683/SP2/SJWLPK )

- Led by a multidisciplinary (demography, law, economics, psychology, political science, sociology, statistics and social work) and multisectoral team;
- 3 measures points; 24 months apart;
- Based on validated measures or measures used in other population-based studies;
- Main themes covered: health and well-being, family and couple relationship's quality, law and public policy, families' needs and use of services, etc.

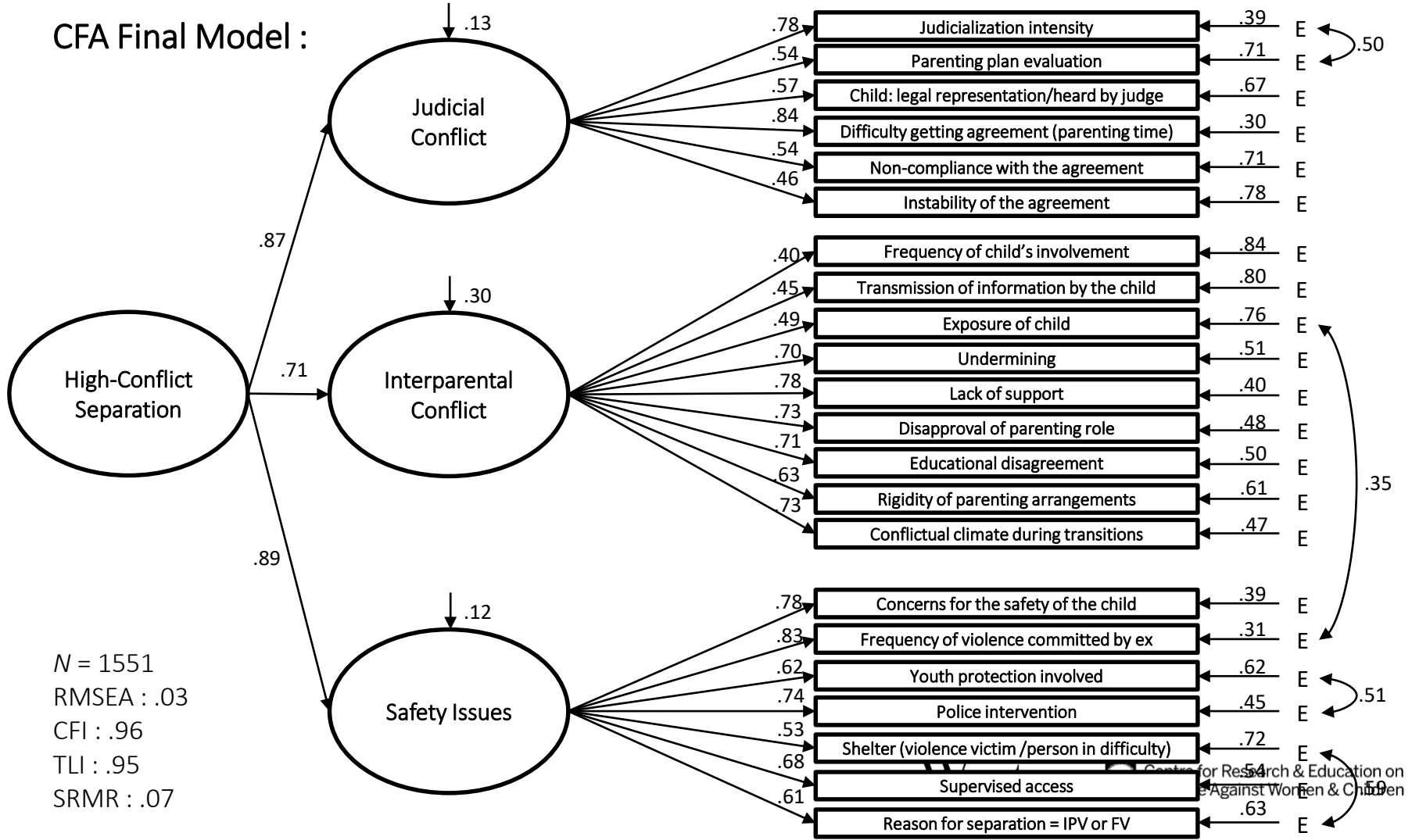


