

**Study on the Experiences of Abused Women
in the Family Courts in Eight Regions in Ontario**

RESEARCH REPORT

November 2008

This report was produced by Molly Dragiewicz, Ph.D. and Walter DeKeseredy, Ph.D.
for Luke's Place Support and Resource Centre for Women and Children.

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“Due to the fact that there has never been any “physical” abuse, only mental/emotional abuse, I fear that a judge will not understand the fear I feel around my ex-husband. I believe that I avoided physical abuse by always giving in and trying to “calm him” when he was angry. When I began to stand up for myself and would not change my mind about wanting to separate, his behaviour escalated from verbal to more physical types of persuasion. He began to corner me against walls and not let me move away, he would hold the phone up high so I could not reach it to call for help. He began hitting things and shoving furniture around (he had never done that before). He told me that he could not live without me and “staged” a second suicide attempt. I feared for my own safety at this time and was fearful that he may attempt to take me with him so no one else could have me. I feared that the children may witness this or that he would do the same with them. He has always been very possessive. I believe that police intervention, charges, restraining orders, third party public place exchanges for visitation with the children prevented what was an escalating situation that had all of the ingredients for a family/domestic tragedy. I would like to see mandatory domestic violence/domestic abuse education for all family court judges. I would like to see lawyers, judges, CAS workers and mediators be proactive rather than reactive in domestic abuse situations. Minimizing (exposure to) abusive behaviours in the company of the children also enables the children to grow up in a healthier environment.” (Comments from Survivor Questionnaire)

“[There is a] need for resource and policy development to support a more sophisticated analysis and response to family violence cases. A special challenge for the justice system and community social services is the overlap between family law and child protection proceedings. Specific protocols are required to guide practitioners in managing cases with family violence allegations that fall into the area between public safety for children (i.e., triggering criminal or child protection process) and private family law matters. In addition, family courts rarely have access to the resources that they require to handle these more complex cases that go beyond the mandate of parent-education and mediation services. These resources include timely access to specially trained child custody and access assessors with expertise in family violence, supervised access centres, and treatment resources for individual family members (including perpetrators, victims and children). Further the different components of a full spectrum of services need to be well coordinated in order to monitor family members’ progress and make revisions to parenting arrangements as needed. It is not sufficient to assume that no news is good news in these cases. Ongoing court monitoring may be indicated in child custody disputes with histories of family violence.” (Jaffe et al., 2006, p. 52)

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INTRODUCTION

Luke's Place Support and Resource Centre for Women and Children is a unique resource centre that provides support and information for abused women within the family law process. The Centre provides professional and peer support services to women and their children free of charge in a comfortable, accessible and confidential environment.

Luke's Place was engaged by the Ontario Women's Directorate to complete a provincial needs assessment/gap analysis of front door services for abused women within the family law process.

Using diverse research methodologies (surveys, key informant interviews and a review of current literature), information was gathered about access to legal representation, services and information, safety and security and intersections with the criminal court, for abused women in a sample of communities across the province.

This report documents and analyzes the experiences of abused women who are negotiating the family court system in eight regions of Ontario. It also includes information from advocates in each of these regions. The study was undertaken in order to identify gaps in existing services to victims and enhance accessibility and service quality for abused women in the family court system.

Our findings are based on survey research with 132 survivors and 98 community advocates. Based on these findings, we identify and discuss primary areas where the needs of abused mothers are currently unmet in Ontario, with harmful consequences to mothers and children. The areas that surfaced repeatedly in our study are:

- Multiple, ongoing, and serious forms of physical, sexual, and psychological abuse before and after separation
- Concern for children
- Ongoing contact with abusers against the will of the mothers
- Inadequate support, safety, and information in navigating the family court process
- Economic concerns
- Accessibility of services to all women
- Lack of coordination between courts, service providers, and other participants in interacting systems

In addition, this report covers the history of and need for this study, our research methodology, and a discussion of relevant research to contextualize our findings.

The report concludes with a discussion of our findings that point to the need for a variety of changes in the practices and services surrounding family court.

SIGNIFICANT CANADIAN POLICY DEVELOPMENTS

Approximately 10 years ago, a shelter worker and advocate interviewed by Walter DeKeseredy and Linda MacLeod (1997, p. 199) said:

It is hard for me to see whether we've made any progress to stop the violence. Sometimes I look back at what has been accomplished and feel like there has been significant progress. After all, women's groups working for change have gained funding for shelters. We were successful in getting public attention and in raising public awareness around woman abuse. There have been some changes made to the criminal justice system, and generally now recognize that woman abuse is a crime. But there are other times, I look back and wonder if all of us working for change are just puppets for a political agenda that goes totally against our goals. All our gains are so fragile. We have shelters, but now they are threatened with cutbacks and some are closing. We have awareness, but there's also the backlash. We have changes to the justice system, but more and more women are saying that the justice system only makes things worse for them.... And it certainly doesn't seem like the violence is decreasing. What has all our work been for?

What this woman said then still holds true today. Unfortunately, an overview of Canadian initiatives and resources to end woman abuse and the myriad of related problems (e.g., child custody and access) reveals that Canada has taken "two steps forward and one step back" (Denhem & Gillespie, 1999). For example, since the mid 1980s we have seen:

- Increased awareness and more education programs.
- Police training programs concerning woman abuse.
- Police affirmative action hiring programs to increase the number of women officers.
- Mandatory arrest policies.
- A major increase in the number of shelters and transition houses.
- The creation of domestic violence courts.
- A growth in batterers' programs.
- Resources and services for children who have witnessed woman abuse.
- Coordinated, community-based approaches (Baker, 2005; DeKeseredy & MacLeod, 1997).

The following five legal decisions and relatively new laws also had a significant impact on the ongoing and ever changing struggle to end woman abuse:

- The 1999 Lavalle Supreme Court Decision.
- The 1993 Criminal Harassment/Anti-Stalking Law.
- Bill C-72: The Self-Induced Intoxication Defense.
- Bill C46: Production of Records in Sexual Offence Proceedings.
- Legislation allowing police to remove guns from a residence in which an occupant has been charged with threatening or assaulting another occupant (Denham & Gillespie, 1999, pp. 10-11).

On the surface the above policies, laws, and initiatives look promising and/or effective. However, as DeKeseredy and Macleod (1997) remind us, some of them mirror the factors that create woman abuse and do not target the broader social, political, and economic forces that contribute to this harm. For example, their research shows that harsh law and order approaches silence many women who are abused because they cannot tell their story in a traditional justice setting and have their worth reconfirmed. Moreover, the battered woman syndrome defense typically involves courts tending to see only psychiatrists as credible expert witnesses, thus strengthening the idea that woman abuse is a medical or psychiatric problem. Then, of course, increasingly, we are seeing that women who seek help for abuse-related mental health issues are having their help-seeking behaviour used against them in child custody and access cases (Denham & Gillespie, 1999).

In summary, then, abused women now have more resources to choose from, but they are not markedly safer. Certainly, separated/divorced women in Canada are still at high risk of being killed (Cross, 2007; DeKeseredy, 2007). Another point to consider is that in early September 2007, the federal Canadian government led by Prime Minister Stephen Harper eliminated funding to the National Association of Women and the Law, which is

a non-profit women's group that struggles to help end violence against women and other forms of female victimization. And, on October 3, 2006, Bev Oda, then federal Minister for the Status of Women Canada (SWC), announced that women's organizations would no longer be eligible for funding for advocacy, government lobbying, or research projects. Further, SWC was required to delete the word "equality" from its list of goals.

Additional problems abused women and those struggling to help them face are:

- Challenges from fathers' rights groups and others promoting an anti-feminist backlash, including some Canadian researchers like Donald Dutton (DeKeseredy & Dragiewicz, 2007).
- A shortage of affordable housing and cutbacks to social service delivery (DeKeseredy, Alvi, Schwartz, & Tomaszewski, 2003; Denham & Gillespie, 1999).
- When joint custody or poor access arrangements are established, abused women are forced into ongoing contact with abusers, creating safety issues, forcing them and their children to deal with controlling tactics and emotional abuse by the perpetrators. In extreme situations, women or children have been murdered by these abusive men (DeKeseredy, 2007; Luke's Place, 2007).

A much longer list of problems and challenges abused women now face could easily be provided here, but the key point to consider is that policy decisions can have profound effects on the ways people relate to a life experience and act on it. Looking at the problem of woman abuse by tracing policy decisions generates considerable unease. While awareness and concern about the prevalence of separation/divorce assault and other forms of woman abuse have grown substantially since 1980, and while governments and organizations have put millions of dollars and many hours into attempts to reduce abuse, some of the policies put into place to curb this problem have often thwarted the apparent aim of the policy (Jaffe, Lemon, & Poisson, 2003).

