

**TOWARDS A CENTRE OF EXCELLENCE:
A Think Tank Discussion about Violence Against Women
and Family Law**

Final Report

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In collaboration with



Action ontarienne contre la violence faite aux femmes



The Ontario Trillium Foundation is an agency of the Government of Ontario

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FINAL REPORT

1. INTRODUCTION

Women who leave abusive relationships face particular challenges as they navigate through the family court system. While the violence against women and other sectors provide effective responses to women in this situation, there is a lack of coordinated leadership that means women and their children do not always receive the support they need and not all needs for systemic advocacy are addressed.

A provincial Centre for Excellence on Family Law and Violence Against Women could address these needs, while complementing and enhancing already existing supports and services.

Luke's Place Support and Resource Centre, working with Action ontarienne contre la violence faite aux femmes, sought funding from the Ontario Trillium Foundation to support a community-based conversation at a two-day Think Tank about the concept of a Centre of Excellence. This conversation included a Pre-Think Tank Report.

2. THE THINK TANK

Pre Think Tank Report

This report, entitled "*A coordinated response between the VAW sector and the family law system: a Pre-Think Tank Report*," built on work already done; in particular:

1. The report "*The Impacts of Recent Law Reforms on Abused Women Involved in the Family Court Process*," which is based on survey results from 101 service providers in Ontario who work with women who have experienced violence (conducted by Luke's Place and Action ontarienne in Summer 2011)
2. "*Justice Done: Crafting Opportunity from Adversity*," The report of a Forum hosted by the Barbra Schlifer Commemorative Clinic in May 2011
3. "*Needs Assessment and Gaps Analysis for Abused Women Unrepresented in the Family Law System: Final Report and Recommendations*" and "*Through the Looking Glass: The Experiences of Unrepresented Abused Women in Family Court*," which examined the situation of unrepresented abused women in family court in Durham Region (Luke's Place, 2008)
4. "*Study on the Experiences of Abused Women in the Family Court in Eight Regions in Ontario*," research conducted for the Domestic Violence Advisory Council (Luke's Place 2008)

The Pre-Think Tank Report (attached to this report as Appendix 1), identified key themes that formed the basis of discussions at the Think Tank. Those themes included:

- The challenges and opportunities created by ongoing changes to the legal systems with which women who have experienced violence must deal
- Lack of access to legal information, services and representation, particularly in family law
- Lack of an intersectional approach within key legal systems; most significantly, family, criminal and immigration
- Impact of unintended consequences of legal systems
- Reliance of the legal system on the violence against women sector to support women
- Challenges posed by the different mandates/perspectives, analyses and approaches brought by the legal system and the violence against women sector
- Lack of coordination within the violence against women sector as it supports women through the legal system
- Lack of a formal system to monitor and address unintended consequences of the legal system

The Pre-Think Tank Report concludes:

Women in Ontario continue to experience the gender biases, weaknesses and strengths of the existing legal system. At a time in their lives when they are dealing with violence in their domestic lives, they need and deserve more. The violence against women sector is a precious resource to Ontario women. In addition to the support the sector provides women, it actively works with other service providers, including the legal system, to improve, to respond appropriately and to change so that women can walk through any door in our society and be respectfully heard and supported. There is a lot of hard work to do. While the focus deservedly always needs to be on the woman and her children, it is time to look at what is being provided to support the workers in the VAW sector so that the sector can continue to provide the level of services that are needed.

Think Tank Intended Outcomes

1. To enhance communication and collaboration among key community, government and foundation partners.
2. To expand the knowledge of the current landscape for violence against women family law support, including current issues and developments in the field.
3. To identify relevant resources.
4. To discuss the need for and the feasibility of the creation of a Provincial Centre of Excellence for Woman Abuse and Family Law

Participants

More than 20 stakeholders from violence against women organizations across Ontario participated in the Think Tank, held on November 9 and 10, 2011 in Toronto.

A small number of potential funders were invited to join the discussion on the afternoon of the second day.

The Think Tank was facilitated by Joan Riggs of Catalyst Consulting.

Please see Appendix 2 for a complete list of Think Tank participants.

Think Tank Agenda Overview

Please see Appendix 3 for the full agenda of the Think Tank

The Think Tank consisted of both plenary and small group discussions. Note takers were present for all discussions, and had been briefed and provided with a Recorder's Guide by the facilitator. Notes from all sessions have been closely reviewed as part of the process of preparing this final report.

Day One of the Think Tank began with a presentation by Pamela Cross to set the context for the discussion. In part, she said:

We want to come out of this two days with a new approach to supporting women who have experienced violence and who are dealing with family law and family court: a new approach that is increasingly wholistic and collaborative, that lets us support women on the individual level while also engaging in systemic advocacy, providing training and education to those in the family law system who need to be trained and educated and conducting research so we can increasingly affect change that will end violence not just respond to it; a new approach that lets us build on all of our individual strengths, fill in some gaps and close off any overlaps in what we do; a new approach that (perhaps) encourages the financial support of more than government.

The key themes from the Pre Think Tank Report, called "working assumptions," were presented by the facilitator and a plenary discussion followed. After this, participants broke into small groups to further discuss and elaborate on the working assumptions and to discuss what is needed to respond effectively to the family law system.

Following lunch, participants returned to their small groups to discuss the concept of a Centre of Excellence and to consider what would be its key elements and principles.

The afternoon ended with a plenary discussion about the concept of a Centre of Excellence.

Day Two began with a review of the discussions from the first day, presented by the facilitator, who had reviewed all the discussion notes provided by the recorders.

The remainder of the morning was spent in plenary discussion about the development of a Centre of Excellence and developing a preliminary business case to present to potential funders in the afternoon.

Following lunch and a review of the funder presentation, a conversation was held with a small group of funders, who provided initial feedback on the concept of a Centre of Excellence.

Once the funders left, the Think Tank concluded with discussions about possible next steps. Participants were asked to clearly identify their interest in and support for a Centre of Excellence.

Outcomes of all discussions appear in the Business Case for a Centre of Excellence below.

Think Tank Evaluation

In February/March, an evaluation survey was sent to all participants in the Think Tank to gather people's reflections on the Think Tank process, the success of the Think Tank in achieving its four objectives and to learn what recommendations for follow up people have as well as what participants found to be the most productive aspect of the Think Tank.

Nine completed surveys were returned, which is just over one-third of the total number of Think Tank participants.

Generally, participants found the Think Tank effective and inclusive. The background paper and facilitation were ranked highest by most participants, but all were either satisfied or very satisfied with the process, the agenda and the discussions.

Respondents commented on the Think Tank outcomes. Most were seen as useful or very useful, although four of the nine respondents indicated that the stated outcome to help agencies enhance communication and collaboration with government and foundation partners was the least useful of the outcomes. This was in large measure due to the low turnout of government and foundation partners, which is discussed elsewhere in this report.

Respondents made a number of narrative comments. Most are interested in continuing the discussion and pursuing the vision of a Centre of Excellence. One felt differently:

"In light of current climate of fiscal restraint and a lack of interest from potential funders, I think a fundamental regrouping is required. Much of the work identified as appropriate for the proposed centre of excellence is already being done by a collection of agencies. Rather than creating a new structure, I think a more realistic and attainable goal would be to find a way to collect this information and formalize mechanisms for ongoing collaboration, knowledge sharing and advocacy efforts between existing agencies."

Respondents noted a number of productive things about the Think Tank for their agencies:

- Being included
- Information sharing
- Reconnecting with colleagues
- The background paper
- The collaborative opportunity

For the full evaluation report, please see Appendix 4.

3. THE BUSINESS CASE FOR A CENTRE OF EXCELLENCE

Note: The Business Case presented below is a blend of information gathered before the Think Tank in various research and writing undertakings particularly but not exclusively by Luke's Place and the Barbra Schlifer Commemorative Clinic, ideas generated at the Think Tank and conversations by Luke's Place and Action ontarienne since the Think Tank.

In some cases, wording of agreed-upon concepts, principles etc. has been modified slightly from the time of the Think Tank. These minor revisions do not change the content or intent that was agreed to by Think Tank participants but simply improve style, flow and/or comprehensibility.

