



Family Violence & Family Law Brief

**Executive Summary of Why
Can't Everyone Just Get Along?:
How BC's family law system
puts survivors in danger**

Issue #2 | *March 2021*



ALLIANCE OF CANADIAN
RESEARCH CENTRES
ON GENDER-BASED VIOLENCE

Executive Summary of Why Can't Everyone Just Get Along?: How BC's family law system puts survivors in danger¹

Haley Hrymak² and Kim Hawkins³

March 2021

¹ Executive Summary/Learning Brief based upon the report of the same name:

<https://womenslegalcentre.ca/report-why-cant-everyone-just-get-along-how-bcs-family-law-system-puts-survivorsin-danger/>

² Haley Hrymak, BA, JD, LL.M., Research and Community Outreach Lawyer, Rise Women's Legal Centre.

³ Kim Hawkins, BSc, JD, MSt is the Executive Director at Rise Women's Legal Centre.

This Learning Brief is part of the Alliance of Canadian Research Centres' project "Supporting the Health of Survivors of Family Violence in Family Law Proceedings" - funded by Public Health Agency of Canada (PHAC).



Public Health
Agency of Canada

Agence de la santé
publique du Canada

Hrymak, Haley; Hawkins, Kim. (2021). Executive Summary of Why Can't Everyone Just Get Along?: How BC's family law system puts survivors in danger. *Family Violence & Family Law Brief (#2)*. Vancouver, BC: The FREDA Centre for Research on Violence Against Women and Children.

Share Your Feedback: Click the following link to share feedback about this Brief and/or suggestions about future resources:

https://uwo.eu.qualtrics.com/jfe/form/SV_0SqbodVqGMH5Be6

Executive Summary of Why Can't Everyone Just Get Along?: How BC's family law system puts survivors in danger

Introduction

When family violence is raised, how does the legal system respond? Rise Women's Legal Centre undertook research between 2017-2020 on exactly this question. We focused on analyzing the responses since the *Family Law Act (FLA)* came into effect in 2013. Across the province we heard story after story about a legal system that is not designed to recognize the pervasiveness of family violence, nor to assess and respond meaningfully to the risks of future violence, which is "particularly high following parental separation."⁴ We found that within a system which is not designed to protect them, women are encouraged to ask for what they may get rather than what they need. We conclude with recommendations to make systemic and cultural change to the family law system.

Methodology

We applied a mixed methodology approach to answer our research questions, drawing on a literature review, case law analysis, surveys, interdisciplinary roundtable discussions, key informant interviews, and one-on-one conversations. Further we conducted 27 focus groups across the province, speaking with over 160 survivors of family violence who had been through the family court system, and frontline advocates. Our report discusses our findings and assesses the challenges that remain for survivors of family violence within the family legal system.

BC Context

Family Law Act

On March 18, 2013, the *FLA* came into effect and made progressive changes to the provincial legislation that governs how families live after separation.⁵ Notable changes include how family violence is assessed; how the best interests of the child are determined when family violence is

We thank Dominique Legendre for volunteering to assist us in drafting this learning brief.

⁴ Department of Justice Canada, "Risk Factors for Children in Situations of Family Violence in the Context of Separation and Divorce," by Peter Jaffe et al (Ottawa: DOJ, February 2014) at 14, online (pdf): <<https://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/rfcsfv-freevf/rfcsfv-freevf.pdf> >.

⁵ Ministry of Justice, *Family Law Act Questions and Answers* (April 11, 2013) www2.gov.bc.ca/assets/gov/law-crimeand-justice/about-bc-justice-system/legislation-policy/fla/faq.pdf. Ministry of Attorney General, *Family Relationships Act Review: Report of Public Consultations* (2009) <https://www>.

courthouselibrary.ca/sites/default/files/inline-files/Report%20of%20Public%20Consultations%202009.pdf. present; and the obligation for family dispute resolution professionals to assess all cases for family violence.⁴

Expanding the Definition of Family Violence

The *FLA* also makes family violence a mandatory consideration when determining the best interests of the child under section 37 and recognizes that a child may be affected whether the violence is directed specifically towards the child or towards another family member.