# What is the nature and prevalence of HCS?

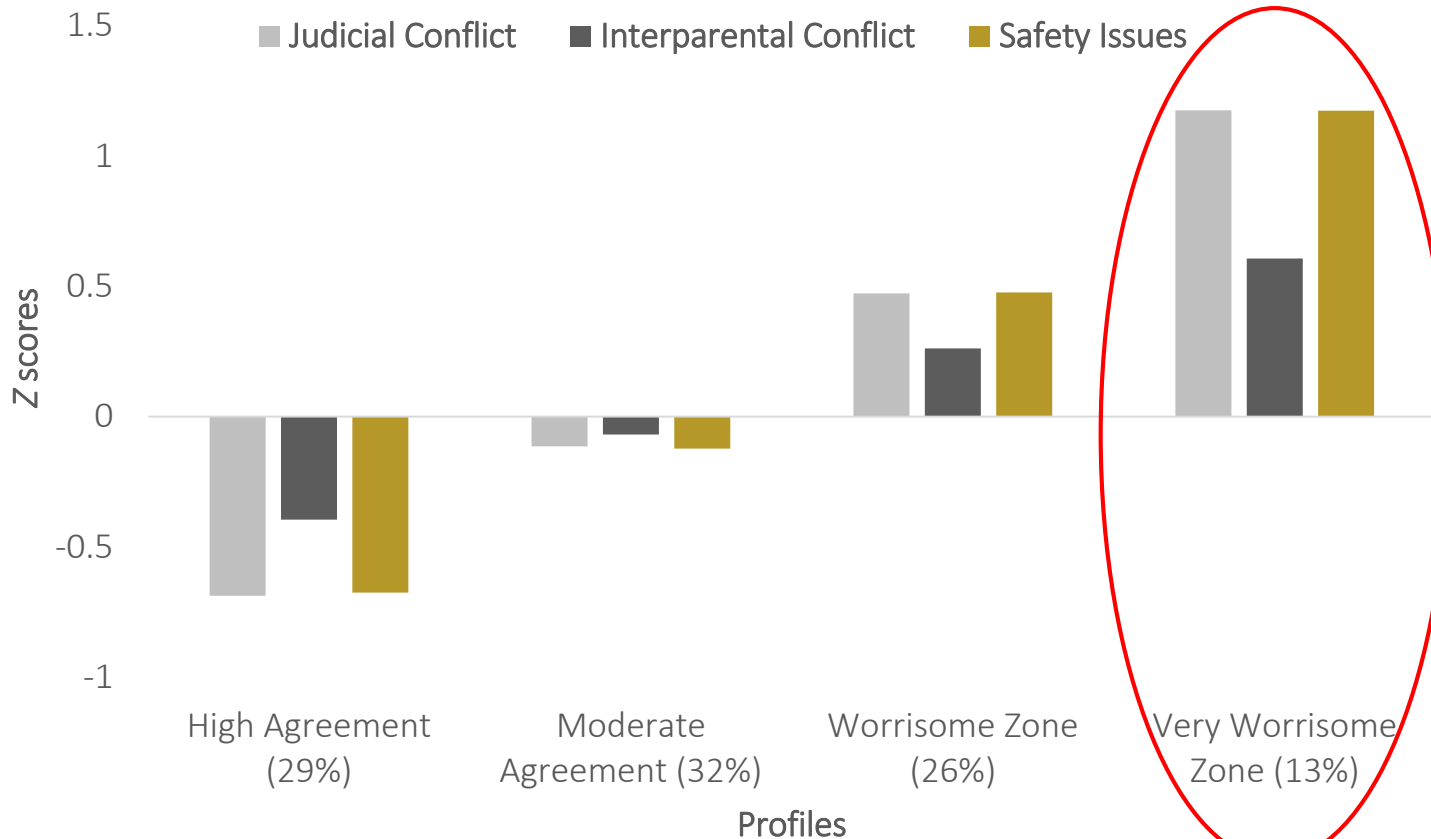
(Godbout, Turbide, Poitras, Larouche, Baude, Cyr, & Roy, 2023)

- Significant judicialization (Bala et al. 2010; Maccoby & Mnookin, 1992, Kaspiw et al., 2009; Poitras et al., 2021)
- Marked coparenting difficulties (Lamela et al., 2016; Maccoby & Mnookin, 1992; Polak & Saini, 2019)
- Presence of security issues (Anderson et al., 2010; Jaffe et al., 2008; Kaspiw et al., 2009)