Establishing the need

The reality of violence against women

A recent Statistics Canada report noted that, while violent crime in Canada generally is on the decline, violence against women, including homicide, remains at a constant level.

Across Canada, including Ontario, thousands of women and their children flee abusive relationships every year. Some of these women become involved with the criminal court system if they report their abuse to the police. Some also must deal with immigration issues, especially if they have been sponsored into Canada by their abuser or if their refugee claim is tied his. Almost all become involved with family law and the family court process.

The reports of the Domestic Violence Death Review Committee (D VDRC) consistently report that the vast majority of women (80% plus) murdered by their partners have recently separated or a separation is pending. The Committee has concluded in every one of its reports that separation, actual or pending, and a prior history of domestic violence are significant risk factors – in fact, they are two of the top three risk factors -- for women and children facing deaths at the hands of an intimate partner/father.

Non-lethal post-separation violence is also common, with significant numbers of women reporting that violence and abuse continue and even escalate once they leave their abuser. In some cases, violence begins at the time of separation and continues for some months or even years.

Violence against women and family court

Abused women in Ontario face particular challenges as they navigate through the family court system. One of the biggest barriers is a lack of legal representation. Without adequate support, women can experience ongoing and even increasing violence at the hands of their former partners throughout the court system and find themselves with orders that do not reflect the best interests of their children or address the serious safety issues they are facing.

In addition, all abused women involved with family court must deal with:

- fear of their abuser
- insecurity and lack of self-confidence brought on by the years of abuse
- safety concerns for themselves and their children
- lack of understanding of violence against women by many in the court system
- lack of appropriate services and supports
- possible criminal court proceedings that conflict with or impact the family court case
- ongoing separation violence

Post-separation violence

Separation violence refers to abuse that continues during and after separation and includes physical assault as well as other abusive acts (e.g. threats of physical violence, controlling behaviours and/or psychological abuse) used to make a woman reconcile or punish her for leaving. Significant evidence exists to demonstrate that the risk of abuse and lethality heightens with separation, as the abused woman defies the control of her abuser.

This has serious implications for women, particularly those who share children with their abusers. Separation is a critical time when many divorcing parents negotiate post-divorce parenting plans. At the most dangerous juncture in their relationship, abused women enter the legal system to make decisions about their children. Current custody laws and their interpretation, emphasizing gender equity, private dispute resolution, and the "best interests of the child" standard, not only fail to protect women but also provide men with a forum for separation assault.

Legal bullying

Many women must negotiate family court in a state of fear because of threats by the abuser; in particular, threats to take or harm the children. It is also common for abusers to threaten to financially drain their former partners by dragging out the family court litigation. These threats are very effective at coercing and intimidating women to reconcile or to forfeit their rights to appropriate legal outcomes. Women "trade off" with their abuser; for instance, settling for lower or no support in exchange for a custody arrangement they think is best for the children. Unfortunately, many abusers negotiate in bad faith, getting what they want from the process and then renege on their commitment.

Other legal bullying tactics can also be very effective at wearing a woman down so that she concedes to the abuser on important legal issues. For example, it is common for legal bullies to:

- fail to file court documents in a timely manner, thus lengthening the proceeding and increasing the woman`s legal costs
- fail to follow court orders, requiring the woman to return to court again and again to ensure compliance
- bring repeated vexatious motions on trivial matters or on issues already decided by the court, which also requires the woman to return to court repeatedly to respond to these motions
- file professional complaints against the lawyers and judges involved in the case
- report the woman to CAS, Ontario Works, housing authorities and others for fabricated wrong-doing
- represent himself, which places the woman in a precarious position, particularly with respect to cross-examination in court proceedings

Lack of legal representation

The issue of being unrepresented is a serious one and is exacerbated when there is a history of violence and abuse. Abused women are placed in the position of facing a complicated legal process while dealing with an abusive partner's attempts to harass and control them, using the family court process as noted above as an instrument of control. Woman abuse victims can be severely disadvantaged without adequate legal representation as they face threats of losing their children or risk outcomes that force them to be in constant collaboration with a partner who uses ongoing abuse, control and intimidation.

Women without adequate legal representation are forced to complete complex paperwork and negotiations without a foundation of legal knowledge, often in the presence of the partner who perpetrated the abuse, and always while dealing with fear, change and transition for themselves and their children. These issues are further exacerbated for women from marginalized communities, including but not limited to Deaf women, women with disabilities, women in ethno-racial communities, Francophone women, Aboriginal women, rural women, newcomer women, women living in poverty and women dealing with an intersectionality of legal and other issues.

Impact on children

Family law outcomes seriously affect the ongoing health and well being of children who are already dealing with having witnessed the abuse of their mother. Children can be exposed to the abuse and control of the perpetrator themselves, can fear for the safety of their mother, and often are used as tools by the abuser to continue to control his ex-spouse. If adequate evidence is not appropriately placed before the court, it compromises the court's ability to make an informed and effective decision.

Family law and family court process

Both family law and family court process create serious challenges for women who have left abusive relationships.

For example, the best interests of the child test, with its implicit emphasis on co-parenting, is highly problematic for women whose partners seek joint custody orders not because of a genuine interest in co-parenting but because they see it as a means to maintain power and control over their former partners. Their actions do not reflect the best interests of the children, yet they are frequently successful in obtaining custody and access orders that require the children's mother to engage with them on an ongoing basis with respect to parenting decisions and that require frequent physical contact related to exchanging children for access time.

Restraining orders and orders for exclusive possession of the matrimonial home are difficult to obtain, which can leave women in positions of considerable vulnerability with respect to their partner who, without such orders in place, may have ready access for the purposes of ongoing violence and abuse.

Family court process can be as problematic as the law itself. The focus on friendly litigation, alternative dispute resolution, in particular mediation, and co-parenting all put pressure on women to put the past behind them for the sake of the children. This is not possible for women whose partners continue to assault, harass and threaten them or who are dealing with the long-term trauma associated with abuse.

A number of the reports of the DVDRC point to the tragic results that all too often flow from a lack of appropriate consideration of the history of violence in family court proceedings. The DVDRC has also identified the need for education about violence against women for family law practitioners and judges.

All too often, women are not believed when they share evidence of the abuse they have experienced. Sometimes, their own lawyers dismiss the seriousness of the violence or discourage women from bringing it forward, encouraging them to, instead, look forward and put the past behind them.

Sometimes, it is court officials and court services that fail to appreciate the seriousness of both past and ongoing abuse. Sometimes, it is judges who do not connect the abuse appropriately to the outcomes they are ordering for the family.

Access to services and supports in family court

Women who have experienced violence and are dealing with family law issues are underserved. Until recently, there has been no equivalent to the criminal court-based Victim/Witness Assistance program to offer support in family court.

Happily, in 2011, the Ministry of the Attorney General announced the Family Court Support Worker (FCSW) program. FCSWs will provide assistance and support to victims of domestic violence by:

- providing information about the family court process
- assisting with recording the history of abuse for court documentation
- providing safety planning and referrals for risk assessments where appropriate and assisting with safety planning related to court attendances
- providing a needs assessment
- providing assistance through the legal aid process
- supporting victims to follow through on requests made by their lawyers
- debriefing and discussing court outcomes, lawyer appointments, Family Law Information Centre meetings, consultations with duty counsel and next steps
- making referrals to appropriate specialized services in the community
- communicating with criminal court based services, in particular the Victim/Witness Assistance Program
- communicating with other family court based services
- providing court accompaniment where appropriate

These workers have recently participated in a two-day training developed and delivered by Luke's Place and Action ontarienne, and the program is now rolling out in communities across Ontario. Workers are provided with ongoing support through resource materials developed by Luke's Place and Action ontarienne as well as through moderated discussion forums in both English and French, where they can share questions, problems and solution with one another and get information from the lawyers working on the training initiative.

This program builds on legal support work that has been done for many years by women's anti-violence organizations. It is an exciting and encouraging initiative that clearly recognizes the unique challenges faced by survivors of violence and the need to fund legal support work. It is an important first step but, as is often the case, is under-resourced and is not able to meet the specific needs of women in many marginalized communities. In no way does it remove the need for additional services and support for women who have left abusive partners.