Many of the challenges women face are posed not by the *FLA*, but by the manner in which stereotypes and myths about what it means to be a woman and mother inform legal practice and decisions. These attitudes and assumptions are not made explicit in law but are embedded in all our societal institutions and interactions. The power of these social and cultural norms has a direct impact on women's lives; the *FLA* has changed our laws, but our culture has not yet followed suit. Changing the way that we understand violence, power, resistance, and safety is a crucial next step for BC's legal system professionals.

What the Legal System Ignores

In the context of discussing improvements to the legal system, women spoke of the violence they experienced and the significant disregard for their safety by legal system professionals. While women frequently indicated their stories of physical violence were met with poor responses, our conversations also highlighted that non-physical violence receives even less attention in the legal system. Women emphasized how difficult it was to be believed and obtain help from the legal system for those experiences. Our findings are consistent with previous research and academic literature, and where possible we have included this to show how they are mutually reinforcing.

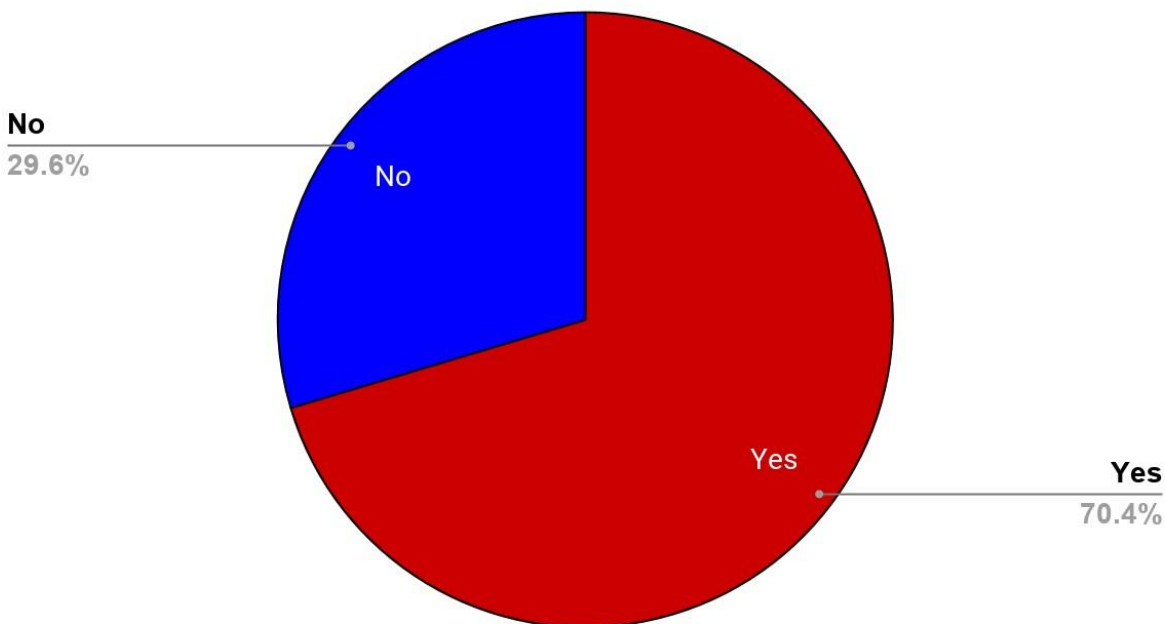
Of the twenty-seven people who responded to a follow-up survey to our focus groups, 96% of the women and 87% of their children experienced psychological or emotional abuse.⁵ Women consistently felt that the police, lawyers, and judges they interacted with did not understand the impacts of non-physical violence and did not understand the safety risks they were facing.

⁴ Zara Suleman, "Family Violence: A review of Cases under the Family Law Act" published May 9, 2014, <http://www.sulemanfamilylaw.com/wp-content/uploads/2014/11/Family-Violence-A-Review-of-Cases-under-the-Family-Law-Act-Zara-Suleman-2014.pdf> [Suleman].