RESEARCH ON VIOLENCE AGAINST WOMEN IN THE CONTEXT OF SEPARATION AND DIVORCE

Over the past 35 years, there have been hundreds of North American studies of different forms of woman abuse (e.g., physical, sexual and psychological) in marital and cohabiting relationships (Brownridge & Halli, 2001), all showing that male-to-female victimization in these heterosexual unions is a major public health problem (Krishnan, Hilbert, & VanLeeuwen, 2001). Scores of people, including criminal justice officials, shelter workers and other practitioners contend that the most important weapon women have in their battle to end their partners' abuse is to divorce or separate from them (Schwartz, 1988; Walker, Logan, Jordan, & Campbell, 2004). Although large numbers of women in abusive marital or cohabiting relationships continue to live in these "dangerous domains" for reasons beyond their control such as economic dependency (Johnson, 1996; Websdale & Johnson, 2005), most abused women eventually "flee the house of horrors" (Schwartz, 1989; Sev'er, 2002). Still, for many targets of "intimate intrusions" (Stanko, 1985), separation or divorce alone does not solve the problem of woman abuse (Block & DeKeseredy, 2007; DeKeseredy, Schwartz, Fagen, & Hall, 2006).

Many men do not leave their ex-partners alone and their visits can be deadly (Brownridge et al., 2008; Campbell et al., 2003; DeKeseredy & MacLeod, 1997). As Polk (2003, p. 134) reminds us, "[T]ime and time again the phrase 'if I can't have you, no one will' echoes through the data on homicide in the context of sexual intimacy." For example, in 16% of the cases of intimate femicide¹ that occurred in Ontario between

¹ Intimate femicide is defined here as "the killing of females by male partners and with whom they have, have had, or want to have, a sexual and/or emotional relationship" (Ellis & DeKeseredy, 1997).

1974 and 1994, the victims were separated from their legal spouses (Gartner, Dawson, & Crawford, 2001). Furthermore, throughout Canada, Wilson and Daly (1994) found that compared to co-residing couples, separation entails a six-fold increase in homicide risk for women. Note, too, that the risk of homicide peaks during the first two to three months following separation (DeKeseredy, 2007; Dobash, Dobash, Cavanagh, & Medina-Ariza, 2007), and men who kill women during the process of separation/divorce tend to be younger, have an official criminal record, and to be an ex-dating partner (Dawson & Gartner, 1998).

U.S. research also shows that separation is a key risk factor of femicide (Bancroft, 2002). In fact, close to 50% of men in the U.S. on death row for domestic murder killed their wives or lovers in retaliation for leaving them (Rapaport, 1994; Stark, 2007). Moreover, everyday in the U.S., approximately four women are killed by a male intimate partner (Stout, 2001). Indeed, data presented here and elsewhere support Diana E.H. Russell's (2001, 176) claim that femicide is "some men's final solution for women."

Non-lethal separation assault is also common in Canada. Statistics Canada's National Violence Against Women Survey found that about one fifth (19%) of the women who reported violence by a previous male partner stated that the violence increased in severity at the time of separation (Johnson & Sacco, 1995; Rodgers, 1994), and 2004 Canadian General Social Survey (GSS) data show that, among women with a former husband or male cohabiting partner who had been violent during the relationship, 49% were assaulted by their ex-partners after separation (Mihorean, 2005). Several other North American studies, most of which are Canadian, uncovered similar data with the risk of assault peaking in the first two months following separation and when women

attempt permanent separation through legal or other means (Ellis 1992; Ellis and Stuckless 1996). Hence, it is no wonder that many of Evan Stark's female clients told him "they were never more frightened than in the days, weeks, or months after they moved out" (2007, 116).

Of course, separation/divorce assaults are not restricted to North America. For example, McMurray, Froyland, Bell, and Curnow (2000) found that 21% of the 146 separated Western Australian men in their sample were violent during separation. Thus, as Douglas Brownridge (2006, p. 517) points out in his in-depth review of the international social scientific literature on violence against women post-separation:

In short, studies that allow a comparison of violence among separated, divorced, and married women show a consistent pattern of separated and divorced women being at elevated risk for violence compared to married women, with separated women having by far the greatest risk for post-separation violence. It appears that separated women have as much as thirty times the likelihood, and divorced women has as much as nine times the likelihood, of reporting non-lethal violence compared to married women.

Sexual assaults also occur when women are wanting to end, planning to end, are trying to end, are in the process of ending, or have ended a relationship with a male marital or cohabiting partner (DeKeseredy, Rogness, & Schwartz, 2004). However, the bulk, if not all, of the research on this topic so far was done in major U.S. cities and in rural parts of Ohio (DeKeseredy, 2007; DeKeseredy et al., 2006). Clearly, more Canadian qualitative and quantitative research on separation/divorce sexual assault is needed. Having said this, it is also important to keep in mind that much, if not most, of the information offered in this section of this report is, as Stark (2007, p. 116) reminds us, "not news to abused women." He also correctly points out that:

Abused women are much less likely than the professionals whose help they seek to regard decisions about physical proximity as means to end abuse and much

more likely to regard separation as a tactical maneuver that carries a calculated risk within the orbit circumscribed by assault or coercive control. The disjunction between what victims and outsiders expect from separation remains a major obstacle to effective intervention and communication in the field.

Our study accentuates Stark's focus on the need for professionals to understand the jeopardy in which mothers and their children remain following separation or divorce from an abuser and to mitigate the associated risks. Despite the fact that the majority of laws, programs and services target emergency intervention and services, the abused women in our sample recounted ongoing abuse that significantly shaped their safety following separation and their ability to remain free from abusive relationships. Our results indicate that the time has come to shift our attention to what abused women need to protect themselves and their children from further harm following separation from an abuser and what the community can do to facilitate safe separation.

METHODOLOGY

This study was undertaken as a follow up to *A needs gap assessment report on battered mothers without legal representation in the family courts* (Dragiewicz & DeKeseredy, 2008). The initial needs gap assessment investigated the experiences of abused mothers without legal representation in the family courts in Durham Region. That study documented the issues contributing to lack of legal representation of abused mothers in the family courts, drawing upon surveys, focus groups, and individual interviews. It explored the issues affecting these mothers around post-separation problems with child custody, child support, safety, abuse, and financial stability. Respondents for the initial study included survivors, community advocates, attorneys, and judges. The initial mixed method study provided richly detailed data. The final report for the initial needs assessment raised interest in investigating the problems experienced by abused mothers in family court throughout the province.

For the follow-up project, Luke's Place staff met with the Ontario Women's Directorate and it was decided that a follow up study including abused mothers with and without legal representation would be convened. The group decided to invite participation in the follow up study from across the province. Locations would be targeted to include immigrant women, First Nations women, and rural women as these are known to be under-served constituencies with regard to woman abuse. A list of possible communities was created in order to get a diverse, but not representative, sample across the province. In cases where there were agencies eager to participate but little interest from other local agencies, the organizations that wanted to participate were combined with the nearest area with sufficient interest in participation.

The regions included in the final sample were:

1. Hamilton/Niagara
2. Kitchener/Waterloo/Wellington (Guelph)
3. Ottawa/Kingston and Perth (Lanark County)
4. Peel Region and Dufferin County (Orangeville)
5. Simcoe County
6. Sudbury and Cochrane district (Timmins)
7. Thunder Bay and Kenora (Red Lake)
8. York Region

A snowball sample was developed focusing on these regions. Following the identification of locations that would be invited to participate in the study, Luke's Place staff went online and identified every support service for women in the area and invited each of them to participate. In addition, information about other service providers in the area was collected from the initial contacts. Advocates working with each agency were invited to participate in the survey and asked to recruit survivors to participate as well. The advocates completed questionnaires designed to ascertain their perceptions of the needs of abused mothers in the family court and describe their work on these cases. The full advocate questionnaire is attached at the end of this report as Appendix II. Survivors were surveyed about their own experiences in the family court system. The full survivor questionnaire is attached at the end of this report as Appendix I. Survivor and advocate questionnaires were translated into French and made available to agencies with that preference. Luke's Place arranged to post this final report online upon its completion in order to share the results with the communities that contributed to the project and allow each community and agency to benefit from the inquiry in a timely fashion. Table I summarizes the number of survivor and community advocates participating in the study.

Table I
STUDY PARTICIPANTS

Respondent role	N
Survivors of woman abuse	132
Community advocates	98
Total	230

Quantitative analysis

The questionnaires were analyzed using the quantitative software SPSS to identify the frequency of response to each survey question. The frequencies were then analyzed using these descriptive statistics, and themes were derived from the results. Given the small sample size totaling 230, the frequencies are intended to describe the experiences of survivors of woman abuse unrepresented in the family law system, and the advocates providing them services, respectively, not to provide statistically generalizable information about the prevalence or incidence of these problems. Given the small sample sizes for each region, this report focuses on the aggregated responses of all 132 survivors and 98 advocates. Variations by region are also discussed.

Survivor demographics

Our final survey sample included 132 survivors who had experience in the family court system. The average age of the survivors was 38. 67.7% of the women said they live in a city, with 26.5% living in a town, 3% in a village, and 3.8% reporting that they live in the country.