# CFA Final Model :



# Are subgroups of parents experiencing conflicts of different NATURE and INTENSITY? (N = 1 551)



- 34%: at least one presentation in Superior Court.
- 30%: decision after trial
- 30%: custody assessment
- 45%: worried about the safety of the child with the other parent
- 34%: Youth protection
- 48%: police intervention
- 10%: shelter
- 34%: separation due to IPV/family violence

**Confirms an entanglement of these dimensions**

# What about post-separation violence within the LSSPSQ? (Perona, Lessard, Saint-Jacques, & Turbis, 2023)

The challenges of a population approach of IPV:

- At T1: almost a third of parents declare having suffered or exercised violence “sometimes” or “often” (psychological, psychological through children, physical or sexual) since the separation.
- Almost a quarter: only victim
- 45%: neither perpetrator nor victim
- Parity between men and women...

# What happens when coparenting is degraded?

(Perona, Lessard, Saint-Jacques, & Turbis, 2023)

323 parents (20%): report having suffered or experienced violence “sometimes” or “often” AND have deteriorated post-separation coparenting

**Violence “repeated over time”**: violence= reason for separation + use of protection services (shelter and/or police): n=39 (97% are women)



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# The Journey of Families receiving Youth Protection Services due to a High Conflict Separation

## The Parents' Perspective

Thesis

Catherine Turbide, TS, Ph.D

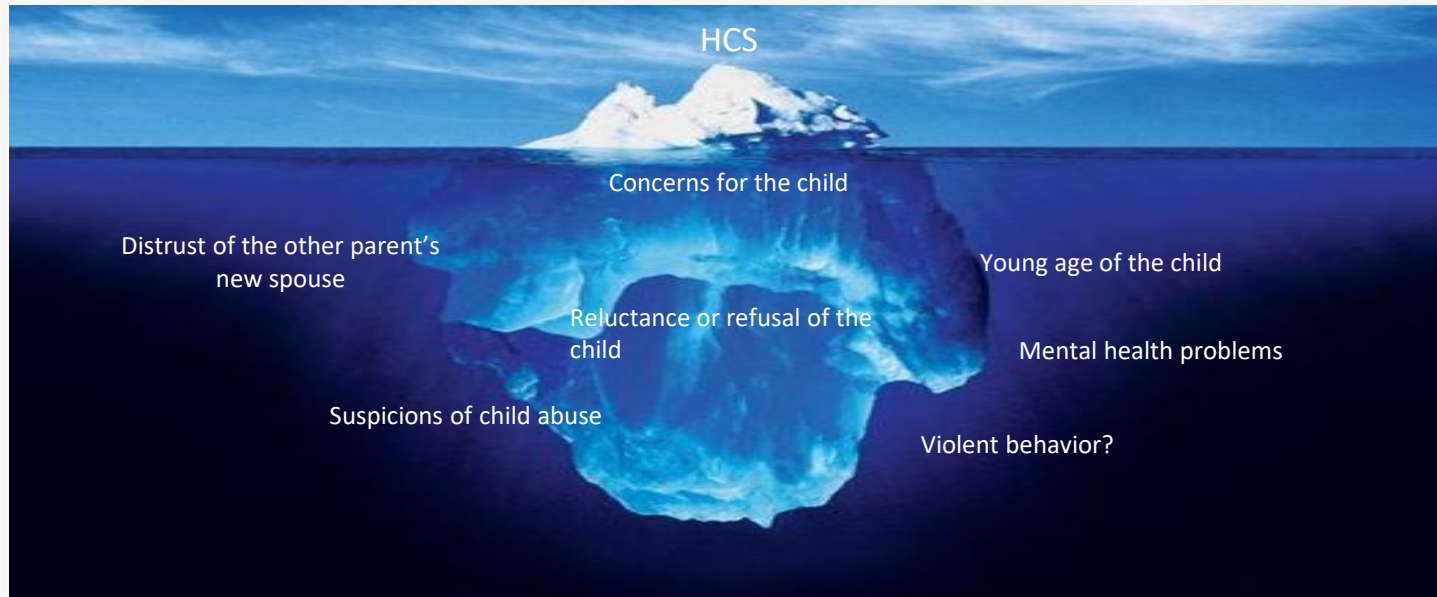
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# Importance of understanding the context

(adapted from Cashmore et Parkinson, 2011)





# Objective and research questions

## **Objective :**

Understanding the journey of families receiving services from youth protection services due to HCS from the parents' perspective