⁵ This question included "psychological or emotional abuse, including any of the following: i. intimidation, harassment, coercion or threats, including threats respecting other persons, to commit suicide, to report you to MCFD, or threats against pets or property ii. unreasonable restrictions on, or prevention of, a family member's personal autonomy iii. stalking or following of the family member iv. intentional damage to property. For children the question was worded including intimidation, harassment, coercion or threats, and it was responded to by the mother. We did not interview children as part of our research. When asked about the violent family member's relationship to them, almost all survey participants indicated "husband." In our focus groups the perpetrators of violence that were described were all male.

These responses were consistent with academic research on the use of coercive control and controlling behaviour and how these actions “do not receive priority response and may not even be recognized as controlling by the courts.”⁶

Did your partner ever threaten to kill you, your children, or themselves?



A pronounced theme in our interviews with women was the prevalence of threats made by their abusive partners to cause harm to them and/or their children, including death threats. The above image shows the results of our survey from 27 respondents who had experienced family violence and been through the family court system. Women talked about reporting the threats to police and not having any charges laid and explaining the threats to lawyers and not having the threats taken seriously or being told about options for protection orders.

Financial Abuse

Financial abuse was another common theme, with the abusive partner withholding money as a way of controlling their partner. This often occurred during the relationship in the form of the abusive partner not allowing the other to have access to the family earnings, or by one partner controlling all of the finances.⁹ Financial abuse often continued for women when the

⁶ Lori Chambers, Deb Zweep and Nadia Verrelli, “Paternal Filicide and Coercive Control: Reviewing The Evidence in Cotton v Berry,” *UBC Law Review* 51, no. 3 (2018): 675 [Chambers et al, Cotton v Berry]. ⁹ See Adrienne Adams, Cris Sullivan, Deborah Bybee, Megan Greeson, “Development of the Scale of Economic Abuse,” *Violence Against Women* 14, no. 5 (2008): 563; Anna Aizer, “The Gender Wage Gap

relationship broke down, for example by her ex-partner not paying for any child support or spousal support, taking the woman's names off of family property, and controlling the shared and joint assets.¹⁰

Litigation Harassment

Women identified litigation harassment by the abusive party as a way they frequently exercised power and control after a relationship had ended.¹¹ Some of the key behaviours include: initiating multiple proceedings, using custody as a means of control, choosing to represent oneself despite having the ability to afford counsel in order to have direct contact with the survivor, and draining the survivor's economic resources or legal aid hours. Research literature suggests it is "often coercive fathers who pursue custody and/or contact provisions aggressively and tenaciously through family courts as part of their ongoing harassment of their former partners."¹²

Seeking Help

Throughout our work on this project, we learned that not only is the legal system ineffective in responding to the pervasiveness of family violence in BC, in many cases it actually exacerbates the risk to women and children who are trying to gain safety. Through our conversations with women around BC we identified several key themes:

1. Women's experiences of violence are frequently not believed by police, lawyers, and judges.
2. If legal professionals do believe that violence has occurred, it is minimized.
3. As a result of family violence either not being believed, or being minimized, women are frequently told by their lawyers, not to bring up evidence of family violence.
4. Many women, frontline workers, and legal professionals believe that judges frequently emphasized the child's relationship with a father over safety considerations.

and Domestic Violence," *American Economic Review* 100, no. 4 (September 2010): 1847, which argues pay equity is essential to solving the problem of intimate partner violence.

¹⁰ Kailey Graham and Amy FitzGerald, "Family Law Court Watch Report" (March 2018) [Court Watch Report, 2018]. This Court Watch included observations of 50 cases in Vancouver Civil Family Court from November 2017 to January 2018.

¹¹ Susan Miller and Nicole Smolter, "'Paper Abuse': When All Else Fails, Batterers Use Procedural Stalking," *Violence Against Women* 17, no. 5 (2011): 637–38; Brittany Hayes, "Abusive Men's Indirect Control of their Partner During the Process of Separation," *Journal of Family Violence* 27, no. 4 (2012): 333; see also Sandra Goundry, "Final Report on Court Related Harassment and Family Law 'Justice'" Feminist Centre for Research on Violence Against

Women and Children (1998) <https://fredacentre.com/wp-content/uploads/Goundry-1998-Court-Related-Harassment-Family-Law-Justice-.pdf>.