Setting the context

The morning discussions at the Think Tank centred on a number of "working assumptions" developed by the facilitator based on her analysis of the pre-event survey and other work referred to earlier in this report.

As a result of the discussions, the working assumptions were revised and expanded on, until participants reached consensus about them (see Appendix 5 for the consensus model used during the Think Tank). They now form a starting point for further discussions about a Centre of Excellence.

Italicized sections are quotes from Think Tank participants.

Working Assumption 1: The fundamental relationship between the legal system and the violence against women (VAW) sector has not changed. The interface is in continuous change, driven primarily by the legal system and factors that are not directly related to family law. The VAW sector has had some influence over the changes in family law, but does not have control over the design and implementation of those changes.

"The law is driving the relationship. There is so much power in the law and the VAW sector responds. This is the source of imbalance. The interface is not equitable. It is driven by the legal system. Change is not based on a mutual or equitable relationship."

Working Assumption 2: Equitable access (meaning both appropriate legal representation and the ability of a woman to understand and make informed decisions) is a significant and worsening problem in the legal system. The women who fall through the cracks are increasingly invisible, so we need to track those cases.

"This is uncontroversial. Given what is going on globally, access will likely become a bigger problem in the future."

Working Assumption 3: The experience of women is that the legal system does not understand or integrate the interconnections among and the intersectionality of the many issues they are dealing with simultaneously, including the violence itself, family, criminal and immigration law, child protection issues and so on. When gendered reforms are applied in a gender-neutral context, they inevitably result in disadvantaging women in some way.

Violence often becomes invisible when other systems are involved as many systems have no practice to recognize VAW. Immigration provides a good example of this because it largely ignores issues of VAW when examining the reasons why women come to Canada, how they lived in and how they leave their country of origin. Often access to family law advice disappears when immigration issues arise.

"This is not about a communication gap. It is a reality. We operate in silos, not of our own choosing. The system allows abusers to manipulate it in order to disenfranchise women."

Working Assumption 4: The negative consequences of the legal system are often first noticed and addressed by the VAW sector, which both adapts service delivery and advocates. One of the strengths of the work done in the VAW sector is the commitment to hearing and believing what women say. The centrality of the work is in the stories of women's lives.

"Too often, VAW workers are forced to react and respond rather than being able to think and work proactively."

Working Assumption 5: The legal system relies on the VAW sector to support women, particularly women from marginalized communities, as they navigate through it, despite the lack of power of the VAW sector in that relationship and the lack of respect and value for VAW expertise that is often demonstrated by the legal system.

"In the far north, shelters are the centre of the spoke. The expertise comes from the women's shelter. The entire system relies on us to do its work, but this is taken for granted. Our strength is that we talk to women and we believe them. Other sectors are about making women feel better about getting bad results."

Working Assumption 6: There are different starting points, understandings/analyses, approaches and goals for the legal system and the VAW sector. There is little clarity and understanding within the legal system about the role of the VAW sector. Strategic goals need to be set to respectfully recognize these differences.

"This is a bit of an understatement. The legal system does not take into account the fact that the two systems come from different perspectives. Actors in the legal system do not understand what our job is. They do not understand that our role is to bring uncomfortable issues to the fore and to be advocates for women."

Working Assumption 7: There is little coordination to support the VAW sector as it supports women in navigating the legal system (for example, training, protocols, etc.)

"We need a charter for how we do our work, setting out critical goals and key principles."

Working Assumption 8: There is no formal system to monitor and address the negative impact and outcomes of the legal system.

"There is no accountability for outcomes."

Working Assumption 9: Significant numbers of women access information about their legal needs from non-VAW agencies. Addressing why this happens is important to ensure that women receive both information and advocacy.

"We need to define what we mean by the VAW sector. We need to change ourselves and we need to know who we are before we redefine it."

Working Assumption 10: Systemic change work will not be funded, and the VAW sector should not expect it to be.

"We have influence even if we do not have decision-making power. In terms of power, we would set the agenda at a Centre of Excellence."

Working Assumption 11: The Centre will be independent and accountable to women's advocates and survivors.

The commitment

The Centre of Excellence will commit to a political and ideological framework that supports systemic change through the recognition in processes and discussions that reflect:

- the voices of survivors and community experts
- the diversity of the Francophone community and the need for French language services
- the experiences of the diversity of women in Ontario
- the use of inclusive language
- a broad and inclusive definition of violence against women
- the principles of the Centre (see below)
- the regional differences across Ontario
- the complexity of the issues
- the need to have difficult discussions and address differences
- a flexible and accountable leadership

Consensus was reached by Think Tank participants on this statement of commitment.

The principles

Think Tank participants agreed on the following set of principles that would underpin and guide the development and operation of the Centre of Excellence. The Centre will:

- work within an equality framework
- acknowledge and build on the expertise of the VAW sector
- build sustainability and renewal into its structure
- bring an intersectional, integrated perspective to its analysis and work
- support existing VAW agencies in its approach to developing its mandate and seeking funding
- seek inspiration by bringing in partners in the VAW sector and other disciplines
- be accountable to women and incorporate survivor voices in leadership roles
- work in partnership with others in the VAW sector

Proposed role

A Centre of Excellence would play a number of important roles related to violence against women and family law/court. It would:

- advocate for systemic change and transformation
- support the sustainability of the VAW sector and ensure inclusivity of the diversity of women in systemic work

- assist practitioners (women’s advocates, lawyers, others involved in the family law system such as mediators, parenting coordinators)
- address the imbalance of power between the VAW community and the legal system
- speak as an authoritative voice to shift public discourse on VAW
- make information and documentation widely accessible to stakeholders and the public
- maintain a focus on family law using an approach that recognizes the other areas of law (in particular, immigration and criminal) that intersect with family law for many women
- engage in international work in the area of VAW and family law

Potential activities

The Centre would provide:

1. Advocacy

- For reforms to family law and court process and services
- To end legal bullying
- Ongoing research about emerging issues

2. Information clearinghouse

- Cases in which violence against women has been an issue
- Tracking strategies and their outcomes
- A bank of frequently asked questions
- Multilingual resources
- Accessible information for women who are unrepresented
- Information for and from feminist practitioners
- Best practices
- International research

3. Training

- For advocates
- For lawyers and others involved in family court process, including OCL representatives, mediators, arbitrators, assessors, parenting coordinators and others
- Work in partnership with other organizations

4. Research, monitoring and policy development

- Government/court responses to VAW
- Litigation precedents
- Procedural fairness issues
- *Charter* arguments in family court, especially the best interests of the child test
- Connect researchers with research projects
- Develop a fellowship function
- Pro-active policy development

5. Tools to support legal workers

- Database and/or screening tool for experts/assessors/mediators
- Template for expert reports and court documents and forms
- Annual conference for advocates

6. Support for family law professionals

- Network of family law lawyers
- Mentorship, emotional support, practical information and assistance
- Scholarships for young feminist lawyers
- Support for judges

7. Accountability

- Report cards on legal system, laws, etc
- Wall of fame and wall of shame

Intended audience

The following priorities were agreed upon by Think Tank participants:

- VAW workers and advocates would be able to use the Centre as a practical resource for training, information sharing and peer support
- Women experiencing family law struggles, service providers outside the VAW sector and the general public would be able to use the Centre's informational resources
- Lawyers could access practical support, information and resources
- Law schools could partner with the Centre to increase access to VAW knowledge
- The media would use the Centre as a source of information when VAW issues arise in the news, and the Centre would generate story ideas for the media
- Professionals, students and others doing research related to VAW and family law would be able to use the Centre's resources

Possible outcomes

Short term

- Increased understanding of VAW issues by lawyers, judges and others involved in the family court process
- The establishment of a critical mass of expertise and knowledge

Medium term

- Informed judges who do not make anti-woman decisions
- Use of effective strategies and evidence-based approaches to family law cases
- Increased control by the VAW sector of the violence against women narrative and agenda
- Coordinated training for advocates
- Centralized information for the VAW sector and others

- Funding from both government and independent sources
- Unified support for the Centre from the VAW sector

Long term

- Silos within the legal systems are broken down
- Systems have embedded diversity and intersectionality
- Women leave family court with orders that keep them and their children safe and that reflect the best interests of their children
- Systemic change is underway

Structural concepts

Think Tank participants generated a number of ideas for how the Centre of Excellence could be structured. Further discussion was deferred to a smaller working group.