Table II
STUDY PARTICIPANTS: SURVIVORS BY REGION

Region	N	%
Peel Region	19	14.4
Thunder Bay and Red lake	8	6.1
Hamilton/Niagara	18	13.6
Kitchener/Waterloo and Wellington	16	12.1
York Region	28	21.2
Ottawa/Kingston and Lanark County	12	9.1
Sudbury	2	1.5
Simcoe County	29	22.0
Total	132	100

29.5% of the sample identified as Catholic, 18.6% as Protestant, 4.7% were Muslim, and 3.1% were Jewish. 30.2% of the respondents replied that they identified with another religion, and 14% indicated no religious affiliation or background. The women in the sample had a variety of educational experiences. 13.7% of the survivors reported having completed some high school and 23.7% had a high school diploma. 35.1% of our sample had some college or university education, 11.5% had an undergraduate degree, and an additional 16% had obtained a graduate degree.

We tried to recruit respondents from underserved communities. Ultimately, 2.3% of our respondents identified as Aboriginal, and 13% identified themselves as recent immigrants. 3.4% identified as refugees. Table III summarizes the ethnic and cultural identification of the respondents.

Table III
 STUDY PARTICIPANTS: SURVIVORS BY ETHNIC/CULTURAL IDENTITY

Ethnic/cultural group	N	%
Central American	1	.8
French Canadian	6	4.6
English Canadian	75	57.3
British	3	2.3
Western European	2	1.5
Eastern European	7	5.3
Far Eastern	16	12.2
African	4	3.1
Caribbean	6	4.6
Middle Eastern	3	2.3
Other	8	6.1
No response	1	.8
Total	132	100

14.8% of the women reported having a physical disability, including survivors reporting disability due to abuse including permanent damage to the knees, back, eyes, head, and wrists. 5.4% of our sample identified as deaf or hard of hearing. Significantly, 92% of the women reported being psychologically affected by the abuse they had experienced. The most commonly reported psychological outcomes of abuse were depression, anxiety, post traumatic stress disorder, fear, low self-esteem, anger, and trust issues.

Characteristics of relationships and families

Most of our sample, 67.2%, had been married to their abuser. An additional 30.5% had lived common-law with their abuser. Only 2.3% of the women never lived with their abusive ex-partner. The average length of time the survivors were with their abuser was 10 years.

92.4% of the survivors who completed the questionnaire reported that they had children. Of these, 34.7% of the women in our sample had one or more children younger

than five, 47.2% of the women had one or more children aged 5-12, 28.3% had children 13-17 years old, and 18.9% had one or more children 18 and older.

Finances

The survivors reported substantial changes in their financial situation following separation or divorce. 57.7% of respondents reported that their male partner was the primary breadwinner prior to separation. 21.5% said the survivor and her male partner made roughly equal amounts of money, and 20.8% reported that the survivor was the primary earner prior to separation. The women reported significantly lower family incomes after separating from the abuser. On average, the women reported a family income of \$68,978.16 prior to separation. The average income reported after separation was \$30,191.06, a reduction of more than half. Not surprisingly, reliance on social services or other forms of financial assistance were related to this precipitous drop in income. 43.1% of the abused women in our sample reported that they currently rely on social services for income support, and 38% said they rely on friends and family for income support.

AGGREGATED FINDINGS ON WOMAN ABUSE IN THE CONTEXT OF SEPARATION AND DIVORCE

Research on woman abuse consistently finds that abuse is comprised of a constellation of multiple forms of physical, sexual and psychological abuse. Studies of separation assault have found that abuse often continues or even worsens following separation from an abuser. Given these patterns, it is not surprising that the majority of the survivors in our sample reported experiencing a wide variety of forms of violence and abuse, and that many of the women were subjected to continuing violence and abuse following separation. Table IV summarizes the number and percentage of women who have ever experienced different forms of physical, sexual, and psychological abuse before and after separation from their abuser. Large majorities of women experienced multiple serious forms of violence and abuse.

The types of abuse reported give a strong indication of the co-occurrence of multiple major forms of abuse, the centrality of jealous, coercive and controlling behavior to abuse, as well as the persistence of risk following separation. These data also show that separation is a useful but not sufficient way to decrease many forms of abuse. A majority of women reported the persistence of severe abuse after separation. Significantly, 63.5% of respondents reported their abuser had made them fear for their life following separation. 85% said their abuser insulted or swore at them after separation. 82.6% reported their abuser yelling at them after separation. 74.6% reported their abuser's continued jealous and controlling behavior. 73.6% reported their abuser following or keeping an eye on them in other ways following separation. 69.9% said their abuser called them multiple times after they were separated.

Table IV
 ABUSE BEFORE AND DURING/AFTER SEPARATION AS REPORTED BY
 SURVIVORS

<i>Type of abuse</i>	<i>Survivors who have ever experienced</i>			
	<i>Before separation</i>		<i>During/After separation</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
<i>Physical</i>				
Grab you or slap you	109	84.5	34	30.4
Push or shove you	107	82.9	38	33.6
Throw something at you that could hurt	95	73.6	24	21.2
Twist your arm or pull your hair	84	66.7	24	21.6
Slam you against a wall	90	69.8	22	19.8
Choke you	66	52	12	10.8
Punch or hit you with something that could hurt	76	61.3	21	18.6
Kick you	71	56.3	13	11.5
Beat you up	62	49.6	12	10.8
Use a knife or a gun on you	36	29	8	7.3
Burn or scald you on purpose	16	12.9	1	.9
<i>Sexual</i>				
Insist on having sex with you when you didn't want to (but did not use physical force)	109	85.8	24	21.8
Make you upset by trying to get you to do what he had seen in pornographic pictures, movies, or books.	80	64	16	14.4
Use physical force to make you have sex	75	60.5	13	12.1
Threaten you with physical force to make you have sex	74	59.2	14	12.7
<i>Psychological</i>				
Behave in a jealous or controlling fashion	126	98.4	85	74.6
Yell at you	126	97.7	100	82.6
Make you ask him for money	104	81.9	55	48.7
Insult or swear at you	126	97.7	102	85
Keep you from seeing your family/friends	111	86	37	33
Insult you in front of the children	116	92.1	75	67
Destroy something that belongs to you	104	78.8	47	43.5
Make you account to him for money you have earned or spent	106	84.1	50	44.2
Follow you or keep an eye on you in other ways	108	87.8	81	73.6
Threaten to hit or throw something at you	111	86.7	48	42.9
Make you fear for your life	118	93.7	73	63.5
Call you multiple times when you were not together	109	90.1	79	69.9
Call you fat or ugly	100	79.4	56	47.9
Accuse you of having affairs with other men	94	74	13	12.1
Accuse you of being a lousy lover	90	71.4	53	45.7

AGGREGATED FINDINGS ON SURVIVORS' PERSPECTIVES

Concurrent involvement in family and criminal courts

76.9% of the survivors in our sample reported having called the police because of something their abuser did or said to them. However, the majority of respondents indicated that criminal charges were not made against their partner. 45% of the women reported criminal charges had been laid. 67.4% of these women reported that it was difficult dealing with criminal and family court at the same time.

Table V
DIFFICULTIES ASSOCIATED WITH CONCURRENT INVOLVEMENT FAMILY AND CRIMINAL COURT AS REPORTED BY SURVIVORS

<i>Reasons for difficulty</i>	<i>Survivors reporting this problem</i>	
	<i>N</i>	<i>%</i>
Too much time in court	37	62.7
No lawyer in criminal court	12	20.3
Confusing	35	59.3
Hard to be around abuser	48	80
Abuser tried to intimidate me into dropping charges	35	59.3
Sometimes what happened in one court conflicted with what happened in the other court	26	44.1
Information was not shared between the courts	32	54.2

Survivors were most likely to identify being exposed to their abuser as a difficulty of concurrent involvement in criminal and family court, 80% reported this as a problem. 62.7% reported the court process was too time consuming. 59.3% reported that their abuser tried to intimidate them into dropping the charges. 59.3% said the process was confusing. 54.2% reported that information was not shared between the courts; Survivors also reported other problems with the court process. 44.1% reported that what happened

in one court sometimes conflicted with what was going on in the other court, and 20.3% of the women had difficulties because they had not been represented by a lawyer.

Accordingly, 93.7% of the respondents reported that it would be helpful if the two courts communicated with each other more. 89.9% of respondents said it would be helpful for there to be automatic sharing of all orders between the two courts. 74.4% of respondents indicated that it would be helpful to share the risk assessment that was done in the criminal process with the family court. 67.1% of respondents advised that it would be helpful to require at bail stage that any family court orders be provided to the Crown or Justice of the Peace.

Issues involved in family law cases

Survivors were most likely to identify child custody, access, and child support as issues in their family law case. Table VI summarizes the issues involved in family law cases as reported by survivors.