¹² Vivienne Elizabeth, "I'd Just Lose It If There Was Any More Stress in My Life': Separated Fathers, Fathers' Rights and the News Media," *International Journal for Crime* 5, no. 2 (2016): 117.

Women's experiences of violence are subject to deep-rooted myths and stereotypes in society broadly, and more acutely in the legal system.⁷ Women struggle to have law enforcement and legal professionals believe them when they try to explain the violence they experienced from their partner. One woman told us "'My lawyer told me I presented horribly in court and to let it go because 'nobody is going to believe you — it sounds like you're exaggerating.'" There is enormous pressure on women to "look reasonable" which means that women are discouraged from asking for the orders that would make them and their children safe, in favour of asking for what will make them look reasonable.

Calls to Police Often Lead to Worse Situations for Women Experiencing Violence

Many of the participants explained that calling the police often resulted in harmful and sometimes even violent consequences for themselves. Some described being arrested by the police after they reached out for safety.⁸ Others described being the ones removed from their homes by police after being assaulted by their ex-partner. And others reported being threatened with having their children removed if they were to call again. These factors put women in a dangerous position when they are contacting the police and may partially explain the significant underreporting of violence to police, particularly among populations already experiencing social stigma and marginalization. The risks to the safety of women and children are exacerbated by the fact there is a housing crisis across most of BC, with a shortage of affordable, adequate housing in many communities.⁹

Indigenous women in our focus groups explained that law enforcement is more likely to be a threat to them than to provide safety or protection. For Indigenous women, interactions with the police are more likely to leave them charged with a criminal offence, interacting with the

⁷ Deborah Epstein and Lisa Goodman "Discounting Credibility: Doubting the Testimony and Dismissing the Experiences of Domestic Violence Survivors and Other Women" *University of Pennsylvania Law Review* 167, no. 399 (2019)

⁸ Women, particularly racialized women, often face criminal consequences when they do not leave abusive partners. See Karen Swift, *Manufacturing 'Bad Mothers': A Critical Perspective on Child Neglect* (Toronto: University of Toronto Press, 1995), 121; see also Anne McGillivray, "Child Physical Assault: Law, Equality and Intervention," *Manitoba Law Journal* 30, no. 2 (2003); Kendra Nixon, "Intimate Partner Woman Abuse in Alberta's Child Protection Policy and the Impact on Abused Mothers and their Children," *Currents: Scholarship in the Human Services* 8, no. 1 (2009); Nico Trocmé, Harriet MacMillan, Barbara Fallon and Richard De Marco, "Nature and Severity of Physical Harm Caused by Child Abuse and Neglect: Results from the Canadian Incidence Study," *Canadian Medical Association Journal* 169, no. 9 (2003): 911.

⁹ BC Society of Transition Houses "Getting Home Project: Overcoming Barriers to Housing after Violence" Community Needs Assessment Report (2019) <https://bcsth.ca/wp-content/uploads/2019/06/Getting-HomeProject-Community-Needs-Assessment.pdf>.

Ministry of Child and Family Development, and experiencing violence at the hands of the officers.

In our conversations with women, many had positive experiences in getting help and safety from the police. This included when police responded quickly, acted professionally, and took the safety of women and children seriously. Given the frequency with which police respond to family violence, many are experts in recognizing signs of abuse.

Stereotypes and Myths Against Women Who Have Experienced Violence

Women are disproportionately affected by family violence, yet their experience of violence remains rife with myths and stereotypes.¹⁰ These myths and stereotypes are particularly challenging in family law, because “there is a persistent idea that women make up abuse conveniently around relationship breakdown as some way to have an advantage, or as some way of a vindictive strategy to get more out of the legal system.” Ultimately, the discrediting of women’s experiences significantly impacts the safety of women and their children.