Suggestions included:

- Needs to reflect a province-wide mandate
- Could be an independent Francophone Centre
- Could be regional components with Francophone aspects
- We are not ready to run a bilingual centre
- Should be a real, physical place people can go to
- Could be entirely virtual
- Luke's Place and Action ontarienne should lead the Centre
- Start with a pilot that explores some of the possible roles and activities
- Function as an umbrella structure, bringing together those already doing the work and finding resources to do the new work identified at the Think Tank
- Function as a clearinghouse, providing access and links to information, trainings, resources, speakers, trainers and also developing resources, information, database of case law etc. in areas not already being addressed by existing organizations
- Should be designed so it reduces competition and increases collaboration among agencies for funding, grant proposals etc.
- Mandate should not take over mandates of existing agencies
- Needs to reflect ideas/needs of and appeal to young women
- Not a direct service agency
- Hub structure
- Flexible leadership that is regionalized

Funding

Resourcing a Centre of Excellence is, of course, one of the most challenging aspects to be addressed.

A number of possible funders, both government and non-government, were invited to attend a presentation of the concept on the second day of the Think Tank. For various reasons, few

were able to attend. There were scheduling or logistical reasons for most who did not attend – some were already booked for that date, one went to the wrong location and one attempted to attend the Think Tank on the wrong date. Some government invitees indicated they could not attend because they could not in any way signal support for a potential Centre of Excellence lest that lead to funding expectations.

Because there were few funders who attended the presentation, discussion was limited.

Those in attendance were generally positive about the concept of a Centre of Excellence, but cautious about being able to provide funding. One government funder said that she had no doubt this was an essential service, but was not sure where the money could come from, given the government's limited resources and existing commitments to the economy and job creation.

Another government agency indicated that it is always interested in coordinating with the VAW and other sectors to provide a variety of services, but that it, too, has no money for new initiatives.

The Law Foundation of Ontario attendee encouraged participants to look at ways to make smaller links in the chain to build up to something like the Centre, and asked to be kept informed and involved.

It was suggested by one funder that the VAW sector consider amalgamations among existing organizations in order to streamline service delivery and improve cost efficiencies.

All funders indicated that any approach for financial support would need to be multi-pronged, with several funders each being asked to contribute a portion of the cost of a Centre.

The vision for the Centre of Excellence includes a funding strategy that is multi-faceted, with support from government, foundations, the private sector, the legal sector, universities and the health sector. Please see the next steps section below for more details.

Potential partners

Participants at the Think Tank were clear that, for a Centre of Excellence to be successful and appropriately accountable, it would have to be built as a partnership among existing organizations.

Participants were comfortable with the leadership taken to this point by Luke's Place and Action Ontarienne.

There was some discussion about a new training initiative at the Centre for Research and Education on Violence Against Women and Children (CREVAW) at the University of Western Ontario and whether there might be an overlap or conflict between this and the Centre of Excellence. Both directors of CREVAW participated in different parts of the Think Tank and

indicated clear support for the Centre. This support has been reiterated in a follow-up meeting held by Luke's Place with CREVAW, which is participating as a partner in the development of the Centre.

Think Tank participants raised the issue of ensuring the voices of survivors play a leadership role and talked about the importance of the Centre engaging with survivor organizations in a formal partnership.

The issue of ensuring diversity in the Centre's partners was also important to Think Tank participants.

Anticipated challenges

A number of potential challenges were identified by Think Tank participants.

1. Role of survivors

There was a strong message from Think Tank participants that survivors need to play a leadership role in the development and operation of the Centre. However, there are many questions and challenges associated with making this commitment. For example:

- How do we define survivor?
- Not all survivors bring an intersectional feminist analysis to this work. How do we deal with that?
- There are a number of organizations that are survivor led. How does the Centre determine working relationships/partnerships that are appropriate?

2. Working with the Francophone community

This initiative is presently co-led by Luke's Place and Action Ontarienne. At the Think Tank, the notion of a bilingual Centre of Excellence was raised. Participants felt the sector has the capacity to begin the work of moving towards such a model. Participants wanted to ensure that any commitment to bilingualism would be sincere and would understand the complexity of such an undertaking. Some concerns were raised that if the group were to move too quickly in this direction, a lack of capacity and resources would mean that the dominance of the majority language group would assert itself, no matter how well intentioned the Centre was.

For these reasons, participants suggested that a bilingual Centre would be a long-term goal, with short term objectives focused on taking the steps needed to ensure its success.

A number of possible models were suggested at the Think Tank. Some felt there could be a Francophone "component" to the Centre, but provided no direction on what this would look like. Others felt there should be a separate and autonomous francophone Centre that would work in close partnership with the English-language centre. Concerns about funding such a dual approach were raised.

There was a discussion about the unique situation of Francophone women, given the statutory rights of French-speaking Ontarians and how this leaves out women from other minority groups who have a right to access and equality as well. For example, what about the needs of women from other language groups with respect to accessing a Centre of Excellence? This question was not answered at the Think Tank.

3. *Not threatening existing organizations*

It was very important to Think Tank participants that the Centre be developed and operated in a way that did not create a threat to existing VAW organizations. Concerns were raised about funding, especially in a time when funding is increasingly limited, and also about mandate. As well, participants talked about not wanting the Centre to become seen as “the” voice on violence against women in Ontario. There are many VAW organizations in Ontario that bring their own expertise and perspectives on the issue and that need to continue to play leadership roles.

4. *Sustainability*

Participants talked about the challenges of sustainability in two areas in particular:

- Financial, when most funding is project-based and short-term, with little money made available for infrastructure, management and administration
- Leadership, when many of the leaders of the VAW movement are aging and little succession planning has been done to ensure that the next generation of feminists will become engaged with this work

For the Centre to appeal to funders and other potential supporters, both these issues need to be addressed.

Existing strengths

While a number of significant challenges were raised at the Think Tank, the existing strengths in the VAW sector were also very apparent. These include:

- Strong commitment to the idea of a Centre of Excellence
- Strong leadership from Luke’s Place and Action Ontarienne
- Long history of innovative thinking about VAW
- Long history of effective work supporting women and working for systemic change
- Wide range of experience and expertise across the sector in the key areas of focus for the Centre: advocacy, policy development, research, education and training and family law
- Although the sector continues to learn and grow with respect to bringing an intersectional, feminist, anti-oppression analysis to its work, there is a strong commitment to doing so
- Despite many differences, there is respect across the sector and a willingness to have difficult discussions to understand and, when possible, resolve differences

4. NEXT STEPS

The Think Tank began the process of visioning and developing a Centre of Excellence. There are a number of immediate next steps that Luke's Place and Action ontarienne are committed to taking.

We will continue developing and building the Business Case and will also pursue the following:

i. Funding:

We will meet with those funders who were unable to attend the Think Tank to share the Centre of Excellence vision and hear their feedback.

We will also explore a diversified funding model, and look for funders from across sectors.

Some initial ideas include:

- Government, both provincial and federal
- Foundations, including but not limited to the Law Foundation of Ontario, the Ontario Trillium Foundation, the Canadian Women's Foundation, PeopleSense and Women Moving Millions
- Private sector, including insurance companies and the high-tech industry
- Legal sector, including law firms, the Canadian Bar Association and the Ontario Bar Association
- Universities and Faculties of Law
- Private donors

ii. Partners:

We will continue to explore possible partnerships in the areas identified by Think Tank participants.

iii. Addressing challenges:

We will, working with others in the sector, explore the challenges identified earlier in this report: the role of survivors, working with the Francophone community, ensuring the Centre does not threaten existing VAW organizations and developing a sustainability model.

We do not anticipate addressing these challenges will be easy but are committed to the process of doing so.

In order to undertake these next steps, we will seek funding to support ongoing Centre of Excellence development activities.