Table VI
ISSUES INVOLVED IN FAMILY LAW CASE AS REPORTED BY SURVIVORS

<i>Issue</i>	<i>Survivors reporting this problem</i>	
	<i>N</i>	<i>%</i>
Custody	104	85.2
Access	93	76.9
Child support	101	82.1
Spousal support	64	52.5
Division of property	67	56.3
Exclusive possession of matrimonial home	39	33.1
Restraining order	68	57.1
Other	26	34.2

More than half of respondents reported dealing with multiple issues in their family law case. Child custody was at issue for 85.2% of the women. Child support was an issue for

82.1%. 76.9% reported access was an issue. 57.1% said a restraining order was an issue. 56.3% reported issues with division of property, and 52.5% reported issues around spousal support. A smaller number of respondents, 33.1%, reported issues with exclusive possession of the matrimonial home. 34.2% reported some other issue.

Resource utilization by survivors

Given that the mothers were dealing with multiple issues and often multiple courts, it is to be expected that they turned for help to local service providers.

Table VII summarizes services accessed for assistance as reported by survivors.

Table VII
RESOURCES UTILIZED AND THEIR HELPFULNESS AS REPORTED BY SURVIVORS

<i>Service</i>	<i>N who used</i>	<i>% of total sample who used</i>	<i>N who found it helpful</i>	<i>% of total sample who found it helpful</i>	<i>% of those who used the service and found it helpful</i>
Family Law Information Centre	55	46.2	41	35.7	74.5
Duty Counsel lawyers	55	44.7	39	32.8	70.9
Mediation services	32	26.7	14	12	43.7
Family law advice clinics	27	23.9	24	21.6	88.9
Two-hour legal advice certificates	58	49.6	45	39.1	77.6
Paralegals	12	10.4	12	10.4	100
Community service agency	62	53.4	60	52.2	96.8
Shelter advocates	91	76.5	86	74.1	94.5
Counselling services	100	82	98	80.3	89.3
Parent information sessions	28	24.3	25	21.7	89.3
Written materials	77	64.2	69	59	89.6
Office of the Children's Lawyer	29	25.4	12	10.9	41.4
Mediation	26	22.4	13	11.3	50
Parenting assessments	19	16.2	12	10.3	63.2
Other services	15	14.2	10	9.4	66.7

Since our sample was identified using service providers, it is no surprise that respondents had utilized at least one service provider. Many of the survivors in the sample accessed multiple service providers, pointing to the complexity of the process and the multivalent impact of abuse on the women's experiences. The most frequently named resource utilized was counselling. 82% of respondents had used counselling and 80.3% reported it was a helpful resource. This reflects the finding reported above that the majority of respondents had experienced psychological harm related to abuse. The second most frequently accessed service was shelter advocates. 76.5 % of our respondents had contact with shelter advocates and 74.1% found that a helpful resource. 64.2% of respondents said they had used written materials, and 59% reported those were useful. 53.4% of survivors had used community service agencies, with 52.2% reporting these were helpful. Almost half of the women also used two-hour family law advice certificates (49.6%). A sizeable minority of respondents had used an array of other services related to their cases. 44.7% of respondents had used the services of duty counsel. In contradistinction to images of survivors as passive or unwilling to change their situation, our findings show many survivors are resourceful at piecing together the available services to try to deal with their family court cases.

Survivors who accessed resources overwhelmingly found them helpful, with different kinds of services rated more and less helpful. Respondents reported the greatest satisfaction with paralegals. Although only 12 respondents had used them, all 12 reported this service was helpful. In addition, 96.8% of survivors who had used community service agencies reported this was a helpful resource. 94.5% of respondents who used

shelter advocates found this helpful. 89.6% of those who used written materials found them helpful. 89.3% of those who used counselling found it helpful. Likewise, 89.3% of those who used parent information sessions found them helpful. 88.9% of those who used family law advice clinics said they were helpful.

While large majorities of those accessing services reported finding them helpful, not all services were equally highly rated. Only 41.4% of those who used the Office of the Children’s Lawyer said it was helpful. 43.7% of those who used Mediation Services said it was helpful. 50% of those who used mediation reported it was helpful. While it is clear that survivors find many of the available resources to be of use, additional research is needed to assess the reasons for the gaps in satisfaction across resources. It is clear that for many abused mothers mediation is not the answer.

Family law case disposition

Many of the survivors in our sample, 63.7%, reported that their family court cases were still in progress when they completed the survey and 36.3% reported their cases were finished. The survivors reported a range of durations for their cases. Table VIII summarizes the duration of the cases reported by survivors in our aggregate sample.

Table VIII
DURATION OF FAMILY LAW CASE AT TIME OF COMPLETING SURVEY AS REPORTED BY SURVIVORS

<i>Duration of case</i>	<i>N</i>	<i>%</i>
Less than one year	48	39.7
Between one and two years	37	30.6
Between two and four years	23	19.0
More than four years	13	10.7

The family law cases in our sample resulted in a number of different outcomes for child custody and access. Table IX summarizes these results. Of those survivors who reported

the outcome of their family law case, more than half were in custody arrangements that required ongoing contact with their abuser. 30.5% reported their case resulted in sole custody with unsupervised access to the father. 22% reported sole custody with supervised access to the father. 18.6% reported sole custody with no access to the father. 8.5% reported joint custody with the children mostly living with the respondent and having access to the father. 8.5% reported some other arrangement.

Table IX
CHILD CUSTODY/ACCESS OUTCOMES AS REPORTED BY SURVIVORS

<i>Outcome of case</i>	<i>N</i>	<i>%</i>
Sole custody with unsupervised access to the father	18	30.5
Sole custody with supervised access to the father	13	22
Sole custody with no access to the father	11	18.6
Joint custody with the children mostly living with you and having access to the father	5	8.5
Joint custody with the children spending roughly the same amount of time with you and the father	3	5.1
Joint custody with the children mostly living with the father and having access to you	0	0
Sole custody to the father with unsupervised access to you	0	0
Sole custody to the father with supervised access to you	3	5.1
Sole custody to the father with no access to you	0	0
CAS has custody of the children	1	1.7
Other	5	8.5

Of the women whose partners had been granted access to the children, 52 women or 66.2% reported he was using it. Of the women who had been granted access visits with their children, 73.9% reported that their abusive ex-partner was allowing the access. These findings indicate that despite the risk and reality of serious, ongoing violence and abuse following separation, less than half of the survivors in this sample had been able to truly end exposure to their abuser. These findings are of special concern because 38 respondents, or 58.5% of our sample, had obtained a restraining order against their abuser, and an additional 3 women or 7.1% reported being subject to a mutual restraining

order. 10 women, or 27.8%, reported that they had tried to get a restraining order and were unsuccessful. 57.1% of our respondents reported that ongoing contact with their abuser affected the decisions they made in their case. In response to a question about how their decision-making would have been different if they had been allowed minimal contact with their abuser, survivors said they would have been better able to care for and protect their children, make better decisions without being afraid, and suffer from less fear and anxiety.

Survivor voices on how decision-making would have been different if they had been allowed minimal contact with their abuser

- I could freely make the best decisions for my child/myself if courts had not allowed him to drag this out for more than 6 years through tricks & manipulation of the system/ no punishment for non-compliance.
- I could have thought more clearly if I wasn't afraid and being intimidated so that I could have made better decisions.
- It could be a fresh start without my ex contaminating every single step.
- It would make things much easier for me and it has affected my children.
- I wouldn't have to plan for safety as much
- Not seeing him would have kept me more confident and less fearful.

Only 14.3% of our respondents indicated that they had no difficulties with access visits. Table X summarizes the issues reported by survivors at access visits. The most common concern was 69.1% of survivors reporting fear about their partner using controlling or abusive behaviour with the children when mothers are not there. 62.5% reported that their ex-partner was using access visits to get information from the children. 63.1% of survivors reported their ex-partner using access visits to criticize them to the children. 49.2 % of survivors reported angry scenes at exchanges. The same number reported having to force children to go on access visits when they are crying and don't

want to go, and continuous conflict about school issues, medical issues, activities, holidays, etc. 48.5% reported feeling unsafe at exchanges. Overall, only 21.9% of survivors with joint custody reported a positive experience with joint custody.

Table X
PROBLEMS WITH CUSTODY AND ACCESS REPORTED BY SURVIVORS

<i>Type of Problem</i>	<i>Survivors indicating this was a problem</i>	
	N	%
Angry scenes at exchanges	32	49.2
Feeling unsafe at exchanges	32	48.5
Ex-partner assaulting me at exchanges	14	21.5
Ex-partner using access visits to criticize me to the children	41	63.1
Ex-partner using access visits to get information from the children	40	62.5
Ex-partner refusing to return clothing or items needed by the children	25	39.1
Ex-partner changing times of access visits without consulting me	25	38.5
Ex-partner not showing for access visits when children are expecting him	18	27.7
Fear about my partner using controlling or abusive behaviour with the children when I am not there	47	69.1
Having to force children to go on access visits when they are crying and don't want to go	32	49.2
Continuous conflict about school issues, medical issues, activities, holidays, etc	32	49.2
Ex-partner using access exchanges to pressure me to reconcile	16	24.2
Supervised access visits done by ex-partner's parents or girlfriend who deny his abuse	11	16.9
Your abusive ex-partner refuses to give you access	4	6.1
Your abusive ex-partner refuses to return the children	10	15.4
Other	17	26.6

Division of assets

Custody and access are also relevant to the findings reported in Table XI, which summarizes support outcomes. Many courts are reluctant to restrict child custody and access in cases where the abuser is paying child support, spousal support, or both. In our sample, the majority of survivors reporting support outcomes said that they received child support (59.6%), spousal support, (8.5%) or both (27.7%). Only two of the survivors

reporting paying support to their abuser. Since support is calculated based on income, this is another reflection of the financial disadvantage that abused mothers are at following separation. Recall that earlier we reported the average income of survivors in our sample dropping by half at separation.