When women report violence, they are often told they have no evidence, and that it is “he said/she said.” However, when they do collect evidence, this can also seriously backfire. Key informants in our research explained that when women retain evidence of the abuse, they are, “sometimes just seen as being petty and vindictive.”

Stereotype	Experiences of the Research Participants
Women exaggerate violence against them	<ul style="list-style-type: none">• “In fact, I’m often not telling the full gory story because of the shame from being in an abusive relationship.”• One woman in a focus group said that she wished it was obvious that women, “aren’t in it for revenge.” Many women explained that bringing forward false allegations would not be worth it, and they know how it can backfire.• “We are smart enough to know that that is one of the barriers against getting our kids back. As soon as we have an abusive spouse, we don’t get our kids back. So, we would not use that as an excuse!”

¹⁰ Laura Track, “Putting Justice Back on the Map,” West Coast LEAF (February 2014) westcoastleaf.org/wp-content/uploads/2014/10/2014-REPORT-PuttingJustice-Back-on-the-Map.pdf.

<p>Women don't want dads to see their kids because they are vindictive</p>	<ul style="list-style-type: none"> • The majority of the women in our research emphasized that they wished their children could have safe relationships with their fathers, but that it was often not a possibility given the father's violence, and the father's failure to create a safe and supportive relationship with the child.
--	---

	<ul style="list-style-type: none"> • "Her kids may want to see the dad in a way that undermines her safety. It is not the case of the women undermining access. That is so (infrequent) compared to the (number of) women who feel incredible guilt about denying the parent, even though the parent has been abusive. The reality is so different than the stereotype." • One woman explained that her only "saving grace" was that she had been believed when she told the court her kids had refused to go, not that she was refusing access. • One woman said, "I went out of my way for years to make every effort for them to have a dad, as much of an asshole as he is, he's their dad." • Another woman mentioned, "As terrified as I am for myself...I just want my kids to have a dad, so I invited him over, because they won't go with him. So I'm trying to reunite the kids with their dad, and he just takes the opportunity to abuse me and them. What do you do? The courts says 'play nice'."
--	--

<p>If women are experiencing violence, they will report it to police and the police will respond appropriately</p>	<ul style="list-style-type: none"> • "[The police] were asking why I was there [at the police station] on that day and said maybe I was offended he [my ex] had a girlfriend." • "When you do call the cops, they often don't do anything, and then it angers your abusive partner more because they know you called the police."
--	---

	<ul style="list-style-type: none"> • “It seems like a lot of the time the police don’t take women seriously. If they’ve had to call a few times and if the woman’s gone back and the police knows that the woman’s gone back, then the police take them less and less seriously.” • “... she called [the police] and ...when she said he had not hit her yet, the police did not come. But when he came home, he beat her up. There needs to be something in place for women in these abusive situations, we should not already have a broken nose for the police to believe us. It should not have to escalate to the point of violence for the police to set in.”
<p>Women are just trying to get more money and property</p>	<ul style="list-style-type: none"> • “It is just money. I will go without rather than take him to court to pay what he was not paying.”

“Why Can’t Everyone Just Get Along?”

Shared Parenting with Abusive Fathers is Frequent

Despite the *FLA*’s emphasis on the best interests of the children, many women felt that in practice, “it’s more about the rights of the parents than it is about the best interests of the kids.” The women we spoke to explained that the court often failed to give very much weight to the evidence of the abuse, and often split parenting time evenly between the parents in spite of abuse. Women are expected essentially to “just get along” with their ex now that the relationship has ended, putting themselves and their children in potentially dangerous situations.¹⁷