We will continue to work with Think Tank participants by keeping them informed of ongoing activities and seeking input from them as appropriate

5. CONCLUSION

Participants left the Think Tank feeling that an important discussion was underway. All expressed support for a Centre of Excellence and for the ongoing leadership of Luke's Place and Action ontarienne. Many expressed an interest in playing an active role in the development of the Centre.

Despite the many challenges that Think Tank participants identified, the excitement about the possibilities offered by a Centre of Excellence and the commitment to finding strategies to address the challenges were apparent.

Above all, the ongoing commitment by participants and the VAW sector generally to continue to support survivors of violence against women and to work for systemic change was clear and inspiring.

6. APPENDICES

**A coordinated response
between the VAW sector and
the family law system**

Pre-Think Tank Report



Luke's Place
Support and Resource Centre for Women and
Children

In collaboration with



Action ontarienne contre la violence faite aux femmes



The Ontario Trillium Foundation is an agency of the Government of Ontario.

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A coordinated response between the VAW sector and the family law system

A. Introduction

Effectively addressing violence against women is ultimately about relationships. Many women who come into contact with the family law system are also addressing the violent and abusive relationships in their lives. The violence against women (VAW) sector is establishing a basic trust relationship with women to support them as they navigate that system. Finally, the VAW sector strives to build relationships with different components of the family law system to ensure that women have access to the information, representation, support and services that they need. It is a complex set of relationships often built on a foundation of systemic violence in our society.

The violence against women sector in Ontario has a long history of navigating these relationships while they keep their focus on supporting women.

On November 8 and 9th, 2011, Luke's Place and Action ontarienne contre la violence faite aux femmes (AOcvf) are bringing together a dedicated group of representatives from the VAW sector to talk about the supports that are needed to effectively do this navigation. The Think Tank has four intended outcomes.

1. To enhance communication and collaboration among key community, government and foundation partners.
2. To expand the knowledge of the current landscape for violence against women family law support, including current issues and developments in the field.
3. To identify relevant resources.
4. To discuss the need for and the feasibility of the creation of a Provincial Centre of Excellence for Woman Abuse and Family Law.

This report validates the incredible work and the responsiveness of the VAW sector. It also highlights the lack of support and the need for a coordinated support response to the VAW sector if it is to continue to be a primary support to women as they navigate the family law system.

This workbook provides some of the context for the discussion and is based on work that has come before including:

1. The report, *"The Impacts of Recent Law Reforms on Abused Women Involved in the Family Court Process in Ontario"* which is based on survey results from 101 service providers in Ontario who work with women who have experienced violence, conducted by Luke's Place and Action ontarienne contre la violence faite aux femmes in the summer of 2011.

Survey results are highlighted throughout the report.

2. The report, *Justice Done: Crafting Opportunity from Adversity.* Based on the Barbra Schlifer Commemorative Clinic Forum held in Toronto on May 25th, 2011.
3. Previous reports done by Luke's Place including: *"Needs Assessment and Gap Analysis for Abused Women Unrepresented in the Family Law System: Final Report and Recommendations."* (2008); *"A Needs Gap Assessment Report on Abused Women Without Legal Representation in the Family Courts."* (2008) and *"Through the Looking Glass: The Experiences of Unrepresented Abused Women in Family Court."* (2008)

We strongly encourage you to read the first two reports as they provide a thorough discussion of many of the key issues that are summarized in this report.

B. What is happening in Ontario's family law system and the VAW sector?

Theme 1: The interface between the legal system and VAW is in continuous change.

Over the last 25 years, there have been significant changes to how violence against women is addressed.

- Increased awareness and more education programs about violence against women;
- Police training programs concerning domestic violence/family violence/women abuse;
- Police affirmative action hiring programs to increase the number of women officers;
- Mandatory arrest policies;
- An increase in the number of shelters and transition houses;
- Creation of domestic violence courts;
- A growth in batterers' programs;
- Resources and services for children who have witnessed domestic violence; and
- An increase in coordinated, community-based approaches.

(DeKeseredy and McLeod, 1997)

Based on ongoing conversations to improve this system between the Ontario government and the sector, and as a result of ongoing negotiations between the VAW sector and the Ontario government, there have been a number of significant changes to the family law system intended to address systemic issues that have undermined women's confidence and safety in being part of that system. Most recently in Ontario:

- Family court process has undergone significant reforms;
- The Family Court Support Worker Program has been created;
- Specialized training for Family Court Support Workers is under development;
- Changes to restraining orders in the *Family Law Act* have come into effect.

Like many reforms of the past (e.g. mandatory charging) these changes are intended to improve the situation, but will have unintended consequences. In addition, the confluence of family, criminal and immigration law has created a number of situations for women who have experienced violence and who venture into the family law system.

C. What is happening to women in Ontario when they connect with the legal system?

Theme 2: Access continues to be a significant challenge in the legal system.

Women, like many other Ontarians, are experiencing a lack of access to legal services.

Lack of access to legal information, services and representation has been amply researched and documented in Ontario in recent years in a number of reports. [For example,] Women who experience abuse face the same issues as other Ontarians who live in rural and remote communities: long distances to courthouses and lawyers, limited or no public transportation to get them there, few legal services available in their communities, lower incomes and fewer employment opportunities. Many women find that the only lawyer in town has already acted for their partner or does not take legal aid, so they are left with no option for legal representation. (Justice Done, 2011, p. 9)

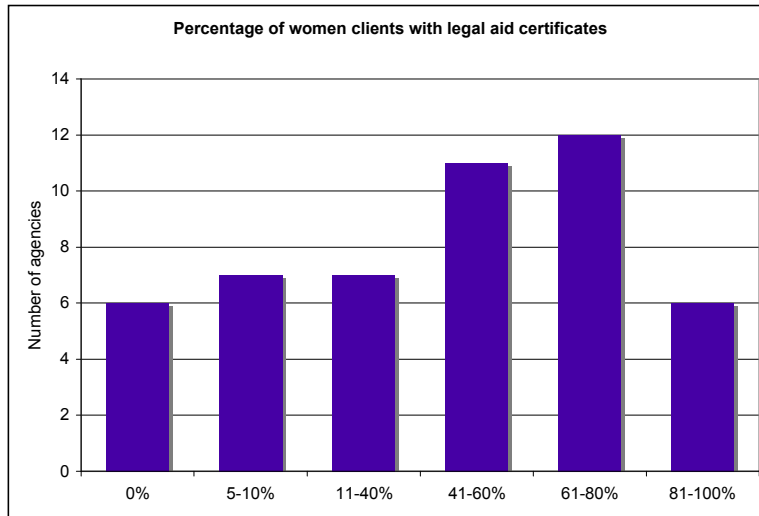
Representation

Survey Response: More than 80% of the respondents indicated that at least some of the women they worked with went to court without representation, while only 18% indicated that none of the women they worked with were in this situation.



Legal Aid Certificates

The VAW sector consistently works with some women who access legal aid certificates. The 2011 survey showed that the majority of VAW organizations are working with women who have legal aid certificates. Even if women have a certificate, they are not always able to find a lawyer.



“Although women are receiving legal aid certificates, they are experiencing difficulty in securing a lawyer who will accept the certificate.” (Survey respondent)

Family Court Process

In 2008, the Attorney General of Ontario announced his intention to overhaul family court process. The rollout and implementation of recent family court process reforms are in their early days so it is not easy to draw conclusions about implications and consequences for women who have experienced violence.

The reform process has four pillars:

- To provide more information to families up front about the steps they need to take and the impact on children of relationship breakdown
- To enhance opportunities to identify challenges, ensure early disclosure and provide community referrals to better support families in reaching resolutions
- To improve access to legal advice as well as less adversarial means of resolving challenges such as mediation and collaborative family law
- To streamline and simplify the steps involved for those cases that must go to court.

The 2011 survey tells us that a number of issues related to these reforms have already arisen: women feel pressured into mediation, there are barriers to women in accessing online services, there is a lack of information in French and other languages and there is inadequate training for mediators and Dispute Resolution Officers on woman abuse. It is critical that the reforms be monitored so unintended consequences be addressed in a timely way.