Table XI
SUPPORT OUTCOMES AS REPORTED BY SURVIVORS

<i>Type of support</i>	<i>N</i>	<i>%</i>
Child support paid to survivor	28	59.6
Spousal support paid to survivor	4	8.5
Both paid to survivor	13	27.7
Child support paid to abuser	1	2.1
Both paid to abuser	1	2.1

Although court orders for child support point to most survivors being entitled to support, this is only part of the story. Of the survivors entitled to receive child support, 28.4% waited one to three months to receive it, 12.3% waited 4-6 months, 11.1% waited seven months to a year, 4.9% waited one to two years, 7.4% waited over two years, and one third never received it. Related to disproportionate poverty of women and failure of many abusers to pay child support is the division of property. Table XII summarizes the property outcomes reported by our respondents.

Table XII
PROPERTY DIVISION OUTCOMES AS REPORTED BY SURVIVORS

<i>Type of support</i>	<i>N</i>	<i>%</i>
Survivor received the matrimonial home	5	12.2
Survivor's abusive ex-partner received the matrimonial home	15	36.6
The matrimonial home was sold and the money divided	20	48.8
Survivor feels she received her fair share of the assets	15	28.8
Survivor does not feel she received her fair share of the assets	36	69.2

69.2% of the survivors did not feel they received their fair share of the couple's assets, while 28.8% did feel they had received their fair share. In most cases, 48.8%, the

couple's house was sold and the assets divided. In another 36.6% the abuser received the couple's home. In only 12.2% of cases did the couple's home go to the abused mother. This is distinctly opposite to the claims of "fathers' rights" groups and others who claim that the house automatically goes to any woman who reports abuse at divorce. Such claims are used to promote the notion that women lie about abuse to "get a leg up" in the divorce.

Legal representation

The average amount survivors reported spending in their court case to date was \$11,528.57. 90.6% of the survivors reported having a lawyer at some point in their family law case. 54.9% of the women had only one lawyer, while 30.1% had had two, and 8% had used three lawyers over the course of their case. Respondents reported paying for their lawyers using a variety of sources including retirement savings, help from family members, legal aid, and selling off their homes and other assets. 93.2% of our respondents knew about legal aid when they went looking for a lawyer. 71.3% knew what the requirements were to receive legal aid. 71.8% applied for legal aid. Of those who did not apply, 43.6% reported they didn't think they would qualify as the reason why. 23.1% didn't want to apply for a lien against their property. 12.8% said they wanted to choose their own lawyer. Table XIII summarizes the reasons that women in our sample were not represented by a lawyer in family court proceedings.

Table XIII
 REASON FOR BEING UNREPRESENTED IN FAMILY COURT AS REPORTED BY SURVIVORS

<i>Reason for being unrepresented</i>	<i>N</i>	<i>%</i>
Did not qualify for legal aid but could not afford the fees of a lawyer	2	7.4
Ran out of legal aid due to length and complexity of proceedings	1	3.7
Ran out of money due to the length and complexity of the proceedings	5	18.5
Felt my lawyer did not understand the issues	3	11.1
Could not find a lawyer who was knowledgeable about woman abuse	3	11.1
Did not have time to find a lawyer given the emergency nature of my situation	4	14.8
Other	8	29.6

Abused women who don't have legal representation face a number of challenges in the family court system. Table XIV summarizes the issues and challenges reported by abused women without legal representation in the family court. 75.9% reported trouble understanding the procedure. 69% reported having trouble with the paperwork. 66.7% reported difficulty dealing with their ex-partner and/or their lawyer.

Table XIV
 GREATEST DIFFICULTY FACED BY ABUSED MOTHERS UNREPRESENTED BY A LAWYER IN THE FAMILY LAW PROCESS AS REPORTED BY SURVIVORS

<i>Greatest difficulty</i>	<i>N</i>	<i>%</i>
Paperwork	20	69
Understanding the procedure	22	75.9
Court/staff response	17	58.6
Judiciary response	15	51.7
Knowing what evidence about abuse to submit and how	16	53.3
Knowing how to act in court	15	51.7
Dealing with ex-partner and/or his lawyer	20	66.7

Whether or not they have legal representation, abused women face multiple complex and interrelated challenges in the family court system. These issues are summarized in Table XV. The most common complaint, made by 69.2% of respondents, was high tolerance for violence in the community. This indicates that contrary to the popular belief that we have already done community education on woman abuse and no one supports it any more, or that high tolerance for violence is a characteristic of "Other"

communities or subcultures, a different reality is perceived by abused women. The second most frequent complaint was 63.3% of respondents reporting difficulty finding physically accessible, affordable housing. 57% reported fear that their partner will take the children out of the country. An additional 56.7% cited economic conditions as a barrier. 48.3% said there were not enough support services and resources. 46.7% said services not understanding traditional ways of healing was a barrier. 45% of survivors cited fear that they wouldn't be believed or abuse won't be taken seriously. 43.3% reported dealing with community attitudes about separating as a barrier. 41.7% cited fear about managing on their own. In combination, these issues and barriers point to the intersection of economic, socio-cultural, and court-specific issues for abused mothers dealing with the family court.

Table XV
ISSUES AND BARRIERS FACED BY ABUSED MOTHERS IN THE FAMILY LAW
PROCESS AS REPORTED BY SURVIVORS

<i>Issue</i>	<i>N</i>	<i>%</i>
Not enough support services and resources	58	48.3
Difficulty with the distance to travel to court or support services	38	31.7
Transportation difficulties	42	35
Isolation	45	37.5
Lack of anonymity and/or lack of confidentiality	33	27.5
Difficulty with access to services (justice system, social services, etc.)	37	30.8
Sporadic access to police	27	22.5
Dealing with service providers who are relatives or friends	14	11.7
Economic conditions	68	56.7
Length of time involved to sell a farm	2	1.7
Dealing with community attitudes about separating	52	43.3
Dealing with a patriarchal attitudes toward women	45	37.8
Fear about partner's access to guns	42	35
Language barriers	19	15.8
Difficulty finding an effective translator	8	6.7
Fear of harming immigration status	5	4.2
Fear of being deported	5	4.2
Separating from a husband who sponsored me into this country	11	9.2
Pressure from my community to stay in the marriage	26	21.7
Difficulty finding support services that understand my particular issues	44	36.7
Difficulty accessing legal help	41	34.2
Dealing with discrimination and/or racism	16	13.3
Fear of the police; not trusting police	42	35
Fear of how police will treat my partner	0	0
Difficulty finding affordable housing	18	15
Fear that my partner will take children out of the country	69	57
Fear that my children will be taken away	35	29.2
Services not understanding traditional ways of healing	56	46.7
Fear that chiefs and council members will support the abuser	16	13.3
Fear that I have to move outside of my community to get away from abuse	13	10.8
Fear that I won't be believed or abuse won't be taken seriously	54	45
High tolerance for violence in my community	83	69.2
Difficulty leaving my abuser because he is my caregiver	37	30.8
Difficulties with physical accessibility to court, legal, and/or support services	22	18.3
Being treated as if I am a child or lacking in intelligence	12	10
Feeling that I am supposed to be compliant and not challenge people	42	35
Fear about managing on my own	50	41.7
Difficulty finding physically accessible, affordable housing	76	63.3
Fear that I will be seen as an incompetent witness by police and the courts	29	24.2
Difficulty with communicating; requiring assistance in communicating	33	27.5
Fear that the court will view me as a lesser parent because of my disability	22	18.3
Feeling less powerful than the abuser	12	10

In fact, just over half of the respondents felt safe in court. 53.1% reported that they felt safe when they are in the family court. 46.9% said they did not. 48.8% of respondents reported their level of risk from the abuser as high. 45.5% reported it as moderate. Only 5.8% reported no risk. Survivors offered suggestions for additional safety in the court facilities. Table XVI summarizes their endorsement of these measures.

Table XVI
WHAT WOULD MAKE YOU FEEL SAFER IN COURT? AS REPORTED BY SURVIVORS

<i>Safety measure</i>	<i>N</i>	<i>%</i>
Separated waiting areas	42	84
Security guards	22	44.9
Someone to sit with them	35	70
Police Officers	29	58

Survivors were also asked whether and what changes in the system would have been helpful to them. These results are reported in Table XVII. Most survivors thought that multiple changes would be helpful, with every suggestion being endorsed by a majority of respondents.