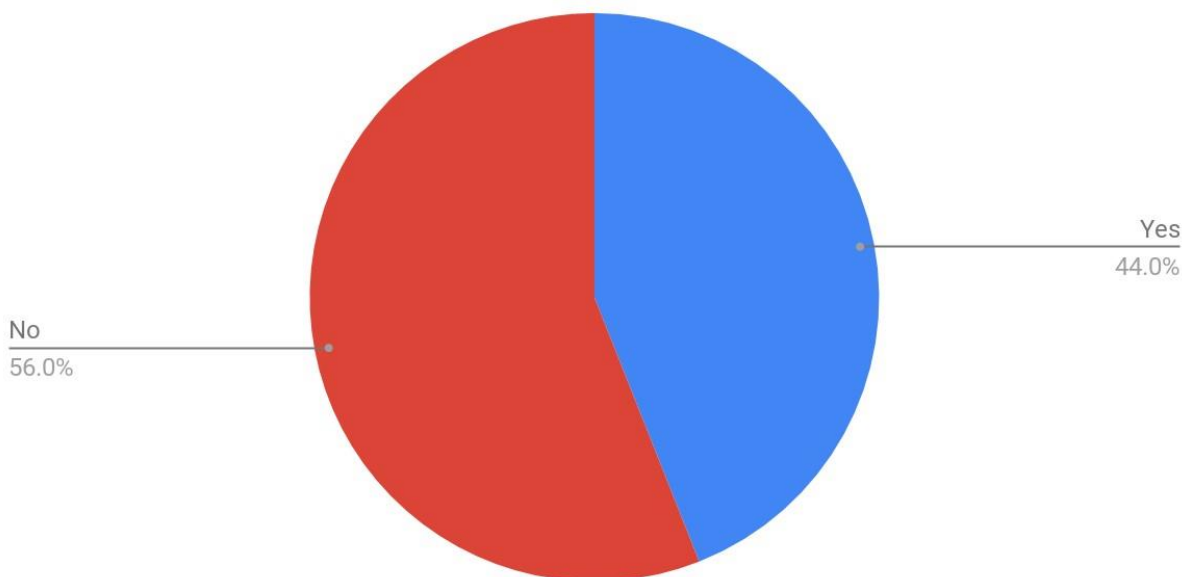
Impact of Shared Parenting on the Children

The violence that women experienced had serious consequences for the health and safety of themselves and their children. The harm to children who witness domestic violence has been well researched.¹⁸ Several women we spoke to had children who avoided social interaction because of the trauma they had experienced. Women spoke of their kids having eating disorders, anxiety, and requiring medication for their depression. Many of the children were in counselling, however for some there was no counselling available in their communities, or none that the protective parent could afford.

¹⁷ See Vivienne Elizabeth, Nicola Gavey, and Julia Tolmie, “‘... He’s Just Swapped His Fists for the System’: The Governance of Gender Through Custody Law,” *Gender & Society* 26, no. 2 (2012): 248; Liz Trinder, Alan Firth, and Christopher Jenks, “‘So Presumably Things Have Moved On Since Then?’ The Management of Risk Allegations in Child Contact Dispute Resolution,” *International Journal of Law, Policy and the Family* 24, no. 1 (2010): 29; Janet Johnston and Nancy Ver Steegh, “Historical Trends in Family Court Response to Intimate Partner Violence: Perspectives of Critics and Proponents of Current Practices,” *Family Court Review* 51, no. 1 (2013): 68.

¹⁸ Courts and lawyers frequently do not recognize that violence against one parent to another is a form of child abuse with direct negative consequences for the child, whether it is witnessed directly or not. See Sibylle Artz, Margaret Jackson, Katherine Rossiter, Alicia Nijdam- Jones, István Géczy, and Sheila Porteous, “A Comprehensive Review of the Literature on the Impact of Exposure to Intimate Partner Violence For Children and Youth,” *International Journal of Child, Youth and Family Studies* 5, no. 4 (2014); and Stephanie Holt, Helen Buckley & Sadhbh Whelan, “The Impact of Exposure to Domestic Violence on Children and Young People: A Review of the Literature,” *Child Abuse & Neglect* 32, no. 8 (2008): 797.

Were you ever advised by your lawyer to NOT bring up family violence?



“You Have to Look Reasonable”: Minimize and Silence the Violence

The women we spoke to were often told by their lawyers not to say anything regarding the violence because it would make them “look bad.” The above image shows the results of our survey from 27 respondents who had experienced family violence and been through the family court system. Some women talked of their lawyer refusing to have conversations about family violence, even when the survivor tried to bring it up and wanted to discuss it with their lawyer.