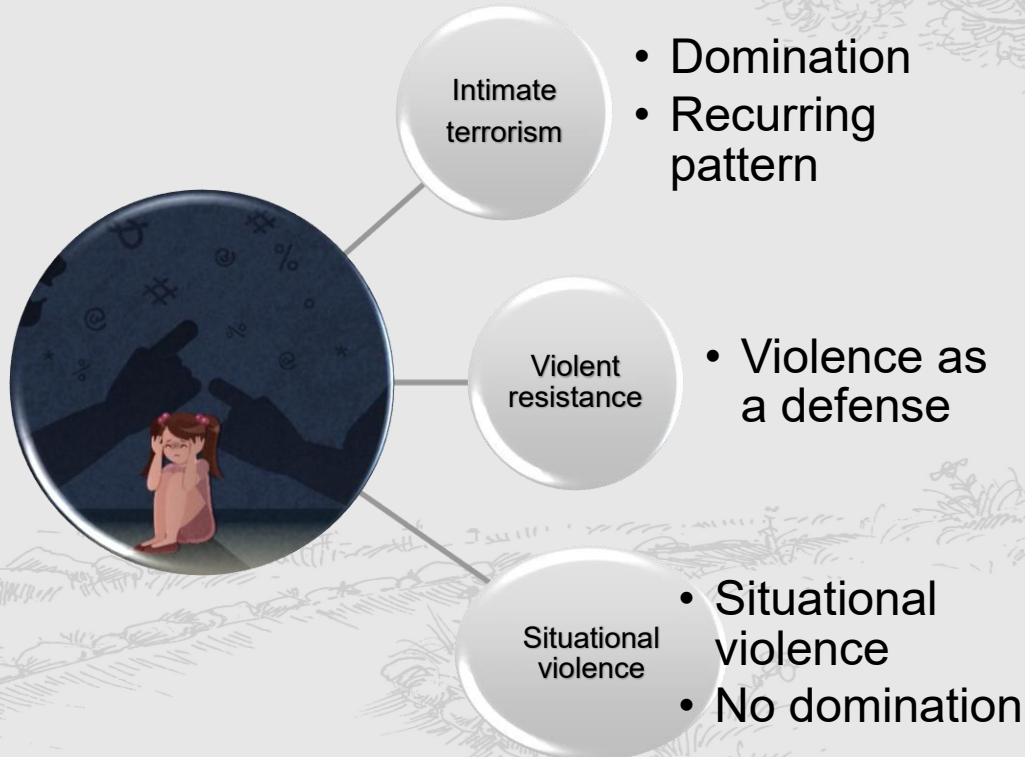
## **Questions :**

From the point of view of these parents:

What characterizes their journey in terms of their family trajectories and use of services?

How does the youth protection's intervention fit into their journey?

# The Johnson model



# Stark's model (2014)

- Coercion
- Assaults involving extreme violence
- Intimidation
- Harassment
- Humiliation
- Control :
- Strategies to Force Obedience



# Methodology



Qualitative approach

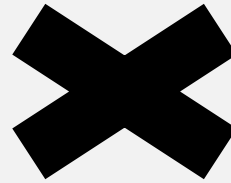


Inclusion criteria

YP intervention due to emotional abuse (article 38c of the Youth Protection Act)

Emotional abuse caused by HCS

Other types of maltreatment could be present



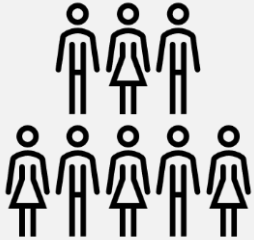
Exclusion criteria



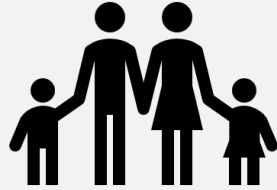
Recruitment with the help of workers

Three sites

# Methodology



15 women and 6 men



2 children on average

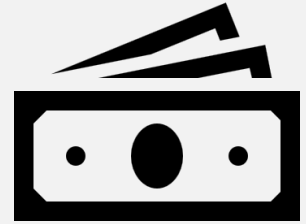
2 participants have HCS in two relationships with other parents



Bas-St-Laurent : 2

Chaudières-Appalaches : 2

Capitale - Nationale : 17



81% work full time

52.3% income below the Average

# Specific questions

**From the point of view of parents followed by the DYP due to HCS:**

What is the nature of the difficulties encountered in their family trajectory?

How do difficulties between parents evolve and what contributes to their evolution?