Theme 3: The experience of women is that the legal system does not facilitate them dealing with the inter- connection among the many issues they are facing simultaneously: VAW, child-welfare, etc.

Legal System Intersections

An ongoing concern for the VAW sector is the lack of coordination between the family law system and other parts of the legal system (e.g. criminal and immigration) and the lack of coordination with other service sectors that are directly involved with the woman (e.g. the child welfare system).

This lack of communication, connection and collaboration has resulted in: “a woman may have multiple lawyers, be represented in some systems and not others, the standards of proof are different from one court system to another, information is not shared from one system to another, delays are inevitable and outcomes can conflict with one another.” (Justice Done, 2011, p. 25)

“The main issue we face is dealing with some of the more complex cases where there are many agencies involved.” (Survey Respondent)

D. The response by the VAW sector

Theme 4: The unintended consequences of the legal system are often first noticed by the VAW sector, which then does two things: adapts service delivery and advocates.

Provide Services

Each time women are impacted by a change in the legal system the VAW sector creates a response. The range of services specific to supporting women navigate the family law system that the VAW sector provides is extensive. Eighty-nine percent of community agencies that responded to the 2011 survey are doing some form of court and legal support services (See Appendix A). The most prevalent service offered was providing women with general information about how court processes work (81%) and accompanying women to court (73%). Several respondents commented that they refer women to appropriate services in the community if they do not provide these services in their own agency.

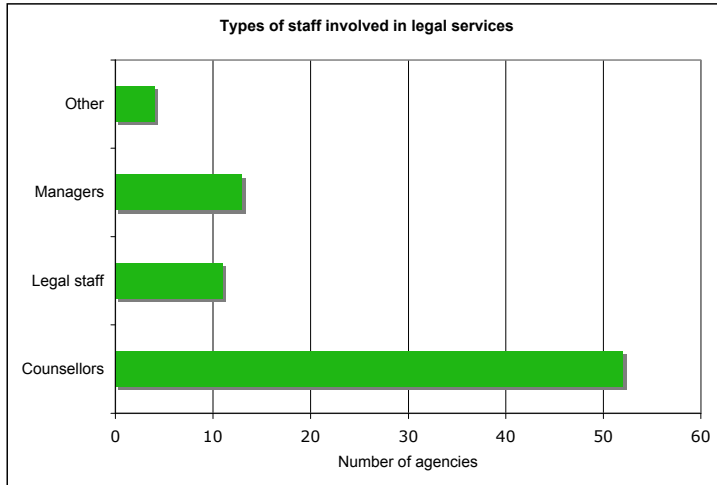
Answer Options	Individual Face to face
Provide women with general info about how court process works	81%
Accompany women to court	73%
Accompany women to lawyer appointments	62%
Provide legal information	60%
Assist women in completing court paperwork	56%
Provide women with a legal aid 2 hour family violence advise certificate	54%
Provide legal advice	10%

Theme 5: There is a reliance on the VAW sector to support women as they navigate the legal system, particularly women who have any specific, non-mainstream needs.

Workers in the VAW sector are not experts in the legal system. They are experts in being able to support women as they navigate the system and address the violence in their lives. Yet, many VAW staff are doing work within the legal system.

63% of the agencies that responded to the survey are involved in providing legal services or supports. This primarily involves staff providing support (87%), with contract or pro bono lawyers providing services in 13% of the responses. A very small number of respondents use volunteers to provide some of the services.

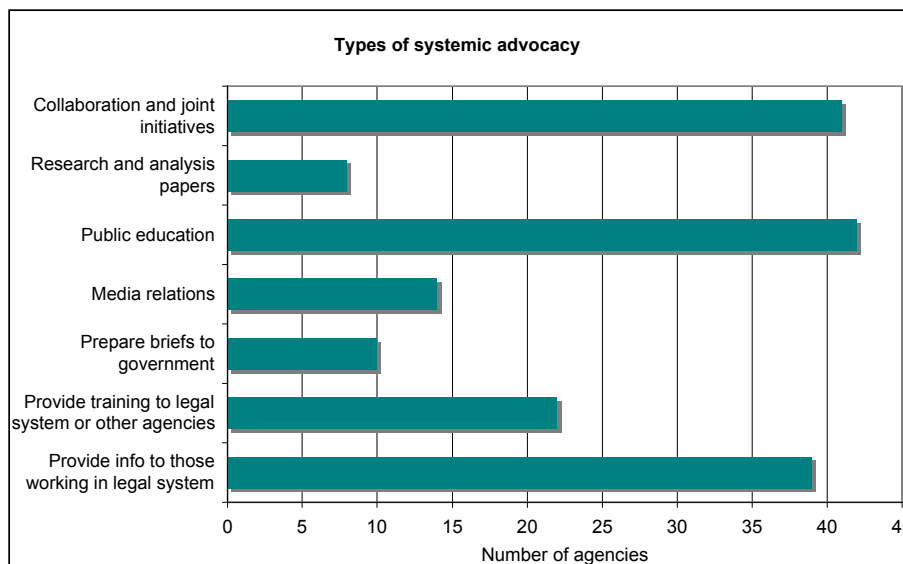
The vast majority of the staff doing legal support work(81%) are counsellors and support workers, including transitional support workers, housing support workers, social workers, mental health workers, child support workers, outreach workers, sexual assault workers, and others. Only 17% have legal workers, including lawyers, legal advocates, legal intake workers and legal support workers.



Thirty-five percent of those who have staff delivering these services said that the legal work was an add-on to the regular work of the staff referred to above.

Advocacy

The VAW sector is involved in two types of advocacy: advocacy on behalf of individual women and systemic advocacy. Sixty-two percent of survey respondents indicated they undertake systemic advocacy, ranging from providing information to those in the legal system to media relations and preparing briefs for various levels of government.



Most organizations do systemic advocacy working with or through larger groupings or agencies, such as AOcVF, OAITH, Women at the Centre, or the YWCA.

The more that organizations are involved in doing individual advocacy work, the more strained their relationships with legal partners can become unless effective collaborative protocols and committees have been established.

E. When the VAW sector connects with legal services

Theme 6: There are different understandings/analyses and approaches by the legal system and the VAW sector.

The starting points for the legal system and the VAW sector are different. Embedded in the legal system exists a gender bias that impacts on whether a woman can even access the system, how she accesses it and potentially each interaction that women will have with the system.

“Minimally, judges and lawyers need to understand the complexity of violence ... it is more than physical violence.” (survey respondent)

Existing Relationships

Respondents were asked about their working relationships with different elements of the legal sector. The two primary relations are with lawyers and the Victim Witness Assistance Program. The level of receptiveness and collaboration varies according to the different professional group. The absence of services in French is a critical obstacle to collaboration in some cases.

	Work with?			Receptive / Collaborative?		
	Yes	No	In some cases	Yes	No	In some cases
Lawyers	57%	43%	-----	56%	4%	40%
FLIC	43%	57%	-----	40%	60%	-----
Court staff	16%	47%	37%	57%	43%	-----
Legal Aid	46%	30%	24%	59%	41%	-----
VWAP	64%	19%	17%	85%	15%	-----
Judges*	50%	8%	42%	42%	58%	-----

* The initial question with respect to judges was: Are judges receptive to having you in the courtroom?
The second question was: Is it a collaborative relationship?

Lawyers: Respondents typically have the following types of relationships with lawyers:

- The lawyers provide advice to the respondent’s clients (74%)
- The VAW organization provides referrals to specific lawyers (63%)
- The VAW organization collaborates with lawyers on community committees, etc. (50%)
- Lawyers provide workshops and training for respondent’s staff (24%)
- Respondent collaborates with lawyers on community presentations and workshops (24%)
- Lawyers assist respondent in preparing briefs or analysis to government (4%)

Family Law Information Centre: Several respondents had not heard of FLIC or did not have one in their region. Collaborative relationships have been built with some FLICs by doing presentations to FLIC staff; inviting them to the agency to see the type of work done; having FLIC sit on a Coordinating Committee or other multi-agency body; or visiting the FLIC to get to know the staff.

What works when the sector works together?