Increasing the Danger

Women revealed that when leaving abusive relationships, their safety was often further jeopardized when they met with their lawyers, spoke with judges, and attended court. The impacts of the family court system to women were often devastating to their safety, health, and financial security. We heard from women about the many processes within the legal system that increased their danger:

- Family Dispute Resolution ○ One of the goals of the *FLA* is to increase the use of out-of-court dispute resolution, which is less costly and more efficient than litigation. However, these processes all pose challenges for women who have experienced family violence that are often not recognized by the system.¹¹
- Protection Orders ○ The *FLA* created a new remedy for victims of violence who wished to end contact with their abuser called “protection orders.”¹² Despite the potential benefits offered by protection orders, key informants and women with lived experiences of violence identified numerous challenges arising from the *FLA*’s protection order regime. They were often very onerous to get, and the breaches were difficult to have enforced.
- Ministry of Children and Family Development ○ Women spoke of the difficult position they were often put in balancing their safety, and the intersection between the Ministry of Child and Family Development (MCFD) and the legal system. For example, women who are experiencing violence, poverty, or lack of safe housing, frequently find themselves under the scrutiny of MCFD and risk having their children apprehended while being provided with no supports. This threat is even more pronounced for Indigenous mothers given Canada’s longstanding colonial history of apprehending Indigenous children.
- Getting to Court ○ Getting to the courthouse is difficult for many women, particularly in rural communities. Women’s safety is seriously impacted by the lack of public transit, which can force them to rely on hitchhiking to get to the courthouse.

¹¹ Kamaljit Lehal, Amy Fitzgerald, Harjit Kaur, Shelina Nellani, and Kathryn Sainty, “The Exploration of the Effectiveness of Current BC Methods of Family Mediation in Cases of Violence Against Women and Lessons to be Learned from Other Jurisdictions Models,” BC Family Mediation VAW Project, <https://www.lehallaw.com/wpcontent/uploads/2017/06/Law-Foundation-BC-Family-Law-MediationVAW-Project.pdf>.

¹² Ministry of Justice “Part 9 - Protection from Family Violence” (2013), 1, <https://www2.gov.bc.ca/assets/gov/lawcrime-and-justice/about-bc-justice-system/legislation-policy/fla/part9.pdf>.

- Courthouses
 - Courthouses are where survivors must ultimately go to seek legal remedies for the violence they experience, but courts are not designed in ways that promote safety. Many women we spoke to described having safety concerns related to being in the same building with their ex-partner. Women described court as “intimidating and unpleasant” and expressed that they feared being harmed before or after court. They felt there were no safety protocols in place to protect them.
 - In our survey to survivors, 42 per cent indicated they had safety concerns in the courthouse and/or courtroom, and 62 per cent explained they had safety concerns either before or after court hearings. Many women described having their partner follow them out of the courthouse and to their car. Some of the women explained that their concerns were alleviated by having a sheriff or another person accompany them, much like safe walk programs on campuses, but many did not have this option.

- Supervised Visits
 - Supervised visits are ordered in some cases where family violence has been established. However, women across BC indicated that access to a supervisor is often not possible. There is little in the way of organized processes or funded programs that facilitate supervised visits, particularly in remote areas. In many instances, supervision is done by family members, but women explained that family members may also have safety concerns for themselves.

- Health Impacts of the Court Process
 - In our survey, 80 per cent of the women said the court process had an impact on their health; 62.5 per cent said they developed a new health problem while their legal matter was proceeding. Many women described physical health problems that they still live with years later. There were a number of women whose mental health had such a decline that it rendered them permanently disabled and unable to continue working.

- Financial Impacts of the Legal System
 - Many women described never being paid for child support, and that even after their matter was registered with the Family Maintenance Enforcement Program (FMEP), they were not properly remunerated.¹³ This occurred both when FMEP was unable to collect the funds, and when FMEP was unable to enforce the court order because of the way the order was drafted. Even where women were successful in obtaining court orders for support, these orders were frequently ignored leaving them financially worse off than when they started the court proceeding.