Table XVII
 WHAT CHANGES IN FAMILY COURT WOULD HAVE BEEN HELPFUL FOR
 YOU? AS REPORTED BY SURVIVORS

<i>Change</i>	<i>N</i>	<i>%</i>
Increased funding for family law legal aid certificates	82	73.9
Different financial eligibility criteria so you could have qualified for a legal aid certificate	67	59.3
More hours for your lawyer on your legal aid certificate	80	72.1
More time with the advice lawyer in the FLIC office	61	55.5
More legal information for you to read yourself	88	75.2
A bigger role for women's advocates in family court	101	89.4
Domestic violence training for your lawyer	96	82.1
DV training for family court judges	96	83.5
DV training for family court personnel	88	76.5
More coordination and communication with criminal court	83	74.8
Free child care at the family court	78	74.3

FINDINGS ON SURVIVORS DISAGGREGATED BY REGION

A variety of Canadian studies have found that there is a high frequency of male-to-female abuse in ongoing intimate relationships and during and after separation/divorce. Generally, researchers have preferred studies based on a national level, rather than local victimization surveys or other types of small-scale research, for fear that the limited coverage of the latter might somehow bias the findings. For example, in her commentary on studies of woman abuse in university/college environments, Sanday (1996) worries that virtually all local researchers presume that findings developed at one school or region are immediately applicable to other regions or schools. Rather, she argues, men in different regions, attending different schools, or attending different types of schools, may victimize women at different rates. Thus, many researchers have been attracted to broad, national-level surveys, such as Statistics Canada's 2004 General Social Survey (Mihorean, 2005). However, this move may introduce the reverse error – totalling together very different regions and campuses into one rate (Schwartz & DeKeseredy, 2000).

Although, we were not able to conduct representative sample surveys of women in each of the eight regions, we are able to shed some limited empirical light on regional variations in the 132 survivors' experiences. Note, however, that recent sociological and social psychological literature seems to view patriarchal male peer support as a universal risk factor or constant (DeKeseredy & Schwartz, 2009; DeKeseredy, Schwartz, Fagen, & Hall, 2006), which suggests that region would not be an important variable in predicting woman abuse in Ontario or elsewhere (Schwartz & DeKeseredy, 2000). Still, to the best of our knowledge, there has been no investigation as to whether the experiences of

abused women in the family courts varies across Ontario regions. Hence, this section of our report helps fill a major research gap.

Not surprisingly, there are some key regional variations in some abusive behaviours experienced before and after separation. For example, as described in Table XVIII, of those who responded to the question about being beaten up before separation, it appears that people living in Sudbury are at the highest risk, followed by residents of Kitchener/Waterloo and Wellington, Peel, and Hamilton/Niagara. Women residing in Peel, Hamilton/Niagara, and Ottawa/Kingston and Lanark County are at the highest risk of being beaten during and after separation, followed by those based in Simcoe County. Of course, the samples sizes are low and the samples are not representative of women living in each area, which makes it impossible to offer valid generalizations.

Table XVIII
REGIONAL VARIATIONS IN BEATINGS BEFORE AND DURING/AFTER SEPARATION

<i>Region</i>	<i>Survivors who have been beaten up</i>			
	<i>Before separation</i>		<i>During/after separation</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
Peel	11	57.9	3	20
Thunder Bay and Red Lake	3	37.5	0	0
Hamilton/Niagara	8	50	3	20
Kitchener/Waterloo and Wellington	9	60	0	0
York Region	12	48	1	4
Ottawa/Kingston and Lanark County	5	41.7	2	20
Sudbury	2	100	0	0
Simcoe County	10	35.7	3	12.5

There are also regional variations in abusive behaviours that are even more likely to cause death, such as those involving the use of a knife or a gun. This is not to say, though, that other forms of abuse should be considered minor. For example, a slap can

break teeth and a shove could result in someone falling down the stairs and dying from head injuries (DeKeseredy, 1995; Smith, 1987). Further, many women find pressure to have sex and verbal aggression to be just as or more threatening to their well-being as physically and/or sexually violent acts (DeKeseredy & Schwartz, 2001). Consider, too, that some women say that most physical wounds heal, but the damage to their self-respect and ability to relate to others caused by emotional, verbal, and spiritual violence affects every aspect of their lives. This is what one survivor told Walter DeKeseredy and Linda MacLeod (1997, p. 5):

I was raped by my uncle when I was 12, and my husband has beat me for years. For my whole life, when I have gone to a doctor, to my priest, or to a friend to have my wounds patched up, or for a shoulder to cry on, they dwell on my bruises, my cuts, my broken bones. My body has some scars... that's for sure.... I don't look anything like I did 15 years ago, but it's not my body that I really wish could get fixed. The abuse in my life has taken away my trust in people and in life. It's taken away the laughter in my life. I still laugh, but not without any bitterness behind the laughter. It's taken away my faith in God, my faith in goodness winning out in the end, and maybe worst of all, it's taken away my trust in myself. I don't trust myself to be able to take care of my kids, to take care of myself, to do anything to make a difference in my own life or anyone else's. That's the hurt I would love to fix. I can live with my physical scars. It's these emotional scars that drive me near suicide sometimes.

The fact that guns were associated with harms experienced by a portion of our respondents is to be expected, given that other studies found a similar correlation (e.g., Campbell et al., 2003; DeKeseredy & Schwartz, 2009; Vigdor & Mercey, 2006). Consider, too, these results of a recent study that generated data from 8,529 men enrolled in Massachusetts certified batterer intervention programs between 1999 and 2003:

- Seven percent of the men reported owning guns during the past three years.
- Recent gun owners were 7.8 times more likely than non-gun owners to have threatened their partners with guns.
- Abusers reported using guns to threaten their partners in four ways, including threatening to shoot them, cleaning, holding or loading a gun during an argument, threatening to shoot a pet or person the victim cared about, and shooting a gun

during an argument with a victim (Rothman, Hemenway, Miller, & Azrael, 2005, p. 1).

Here in Ontario, using data derived from our sample, we found that in each region, a sizeable portion of women were assaulted by men using either a knife or a gun before separation. Moreover, Table XIX reveals that there are some regional variations in women's accounts of such behaviour. Nevertheless, separation data was not reported in 50 percent of the regions. As anticipated, knife or gun use before separation was reported by women living in northern and rural parts of Ontario. Some researchers even contend that the use of guns during abusive incidents is probably more common in rural than in urban communities (DeKeseredy & Schwartz, 2009). Websdale (1998, p. 10) argues that:

Rural culture, with its acceptance of firearms for hunting and self-protection, may include a code among certain men that accepts the casual use of firearms to intimidate wives and intimate partners. In urban areas, it is more difficult for abusers to discharge their weapons and go undetected. People in the country are more familiar with the sound of gunshots and often attribute the sound to legitimate uses such as hunting.

Table XIX
REGIONAL VARIATIONS IN KNIFE OR GUN USE BEFORE AND DURING/AFTER SEPARATION

<i>Region</i>	<i>Survivors who have been Victimized by a knife or gun</i>			
	<i>Before separation</i>		<i>During/after separation</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
Peel	3	15.8	0	0
Thunder Bay and Red Lake	1	14.3	0	0
Hamilton/Niagara	5	27.8	3	20
Kitchener/Waterloo and Wellington	6	40	0	0
York Region	9	36	0	0
Ottawa/Kingston and Lanark County	3	25	2	20
Sudbury	1	50	1	50
Simcoe County	8	28.6	3	12.5

Regardless of whether gun-related abuse is more common in rural than in urban settings, studies show that during and after the process of separation/divorce, men's drinking, drug use, and gun ownership is a "risky mix" (DeKeseredy & Schwartz, 2009; Sharps et al., 2003). Such findings have major implications for policy and practice and warrant special attention by those eager to reduce the availability of dangerous firearms. Unfortunately, most of the debates surrounding guns centre on constitutional issues or dangers associated with gangs of youth milling around in public places.

Of course, not all women are equally at risk of being sexually assaulted before and after separation. For instance, Table XX reveals that of the women who reported being the targets of men using physical force to get them to have sex before separation, women based in Hamilton/Niagara reported the highest rate of this crime, followed by those in Kitchener/Waterloo and in Peel. On the other hand, sexual assault during and after separation was not reported by many respondents and those most likely to reveal such experiences reside in Peel, Ottawa/Kingston and Lanark County, and Sudbury. However, again, for reasons described previously, these findings cannot be generalized.