# Results

## Nature of their difficulties



HCS (n=11)

- “Right now, we're just two stupid people who [aren't] able to handle each other. That's who we are. » (M1)
- “[...] I never did anything right and no matter how much I told them: “she drinks like hell”, maybe that’s [why] they saw a separation conflict. When [I] went to court, [...], I even asked the judge that if he didn't do anything, I no longer wanted her to be alone with my child [because of her consumption of alcohol].(F9)

IPV (n=8)

- “[...] with [the father] I was experiencing a situation of psychological control. [...] I no longer had any friends, I was not allowed to go out, I was not allowed to have friends, [...] if I sorted myself out in the morning before going to work , I could eat a flight. [...] From the breakup, it was just harassment, following [denigrating me] towards my children [...]. » (M2)

Unclear (n=4)

- “Of course there was even physical violence between the two of us because I couldn’t take it anymore. [...] But the initial problem was really the father’s behavior which meant that the children did not have a close bond with [him] basically. » (M12)

# Results

## Evolution of their difficulties

### Difficulties that unfold in the period before the breakup

- Difficulties before breakup
- Accumulation/chaining
- Coparenting impossible

### A conflict that is anchored in the period after separation

- Difficulties before breakup interpreted as “normal” or less serious
- Stepfamily formation/event after separation

### A conflict that calms down after a stormy period

- Difficulties throughout the trajectory
- Calms down after an event or the work of YP



“I completely cut ties, sorry. [...] I'm afraid of her. I am scared. It's dangerous for me” (F3)

“I consider that the separation conflict really began with [the new partner]. Because yes there were conflicts between us, but not like this. Even when he cheated on me, it wasn't gross like now.  
» (M1)

“For once, the fact that I was sick, she didn't see it as [something] dangerous but as [something] that could perhaps help to understand her” (F9)



# Specific questions

**From the point of view of parents followed by the YP due to HCS:**

What are the consequences of the YP's intervention on their family trajectory?

# Results

## The consequences of the YP's intervention

### The relationship between parents

- Little improvement between them
- Allows to supervise exchanges

### Impacts on parenting

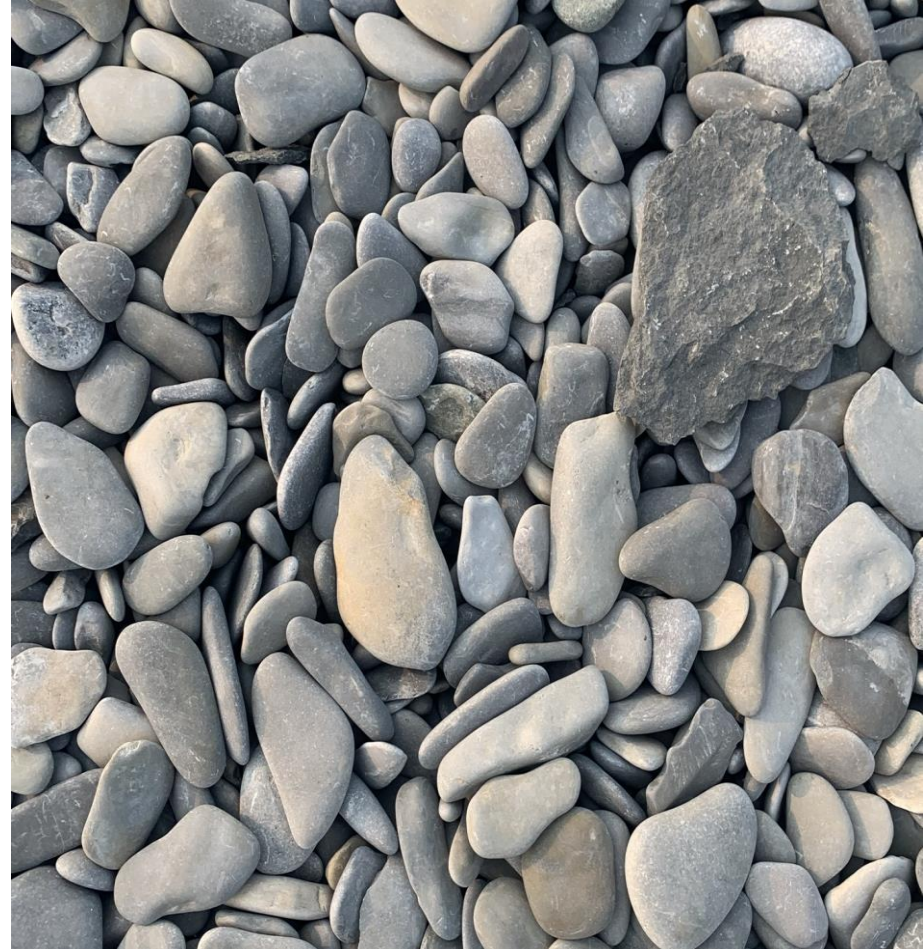
- Access and relationship with the child
- Parenting practices
- Coparenting