The relationships established between the VAW sector and the legal system cover a broad spectrum. In some cases, there is a high level of trust and collaboration; in others, efforts by one sector to work together are seen by the other as overstepping and interfering.

The VAW organizations that have been effective in being recognized as critical supports to their local legal community use a number of approaches including: establishing a formal collaborative working relationships through committees and protocols; transparent communication; recognition that there will be conflict and development of processes to address it and a recognition that the VAW organization will be an advocate for the woman.

The primary reason that lawyers are not receptive to a more collaborative relationship is that they perceive it will violate solicitor client privilege/confidentiality.

Changes needed to the legal system

Key changes that the VAW sector wants to see in the legal system are better communication and education.

Answer Options	%
Better communication/collaboration between family court and criminal court	91%
Education for judges	88%
Education for lawyers on gender analysis in family law/violence	88%
More advocates in the system	85%

Training includes:

- VAW analysis of women abuse.
- Impact on children.
- Aboriginal cultural awareness.
- Cross-cultural awareness.
- Debunking Parent Alienation.

F. What is supporting the VAW sector to work within the legal system?

Theme 7: There is little coordination to support the VAW sector as it supports women in navigating the legal system. (e.g training, protocols, etc).

VAW organizations, in their focus on supporting women, often respond to new and emerging needs identified by women. The nature of the work has required many VAW workers to learn on the run. The response of the VAW sector has been to use what tools, resources and training are available.

However, the legal system is complex and, to effectively support women, the sector needs consistent, foundational training and supports that can be updated as changes to the system occur. Presently, there is not only uneven access to legal training and resources within the VAW sector, but also uneven application of knowledge and skills based on the different organizations' perspectives.

Training

According to the 2011 survey responses, staff who provide legal related services have received varying degrees of training:

- 14% have received little or no training;
- 21% have received some form of university or college education related to this field (including lawyers, legal support workers and others who have taken one or more courses); in some instances this formal education was a requirement for hiring;
- 32% indicated they participate in workshops, online training, in-service training or research and reading on their own, but did not specify the agency or institution providing the training;
- 38% mentioned workshops, online materials or other training from specific agencies they named, including Luke’s Place, VWAP, AOcVF, METRAC, FLEW, CLEO, Woman Abuse Council, BOOST, ARCH, Springtide, FLIC, provincial ministries and the Court Advisory Committee;
- 6% developed their own training programs, often drawing on legal staff or lawyers they work with.

Training covered a variety of family law topics, court procedures, and risk assessment approaches.

Tools and Resources

VAW organizations have relied on a very wide range of tools and resources through a wide range of agencies and individuals: lawyers, Legal Aid Ontario, Crown Attorneys (28%); FLEW (21%); CLEO (18%); Luke’s Place (13%); VWAP (13%); MAG; AOcVF; FLIC; court offices or Ontario Court Services website; METRAC; Springtide; DV Court Advisory Committee, police, PARs, Child Welfare. They have contacted them directly, consulted their websites and used tools and manuals that they developed. Over the years, some organizations have developed their own reference manual or compendium of key information, often building on materials from other sources.

Needs of the sector

When asked what is needed by the VAW sector to increase their effectiveness in working with the legal system, they responded with two primary needs: enhanced relationships that are collaborative and training.

Answer Options	%
Collaboration with other agencies	63%
More access to lawyers for legal information	62%
Networking with other workers	61%
Training (see specific topics below)	60%
Materials and resources for women	40%
Meeting space in courts	29%
Better access to courtrooms	19%

Specific training needs were:

- Family court and law practices
- Helping women through the paperwork

- What resources are available to support women

There need to be processes to provide continuous updates and refreshers because of ongoing changes to the law and court systems.

However, the primary need is for stronger relationships and networks because the issues, while systemic, continue to arise out of individual cases and legal advice is needed. There needs to be a place that VAW workers can go to ask specific questions.

F. Moving forward

Theme 8: There is no formal system to monitor and address unintended consequences of the legal system.

The family law system will continue to change and to produce unintended consequences that will negatively impact on women. Because the VAW sector listens to women’s stories through a lens of belief, it can quickly identify what systems and processes are not working. This unique role has never been fully recognized and the sector can find itself continuously advocating for change, often from outside processes that shape legislation, regulations, processes and policy.

The effectiveness of the VAW sector to build relationships has meant that the sector sits at many tables at the community, regional and provincial level when change is being proposed. However, there appears to be an embedded weakness in the legal system to continually move toward social norms even when they remain systemically biased. This means the VAW sector is continuously advocating for women who do not fit the “norm” of the legal system.

The report, *“The Impacts of Law Reform on Abused Women in the Family Court Process in Ontario”* identifies more than 40 specific areas that require monitoring so that changes can be pro-active and systemic and not require continuous advocacy.

G. Conclusion

Women across Ontario continue to experience the gender biases, weaknesses and strengths of the existing legal system. At a time in their lives when they are dealing with violence in their domestic lives, they need and deserve more. The violence against women sector is a precious resource to Ontario women. In addition to the support the sector provides women, it actively works with other service providers, including the legal system, to improve, to respond appropriately and to change so that women can walk through any door in our society and be respectfully heard and supported. There is a lot of work to do. While the focus deservedly always needs to be on the woman and her children, it is time to look at what is being provided to support the workers in the VAW sector so that the sector can continue to provide the level of services that are needed.

Appendix A

A. Legal services currently provided by community agencies

A total of 91 of the 101 respondents (89%) answered the question on court and legal support services they provide to individual women.

Answer Options	Individually face to face	By phone	In work-shops	Via our website	By going to other agencies or sites	Summary advice clinics	Lawyer comes in and meets with women	Do not provide
Provide women with general info about how court process works	81%	47%	24%	8%	31%	8%	11%	11%
Assist women in completing court paperwork	56%	20%	2%	1%	23%	9%	8%	32%
Provide legal information	60%	47%	19%	2%	24%	12%	14%	25%
Provide legal advice	10%	4%	1%	0%	5%	5%	14%	62%
Accompany women to lawyer appointments	62%	2%	0%	0%	5%	1%	2%	32%
Accompany women to court	73%	1%	0%	0%	8%	0%	1%	22%
Provide women with a legal aid 2 hour family violence advise certificate	54%	9%	0%	0%	5%	3%	2%	33%

Think Tank Participant List

Amanda Dale	Barbra Schlifer Commemorative Clinic
Barb MacQuarrie	Centre for Research & Education on Violence against Women & Children
Carol Barkwell	Luke's Place Support & Resource Centre
Celine Pelletier	Maison Interlude House
Cherrie Fielder	Luke's Place Support & Resource Centre
Clare Freeman	Interval House of Hamilton/Jared's Place
Deb Sinclair	Consultant
Debbie Douglas	Ontario Council of Agencies Serving Immigrants - Sent her regrets
Dr. Tope Adefarakan	Women at the centreE
Eileen Morrow	Ontario Association of Interval and Transitional Houses
Ghislaine Sirois	Action ontarienne contre la violence faite aux femmes
Gwen O'Reilly	Northwestern Ontario's Women Centre
Joan Riggs	Facilitator
Johanne Ouimette	Action ontarienne contre la violence faite aux femmes
Josee Guindon	Action ontarienne contre la violence faite aux femmes
Julie Mathews	Community Legal Education Ontario (CLEO) – Legal Aid Ontario
Leighann Burns	Harmony House
Linda Ense	Native Women's Centre
Lisa Cirillo	Downtown Legal Services
Marianne Park	DisAbled Women's Network Ontario
Marsha Sfeir	Springtide Resources
Mary Lou Fassel	Barbra Schlifer Commemorative Clinic
Nneka MacGregor	Women at the centreE
Pamela Cross	Consultant
Peter Jaffe	Centre for Research & Education on Violence against Women & Children
Sophie Dallet	Ontario Agencies Supporting Individuals with Special Needs
Wendy Komiotis	Metropolitan Action Committee on Violence against Women & Children

Emmanuel Gannon	Language Market Place	Translator
Sanaa Elkhatabi	Language Market Place	Translator
Jennifer Wall	University of Toronto	Recorder
Kristina Tesser	University of Toronto	Recorder
Ashley McKenzie	University of Toronto	Recorder

Luke's Place Support and Resource Centre

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APPENDIX 3

A Think Tank Discussion November 8th and 9th Courtyard Marriott Hotel, Toronto

Outcomes:

1. Enhance communication and collaboration between key community, government and Foundation partners.
2. Expand the knowledge of the current landscape for Violence Against Women family law support, including what are the current issues and developments in the field.
3. Identification of relevant resources.
4. Discuss the need for and the feasibility of the creation of a Provincial Centre of Excellence for Women Abuse and Family Law.