Table XX
REGIONAL VARIATIONS IN THE USE OF PHYSICAL FORCE TO GET WOMEN TO HAVE SEX BEFORE AND DURING/AFTER SEPARATION

<i>Region</i>	<i>Survivors who have been Victimized by forced sex</i>			
	<i>Before separation</i>		<i>During/after separation</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
Peel	15	78.9	3	21.4
Thunder Bay and Red Lake	4	50	0	0
Hamilton/Niagara	13	81.2	3	20
Kitchener/Waterloo and Wellington	12	80	1	7.7
York Region	11	44	1	4.0
Ottawa/Kingston and Lanark County	6	54.5	2	22.2
Sudbury	1	50	1	50
Simcoe County	13	46.4	3	13

AGGREGATED FINDINGS ON COMMUNITY ADVOCATES' PERSPECTIVES

In addition to survivors, we surveyed 98 community advocates in eight regions about their experiences working with abused mothers involved in the family court system. The questionnaire for advocates focused on their perceptions of the needs of the abused mothers with whom advocates worked and suggestions for improvements to the family court system process, function, and safety. The small numbers of advocates in each region preclude in depth analysis of the disaggregated data, so aggregated findings are presented here.

Table XXI
STUDY PARTICIPANTS: COMMUNITY ADVOCATES BY REGION

Region	N	%
Peel Region	19	14.4
Thunder Bay and Red lake	8	6.1
Hamilton/Niagara	18	13.6
Kitchener/Waterloo and Wellington	16	12.1
York Region	28	21.2
Ottawa/Kingston and Lanark County	12	9.1
Sudbury	2	1.5
Simcoe County	29	22
Total	132	100

When asked how often they work with survivors of woman abuse, 89.6% of respondents who answered the question said they did so daily. The other 10.4% reported they see survivors on a weekly basis. When asked to name the most pressing issues for the women they worked with, 99% of advocates named custody and access.

Many of the advocates reported that their clients were dealing concurrently with the family and criminal courts. When asked what kinds of communication or coordination between the courts would be helpful for their clients, 87.6% advocated

sharing risk assessments done in the criminal process with family court. 84.5% thought automatic sharing of all orders between the two courts would be helpful. 74.5% said it would be helpful if there were a requirement at bail stage that any family court orders be provided to Crown/Justice of the Peace.

The criminal court is not the only system with which the mothers are involved in addition to the family court. Many of the community advocates reported that their clients were also dealing with Children’s Aid. These findings are presented in Table XXII. About a third of the advocates reported that between fifty and seventy-five percent of their clients were also involved with Children’s Aid. An additional 29.6% said that between twenty-five and fifty percent of their clients were also involved with Children’s Aid. 27.6% reported that more than seventy-five percent of their clients were involved with Children’s Aid. Only 10.2% reported that less than twenty-five percent of their clients were involved with both the Children’s Aid and family court systems.

Table XXII
 PERCENTAGE OF CLIENTS INVOLVED WITH CHILDREN’S AID SOCIETY AND FAMILY COURT AS REPORTED BY ADVOCATES

<i>Percentage of clients involved with Children’s Aid</i>	N	%
Less than 25%	10	10.2
Between 25% and 50%	29	29.6
Between 50% and 75%	32	32.7
More than 75%	27	27.6

Despite their involvement in multiple, complex justice systems, many of the women our respondents worked with did not have a lawyer for all or a portion of their case. These findings are presented in Table XXIII.

Table XXIII
 PERCENTAGE OF CLIENTS WITHOUT A LAWYER AS REPORTED BY
 COMMUNITY ADVOCATES

<i>Percentage of clients without a lawyer</i>	N	%
Less than 10%	19	19.4
Between 10% and 25%	23	23.5
Between 25% and 50%	22	22.4
Between 50% and 75%	15	15.3
More than 75%	15	15.3
Don't know	4	4.1

The advocates answered questions about the reasons why their clients were unrepresented by a lawyer for some or all of their case. The results are summarized in Table XXIV.

Table XXIV
 REASON FOR CLIENT BEING UNREPRESENTED IN FAMILY COURT AS
 REPORTED BY COMMUNITY ADVOCATES

<i>Reason for client being unrepresented</i>	N	%
Client did not qualify for legal aid but could not afford the fees of a lawyer	90	91.8
Client ran out of legal aid due to length and complexity of proceedings	55	56.7
Client ran out of money due to the length and complexity of the proceedings	48	49.5
Client felt her lawyer did not understand the issues	57	58.8
Client could not find a lawyer who would accept legal aid	47	48.5
Client could not find a lawyer who was knowledgeable about woman abuse	41	42.3
Other	89	90.8

In addition to the response options in the survey, advocates provided other explanations for clients' lack of legal representation, including:

- Not enough legal aid lawyers in the region
- Lawyers are just "going through the motions" and not having the women's best interests at heart
- Survivors are afraid getting a lawyer would escalate problems with her abuser
- Clients find lawyers biased against women
- Legal aid does not pay for divorce or division of assets
- Hard to find a legal aid lawyer accepting new clients
- Too few knowledgeable lawyers in town
- Intimidation /fear of abuser

The community advocates noted the difficulties caused by not having a lawyer for part of all of a family law case. These difficulties are summarized in Table XXV.

Table XXV
GREATEST DIFFICULTIES FACED BY ABUSED MOTHERS UNREPRESENTED BY A LAWYER IN THE FAMILY LAW PROCESS AS REPORTED BY COMMUNITY ADVOCATES

<i>Greatest difficulty</i>	<i>N</i>	<i>%</i>
Paperwork	80	81.6
Understanding the procedure	90	91.8
Court/staff response	48	49
Judiciary response	51	52
Knowing what evidence about abuse to submit and how	72	73.5
Knowing how to act in court	41	41.8
Dealing with ex-partner and/or his lawyer	90	91.8
Inadequate knowledge of the law	83	85.6

The most common difficulties endorsed were understanding the procedure and dealing with the survivor’s ex-partner and their lawyer, with 91.8% of advocates who answered this question indicating these were problems for their clients. 85.6% said their clients’ inadequate knowledge of the law was a difficulty. 81.6% said paperwork was a source of difficulty. 73.5% reported that knowing what evidence about abuse to submit and how was a difficulty.

The advocates in our sample had a number of locations to which they referred the abused mothers with whom they came into contact. Most used a variety of local resources. 73.2% of the advocates who responded to this question indicated they help the women themselves. 83.5% refer the women to Ontario Legal Aid to apply for legal aid. 69.8% refer them to the Family Law Information Centre (FLIC). 68% provide their clients with a two-hour legal advice certificate. 64.9% refer their clients to the family

court duty counsel. 33% refer the women to a local women's shelter or community counseling office.

Of those advocates who assist survivors themselves, 52.9% provide informational pamphlets and materials produced by their own organization. 82.4% provide informational pamphlets and materials produced by other organizations. 89.5% discuss clients' cases with them and provide emotional support. 52.4% assist clients in completing court documents. 44% assist within preparing client affidavits. 58.3% accompany clients to court or legal proceedings. The advocates hear about the many problems abused women have in court. The issues and the frequency of client report of them are summarized in Table XXVI.

Table XXVI
 PROBLEMS WITH THE FAMILY COURT SYSTEM REPORTED TO ADVOCATES BY
 ABUSED WOMEN

<i>Type of Problem</i>	<i>Frequency of client reports of problem to community advocates</i>			
	<i>occasionally</i>		<i>often</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
Difficulty finding a lawyer	44	45.4	50	51.5
Difficulty affording a lawyer	21	21.6	76	78.4
Not qualifying for Legal Aid	73	75.3	23	23.7
Dealing with pressure from the abusive partner to reconcile	34	34.7	64	65.3
Dealing with ongoing harassment and control by the abusive ex-partner	8	8.2	90	91.8
Fear for her own safety	10	10.4	86	89.6
Fear for her children's safety	17	17.3	81	82.7
Dealing with threats from the abusive partner that he will get custody of the children	6	6.1	91	92.9
Fear that she won't be believed in court	24	24.7	72	74.2
Having a lawyer that says woman abuse is not a relevant factor	65	70.7	16	17.4
Dealing with an abusive ex-partner who creates issues with access visits (not showing up, arbitrarily changing visits without consultation)	22	22.4	76	77.6
Dealing with an abusive ex-partner who criticizes her to the children for "breaking up the marriage" without acknowledging her right to live free from abuse	12	12.4	84	86.6
Feeling overwhelmed by the complexity of family court proceedings	11	11.2	87	88.8
Feeling frustrated by numerous motions brought forward by the ex-partner	30	30.9	66	68
Feeling pressured to participate in mediation when it feels difficult to speak honestly in front of an abusive ex-partner	52	54.2	39	40.6
Feeling emotionally and financially drained by family court proceedings	17	17.3	81	82.7
Feeling disempowered by her lawyer	65	66.3	30	30.6
Dealing with an abusive ex-partner who refuses to respond to court documents	51	52.6	45	46.4
Not having money for herself and children to live on before financial issues are addressed in court	14	14.4	83	85.6
Dealing with intervention by Children's Aid Society because of her partner's abuse	33	33.7	64	65.3
Having her children removed because of her partner's abuse	71	73.2	19	19.6
Feeling pressured to accept joint custody agreements to look like a cooperative parent even if it does not feel like the best option for herself and the children	49	50.5	46	47.4
Not knowing how to get the abusive ex-spouse out of the house before it sells	42	44.2	37	38.9

In addition to the general question about problems for abused women in the family court system, we also asked about the needs of historically underserved and often disproportionately victimized populations. Findings from these questions show many issues that need to be addressed in order for more women to be able to access existing resources and to better meet demand for services.