“It’s still the same with emails and text messages [but] it’s less [than before]. Before I could have 50 or 60 a day. It’s not like that anymore. I think **it’s because the youth protection is there** and he knows that it doesn’t take long for me to raise the flag. I think he perhaps feels a little more monitored at that level. » (M10)

“I’m going to do it, no choice, but it doesn’t tempt me, I tell myself it’s the father who needs an educator, but here, it’s me who finds myself with this to learn to manage my children, but I’ve been managing them since they were born, so I find it hard, yes. Then you know, I feel like telling him – no [but] you can’t say no to youth protection» (M19)

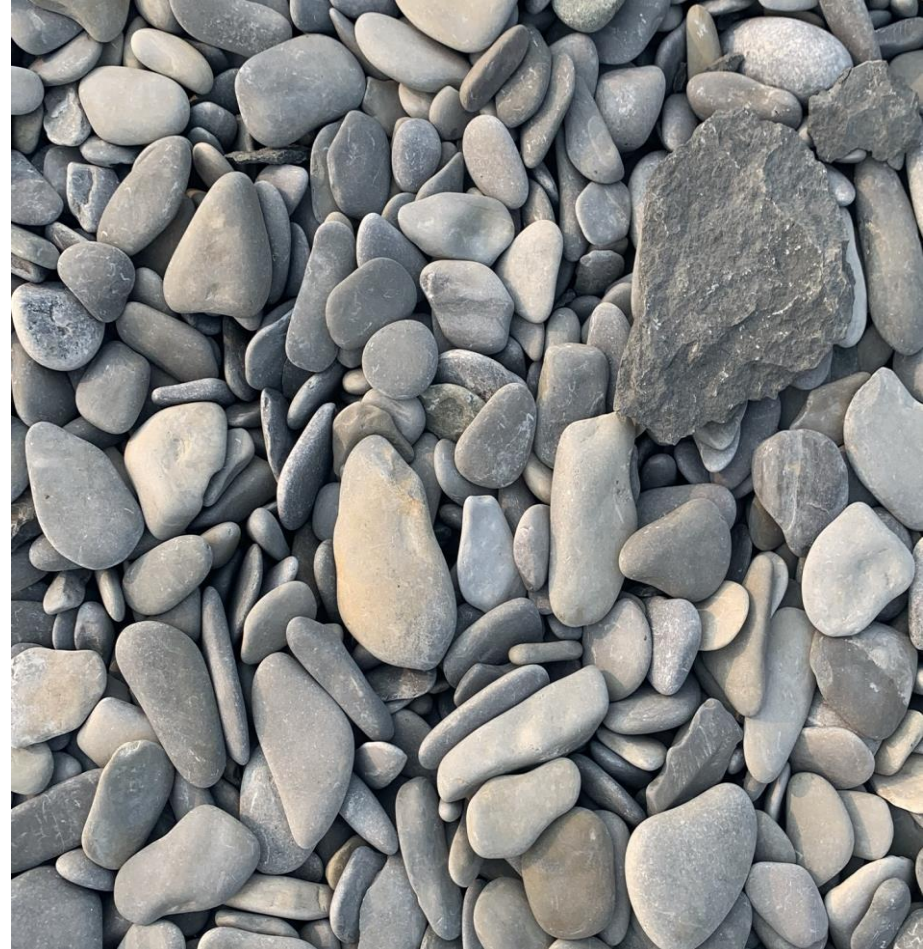
# Findings

- Diversified and complex courses;
- Importance of taking into consideration the overall picture and history of family difficulties;
- Consider power inequalities in relationships;
- There are still steps to be taken to understand the contexts of IPV;
- Crossing perspectives between the worlds of IPV and HCS;



# Findings

- Requires a response adapted to the contexts and flexibility in our action with families;
- Provide workers with clinical support and the necessary resources;
- Quite a challenge in a context where the family justice and youth protection systems are under pressure!
- The legislative changes represent a good step forward, but will the resources follow?



# Questions

Review of questions posted



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



# Contact Information

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