Agenda

Day 1 – November 8th, 2011

- 8:00 **Breakfast and Registration**
- 9:00 **Welcome by Hosts**
Luke's Place – Carol Barkwell
Action ontarienne – Josée Guindon
Facilitator Joan Riggs
- 9:15 **The Context for the Discussion** (Speaker Pamela Cross)
 - How did we get to here?
 - The opportunity in front of us.
- 9:45 **Our working assumptions – what do we know now?** (Presentation and discussion based on the Pre-Think Tank Report and the Survey)
- 10:15 **Break**
- 10:30 **What we know now** (small groups)
 - Expanding and elaborating on the working assumptions.

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- What is needed at this time to respond effectively to the family law system?

- 11:30 **Building on what we know** (plenary – report back from small groups)
- Report back on the key needs of women who are experiencing violence and are dealing with the family law system.
- 12:00 **Lunch**
- 1:00 Summary of the Morning
- 1:15 **What do we mean by a Centre of Excellence?** (Presentation and small groups)
- Developing the concept of a Centre of Excellence
 - What are the key elements of the Centre?
 - What are the principles underlying the Centre's work?
- Report Back** on the key elements
- 2:30 **Break**
- 2:45 **Mapping the work currently being done in Ontario and by whom**
- 3:30 **An emerging concept for a Centre of Excellence**
- Needs it will meet
 - Key Elements
- 4:00 **End of the Day**

Day 2 – November 9th, 2011

- 8:00 **Breakfast**
- 9:00 **Validation of the Work done on Day 1** (Presentation of the Day 1 Report)
- Why would the Centre exist?** What needs would it meet?
What would it do? Mandate of a Centre of Excellence
What are the key functions of the Centre?
Who are the key partners that the Centre would work with?

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Action ontarienne contre la violence faite aux femmes (AOCVF)



The Ontario Trillium Foundation is an agency of the Government of Ontario

10:30 **Break**

10:45 **How would it be structured?**

Structural Options for a Centre of Excellence

- Creation of a new organization
- Attaching the functions to an existing organization
- A virtual organization
- A combination

12:00 **Lunch**

1:00 **Review of the Presentation to the Funder**

2:00 **Funder Conversation**

- Presentation by the Think Tank
- Each funder will be asked to respond on how this concept can be supported and actions to support it to move forward?

3:15 **Break**

3:30 **Next Steps and Commitments** (Plenary)

4:00 **End of the Day**

Luke's Place Post-Think Tank Survey Result

Total responses: 9

1. Overall, did you find the Think Tank effective and inclusive?

Answered: 9

Skipped: 0

Answer Options	Response Percent	Response Count
Very much	44.4%	4
Mostly	55.6%	5
Somewhat	0.0%	0
Not at all	0.0%	0

Comments:

- Felt everyone was important, whatever the background or the language spoken
- The breath of experience and expertise that you brought together was very impressive. It would have been helpful to have more funders present, but I understand that several were invited, but chose not to attend.

2. Please rank each element of the Think Tank

Answered: 9

Skipped: 0

Answer Options	Very satisfied	Satisfied	Somewhat satisfied	Not satisfied at all
Background paper	7	2	0	0
Location and space of the Think Tank	8	1	0	0
Process of the Think Tank	3	6	0	0
Agenda for the Think Tank	3	6	0	0
Exercises and discussion activities used during the Think Tank	3	5	0	0
Facilitator	7	2	0	0
Food provided at the Think Tank	8	1	0	0

APPENDIX 4

There were four outcomes for the session.
Please assess whether the following outcomes were met.

Outcome 1a: The Think Tank was useful in helping my agency enhance communication and collaboration with key community partners.

Answered: 9
Skipped: 0

Answer Options	Response Percent	Response Count
Very useful	22.2%	2
Useful	66.7%	6
Somewhat useful	11.1%	1
Not useful at all	0.0%	0

Outcome 1b: The Think Tank was useful in helping my agency enhance communication and collaboration with key government and foundation partners.

Answered: 9
Skipped: 0

Answer Options	Response Percent	Response Count
Very useful	22.2%	2
Useful	0.0%	0
Somewhat useful	33.3%	3
Not useful at all	44.5%	4

Outcome 2: Background Paper and the Think Tank event were useful in expanding my agency's knowledge of the current landscape for Violence Against Women family law support.

Answered: 9
Skipped: 0

Answer Options	Response Percent	Response Count
Very useful	44.5%	4
Useful	33.3%	3
Somewhat useful	22.2%	2
Not useful at all	0.0%	0

Outcome 3: Background Paper and the Think Tank event were useful in identifying resources relevant to VAW family law support.

Answered: 8
Skipped: 1

Answer Options	Response Percent	Response Count
Very useful	37.5%	3
Useful	62.5%	5
Somewhat useful	0.0%	0
Not useful at all	0.0%	0

Outcome 4: The Think Tank was effective in discussing the need for and the feasibility of the creation of a Provincial Centre of Excellence for Women Abuse and Family Law.

Answered: 8
Skipped: 1

Answer Options	Response Percent	Response Count
Very effective	37.5%	3
Effective	62.5%	5
Somewhat effective	0.0%	0
Not effective at all	0.0%	0

3. My top recommendation(s) for follow-up arising from the Think Tank:

Answered: 6
Skipped: 3

- Continue the discussion because some good ideas were brought forward, and I think it is a feasible project. We need to be creative, and solutions come with group discussions.
- Another meeting with more discussion
- Continue to pursue the vision of establishing a Centre of Excellence that addresses Violence Against Women and Family Law
- In light of current climate of fiscal restraint, and lack of interest from potential funders, I think a fundamental regrouping is required. Much of the work identified as appropriate for the proposed centre of excellence is already being done by a collection of agencies. Rather than creating a new structure, I think a more realistic and attainable goal would be to find a way to collect this information, and formalize mechanisms for ongoing collaboration, knowledge sharing and advocacy efforts between existing agencies.

4. The most productive thing from the Think Tank for my agency was:

Answered: 8

APPENDIX 4

Skipped: 1

- Being known and being included, and therefore being able to bring (and add) to the group process. Very well organized, inclusive, goal-oriented, good meeting all around. Thanks!
- Reconnecting with colleagues from around the Province with whom we have worked previously
- Good sharing of information
- The background paper and the chance to reflect on needs and gaps re family law with other think tank participants.
- Opportunities for collaboration.

Consensus Model

In this approach, people are not simply for or against the decision, but have the option to situate themselves on a scale that lets them express their individual opinion more clearly. This model is usually used with a round, so that everyone in the meeting is given the opportunity to state where they are according to the following six levels:

- 1) Fully support.
 - 2) Support with reservations.
 - 3) Acceptable
 - 4) Will not block it, can live with it.
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- 5) Need more information or more discussion.
 - 6) No; cannot accept it.

If everyone is at level #4 or above, consensus has been reached.

If someone is at level 2, 3 or 4, they have the option of explaining their reservations. These can be addressed by the meeting, if the group wishes to. This is not absolutely necessary for achieving consensus if everyone is already at 4 or higher, but it usually improves the recommendation or suggestion being discussed.

If someone is at level 5, they have the obligation to explain what information or discussion they require from the group. If someone is at level 6, it is important for them to try to offer a solution that can accommodate their needs and the needs of the rest of the group.

In addressing someone's reservations, it is important to

- a) ask everyone for possible solutions (the person expressing the concern and the rest of the group both have a responsibility to find solutions), and
- b) ask people to suggest improvements or alternatives that meet the objectives of the entire group.

(This model was adapted from the BC Labour Force Development Board)