¹³ FMEP is a free service of the British Columbia Ministry of Attorney General to assist families and children receive their court ordered support. The person required to pay child support or spousal support makes payments to FMEP either voluntarily, or through FMEP’s method of collection, and the money is sent to the recipient. <https://www.fmep.gov.bc.ca/about-the-program/>.

Some women talked about the incredible expense required to access the legal system. It was not uncommon for women to describe losing their life savings, their RRSPs, and their house to pay for their family law proceeding. There are numerous secondary costs to going through the court process including childcare, travel, and the cost of taking time off work.

Recommendations

Addressing access to justice and safety for survivors of family violence will require system-wide change including mobilization of government resources, changes in how legal processes are designed, and willingness on the part of legal professionals to learn about family violence.

1. Family Violence Education

Our overarching recommendation is that robust family violence education and training be provided to all professionals in the family legal system. When survivors did have a positive experience that they shared, it was frequently from people who understood the dynamics of family violence.

2. A specialized legal process for family matters

Our second broad recommendation is for a specialized family court system where judges can develop expertise in family law and family violence. The family legal system must be created with an eye to safety first and in consultation with frontline women-serving agencies.

One of the critical features of a specialized legal system is that they are staffed with legal and non-legal professionals equipped with specialized knowledge and skills to work with parties experiencing relationship breakdown. In BC's current system, judges are expected to hear cases involving family violence and make determinations on the best interests of children with potentially no background or interest in family law or training in the dynamics of family violence. Decision-makers must have all the information to identify family violence properly when it exists and to assess the risk of future harm resulting from that violence. Within a new model we suggest there being specialized judges and court staff, as well as an emphasis on continuity between judges so that survivors do not have to retell their stories.

- Greater continuity in judges
- Safe spaces within courthouses
- Childcare provided at the courthouse
- Plain language communications

Conclusion

This project has highlighted the significant systemic reform that is needed if the family law system is to address family violence effectively. BC's *FLA* is progressive on paper, and it includes

an expansive definition of family violence, but it does not provide protection from the entrenched biases, myths and stereotypes that inform legal and law enforcement responses to survivors of family violence. These biases, coupled with the lack of investment in education and resources that would support women's safety mean that after eight years, the promises of the *FLA* largely remain illusory.

Our research found that women's experiences of violence, particularly non-physical violence, are often minimized or completely discounted and that myths and stereotypes surrounding family violence and biases against women are pervasive in family court. The fundamental lack of knowledge about family violence by all actors within the family law system has led to a culture where family violence is frequently not even raised in court — either because professionals do not have the skills to identify and understand it or due to concerns that alleging family violence may make women look vindictive, not credible, and unreasonable in the eyes of the judge.

A starting point for making significant improvements would be the implementation of mandatory family violence education for lawyers, judges, and police. This education should be created in collaboration with experts on family violence including frontline advocates, community organizations and women with lived experiences of family violence and the family court process. Further, there needs to be some form of specialization for family court so that people are guaranteed to have their family court matters heard by judges knowledgeable about family violence, and within a safe process.

Equivalencies

ENGLISH	FRENCH
Rise – Women’s Legal Centre	Rise – Centre juridique pour les femmes
Alliance of Canadian Research Centres on GenderBased Violence	Alliance of Canadian Research Centres on GenderBased Violence
Public Health Agency of Canada	Agence de la santé publique du Canada
The FREDa Centre for Research on Violence Against Women and Children	Le Centre for Research on Violence Against Women and Children de FREDa
Did your partner ever threaten to kill you, your children, or themselves?	Votre partenaire vous a-t-il déjà menacé de vous tuer, de tuer vos enfants ou de se suicider?
No	Non
29.6%	29,6 %
No	Non
Yes	Oui
Yes	Oui
70.4%	70,4 %
Were you ever advised by your lawyer to NOT bring up family violence?	Votre avocat vous a-t-il déjà conseillé de ne PAS parler de violence familiale?
No	Non
56.0%	56,0 %
Yes	Oui
44.0%	44.0 %