

BULLETIN

Family Violence and Family Law Community of Practice Bulletin *National Community of Practice Meeting*

The National Community of Practice meeting took place on September 23, 2021 via Zoom with 68 people in attendance. Guest speakers were Loretta Fredrick and Katreena Scott. Loretta Fredrick spoke about the [SAFeR](#) approach to child custody/parenting cases involving domestic violence and Katreena Scott spoke about Fathering after Violence. Each presentation was followed by small group discussions. Overall, the feedback received from the National Community of Practice (CoP) meeting was positive with continued interest in future project webinars and briefs, along with discussions centering on intimate partner violence and children, how to improve the system, and supports that center on the needs of both survivors and perpetrators.



Guest Speaker
Loretta Frederick



Guest Speaker
Katreena Scott

A report summarizing the meeting is available at [National CoP Report 1 \(fvfl-vfdf.ca\)](#)

Learn more about the SAFeR project at [SAFeR \(bwjp.org\)](#)



Learn more about *Fathering after Violence in Brief #8* Issue No. 8 -Engaging Fathers Who Commit Family Violence: Issues and Challenges for Family Courts [Family Violence Family Law - Western University \(fvfl-vfdf.ca\)](#)

Mark Your Calendars!

The next National Community of Practice meeting will take place on February 10, 2022 from 3:00 pm - 5:30 pm EST



S	M	T	W	T	F	S
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27	28					

Feb 10, 2022 | 3-5:30pm EST

Southwestern Ontario Community of Practice Activities

The Southwestern Ontario Community of Practice (CoP) met on October 14, 2021. The project team provided an overview of recent materials produced through the project from the Ontario centre as well as those of the other 4 centres across Canada. Check out the website for a full listing of briefs and webinar recordings. [Family Violence Family Law - Family Violence Family Law - Western University \(fvfl-vfdf.ca\)](https://www.fvfl-vfdf.ca/)

Review of Recent Court Decision

The CoP members reviewed a recent court decision: *S.S. vs. R.S., 2021, ONSC2137*. The decision is available at <https://www.canlii.org/en/on/onsc/doc/2021/2021onsc2137/2021onsc2137.html?autocompleteStr=2021%20ONSC%202137&autocompletePos=1>

An overview of the decision by Judge Mandhane was presented. Judge Mandhane focused on human rights considerations drawn from the Convention of the Rights on the Child and new *Divorce Act* legislation including:

- *Circumstances of child*: children are subjects of law (not objects of parents), must consider child's views/preferences
- *Best interests of the child*: more wholistic than just the child's immediate need for protection
- *Family violence*: child's fear for safety, experience/exposure to violence
- *Maximal contact, past conduct*: only past conduct relevant to parenting time and decision-making is to be considered

Key considerations:

- Importance of stable, supportive, loving environment for children (fostering bonds to all close relatives)
- Children are happy/healthy, have stable relationships with both parents
- The father had exposed children to FV in past, allegations of the mother's FV was not relevant to case (unlike the father)
- The father's unwillingness to accept criticism/responsibility, based on accounts from family members
- Reducing risk of COVID-19 exposure

Motion Decision Highlights:

- Allow the father a slight increase in parenting time (consistent with the mother's proposal)
- Allow for contact with half-sibling & partner during the father's parenting time
- COVID-19 protocols must be followed
- Neither party should speak negatively about co-parent in front of family members/children

A discussion of the case among CoP members focused on the following themes:

1. Mothers are placed in a difficult position: they are often perceived as uncooperative/alienating fathers from children, which often leads to fathers gaining additional parenting time

2. Need training for lawyers, judges and various professionals regarding:

- Changes to the *Divorce Act*
- Judges: How to factor IPV in properly to decisions (not like any other factor) & mitigating bias against mothers presenting issues of IPV
- Coercive control

3. This decision is a promising step for Family Law proceedings, has positioned children at the center of such cases (rather than parents)

Upcoming CoP Meetings:



Upcoming Webinar

Webinar *Intersecting Inequities in Family Court: A Trauma-Informed Critique*



Archana Medhekar
Archana Medhekar Law,
Ontario

Kamaljit Kaur Lehal
Lehal Law,
British Columbia

Jael Duarte
LA Henry Law,
New Brunswick

Date: January 18, 2022 | 3:00 – 4:30pm EST

Speakers: Archana Medhekar (Archana Medhekar Law, Ontario), Kamaljit Kaur Lehal (Lehal Law, British Columbia), Jael Duarte (LA Henry Law, New Brunswick)

[Click here to register on Zoom](#)

Canada's family courts are confronted with cases involving complex cultural contexts and challenging family dynamics. The family justice system often enters the realm of resolving Canada's multicultural puzzle and is tasked with making decisions regarding complex overlapping issues and facts within a legislative framework. This webinar will examine the relationship between the competing interests within the family court system as there continues to be the need for systemic change of the family dispute resolution system that designs justice for sustainable family conflict resolution.



Western

Centre for Research & Education on
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Project Team

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With financial contribution from:



Public Health
Agency of Canada

Agence de la santé
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