Issues for rural women

The first set of questions dealt with the needs of abused women living in rural areas. The most frequently endorsed needs were around transportation, lack of resources, and isolation. Findings on these issues are summarized in Table XXVII.

Table XXVII
PROBLEMS WITH THE FAMILY COURT SYSTEM FOR RURAL WOMEN AS REPORTED TO COMMUNITY ADVOCATES BY CLIENTS

<i>Type of Problem</i>	<i>Advocates indicating this is a problem</i>	
	N	%
Not enough support services and resources	67	84.8
Transportation difficulties	71	89.9
Difficulty with the distance to travel to court or support services	72	91.1
Isolation	68	86.1
Difficulty with access to services	54	68.4
Economic conditions	54	68.4
Dealing with community attitudes about separating	42	53.2
Fear about partner's access to guns	51	64.6
Lack of anonymity and/or lack of confidentiality	43	54.4
Sporadic access to police	35	44.3
Dealing with service providers who are relatives or friends	34	43
Dealing with a more patriarchal attitude toward women	41	51.9
Length of time involved to sell a farm delayed the process	24	30.4

Issues for Immigrant Women

The next set of questions targeted immigrant women’s needs. Advocates most frequently identified language barriers, transportation difficulties, fear of being deported, difficulty finding services that understand the particular issues of immigrant women, pressure from the community to stay in the marriage, separation from a husband who is the woman’s sponsor for immigration services, difficulty accessing legal help, and isolation. The results from these questions are summarized in Table XXVIII.

Table XXVIII
**PROBLEMS WITH THE FAMILY COURT SYSTEM FOR IMMIGRANT WOMEN
 AS REPORTED TO COMMUNITY ADVOCATES BY CLIENTS**

<i>Type of Problem</i>	<i>Advocates reporting this is a problem for their clients</i>	
	N	%
Language barriers	87	93.5
Fear that her partner will take her children out of the country	65	69.1
Economic conditions	54	58.1
Transportation difficulties	87	92.6
Pressure from her community to stay in the marriage	80	86
Difficulty finding affordable housing	55	59.1
Isolation	76	81.7
Difficulty accessing legal help	77	82.8
Difficulty accessing support services that understand my particular issues	85	90.4
Fear that her children will be taken away	67	72
Fear of being deported	81	87.1
Separating from a husband who sponsored her into this country	77	82.8
Fear of the police; not trusting police	62	66.7
Difficulty finding an effective translator	48	51.6
Dealing with discrimination and racism	67	71.3
Fear of how police will treat her partner	69	74.2

Issues for First Nations women

The study also included questions intended to assess the needs of First Nations women. The needs most frequently identified by advocates serving First Nations women were services not understanding traditional ways of healing, fear that her children will be taken away, difficulty finding affordable housing, fear that she won't be believed or abuse won't be taken seriously, isolation, and fear that she will have to move outside of her community to get away from abuse. However, more than half of the advocates who said they work with First Nations women identified every one of the problems in this section as an issue for their clients.

Table XXIX
**PROBLEMS WITH THE FAMILY COURT SYSTEM FOR FIRST NATIONS
 WOMEN AS REPORTED TO COMMUNITY ADVOCATES BY CLIENTS**

<i>Type of Problem</i>	<i>Advocates indicating this is a problem</i>	
	N	%
Economic conditions	56	83.6
Services not understanding traditional ways of healing	63	94
Fear that her children will be taken away	57	86.4
Difficulty finding affordable housing	52	77.6
Dealing with discrimination	61	91
Lack of trust in the police	61	91
Dealing with community beliefs and expectations	51	76.1
Difficulty with access to services	41	61.2
Not enough support services and resources	47	70.1
Transportation difficulties	51	76.1
High tolerance for violence in the native community	42	62.7
Fear that she won't be believed or abuse won't be taken seriously	54	80.6
Difficulty with the distance to travel to Court or support services	48	71.6
Isolation	57	85.1
Dealing with service providers who are relatives or friends	39	58.2
Lack of anonymity and/or lack of confidentiality	35	52.2
Fear that chiefs and council members will support the abuser	42	62.7
Fear that she will have to move outside of her community to get away from abuse	54	80.6

Issues for Disabled Women

The next set of questions deals with the needs of disabled women. As we indicated above, many survivors identify as physically or psychologically disabled as a result of the abuse they have endured. Many of these abused women constitute what is often an invisible minority. Difficulty finding accessible, affordable housing was the most frequently endorsed item for advocates working with disabled women. Feeling less powerful than the abuser, difficulty accessing legal services, isolation, feeling that survivors are supposed to be compliant and not challenge people, difficulty communicating, being treated as if she is a child or lacking in intelligence, and difficulties with physical accessibility to court, legal, and/or support services were also among the most frequently endorsed items, although every item was endorsed by a majority of the advocates who work with disabled women.

Table XXX
 PROBLEMS WITH THE FAMILY COURT SYSTEM FOR DISABLED WOMEN AS
 REPORTED TO COMMUNITY ADVOCATES BY CLIENTS

<i>Type of Problem</i>	<i>Advocates indicating this is a problem</i>	
	<i>N</i>	<i>%</i>
Feeling less powerful than the abuser	64	79
Difficulty finding accessible, affordable housing	71	87.7
Fear about managing on her own	52	64.2
Difficulty accessing support services	64	78
Transportation difficulties	50	61.7
Being treated as if she is a child or lacking in intelligence	58	71.6
Difficulty accessing legal services	63	77.8
Fear that she will be seen as an incompetent witness by police and the courts	44	54.3
Fear that the court will view her as a lesser parent because of her disability	55	67.9
Isolation	62	76.5
Difficulties with physical accessibility to court, legal, and/or support services	57	70.4
Dealing with discrimination	42	51.9
Feeling that she is supposed to be compliant and not challenge people	61	75.3
Difficulty with communicating; require assistance in communicating	58	71.6

Safety issues

Advocates reported that many of their clients had issues with feeling safe in family court. Only 28% of the advocates who answered the question indicated their clients generally felt safe in family court. Community advocates' suggestions for increasing safety are summarized in Table XXXI. Most of the advocates, 94.1%, reported that just having someone to sit with the survivors would help them to feel safer. 91.4% also advocated separate waiting areas in the courthouse. 72.1% advocated having police officers present. 69.9% said security guards would help their clients to feel safer.

Table XXXI
 WHAT WOULD MAKE YOU FEEL SAFER IN COURT? AS REPORTED BY
 SURVIVORS TO COMMUNITY ADVOCATES

<i>Safety measure</i>	<i>N</i>	<i>%</i>
Separated waiting areas	64	91.4
Security guards	48	69.6
Someone to sit with them	64	94.1
Police Officers	44	72.1

Accessibility of emergency motions and restraining orders

Community advocates reported that survivors are not always able to get emergency motions when they need them. 20.9% of advocates reported that women in their respective communities are able to get emergency motions when they need them most of the time. 51.6% said they could get them some of the time. 23.1% said emergency orders are attainable almost never, and 1.1% said that their clients can never get emergency motions when they need them.

Similarly, the advocates reported some issues with the availability of restraining orders. Only 3.1% said women in their community are always able to get restraining orders when they need them. 34% said the women are able to get the orders most of the time. 48.5% said restraining orders are available to women who need them some of the time. 12.4% said women are almost never able to get restraining orders when they need them. 1.1% said the women never get the restraining orders they need.

Other suggested improvements to the family court process

Table XXXII
WHAT CHANGES IN FAMILY COURT WOULD BE HELPFUL FOR YOUR CLIENTS? AS REPORTED BY COMMUNITY ADVOCATES

<i>Change</i>	<i>very helpful</i>		<i>somewhat helpful</i>		<i>Not at all helpful</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
Increased funding for family law legal aid certificates	92	94.8	5	5.2	0	0
Relaxed financial eligibility criteria to enable more women to qualify for certificates	87	90.6	8	8.2	1	1
Increasing the maximum number of hours available on family law legal aid certificates	90	93.8	6	6.2	0	0
Providing additional compensation to lawyers who take VAW cases	74	78.7	17	18.1	3	3.2
Increasing the amount of time women can spend with the advice lawyer in FLIC	72	80	15	16.7	3	3.3
Creating more legal information for women	68	73.1	24	25.8	1	1.1
Domestic violence training for lawyers	91	93.8	6	6.2	0	0
DV training for family court judges	94	96.9	3	3.1	0	0
DV training for family court personnel	91	93.8	5	5.2	1	1
Increased coordination and communication with criminal court	89	92.7	7	7.3	0	0

Overall, 99% of community advocates would like to see a fast track system for cases involving violence against women. 97.9% said it would be helpful if free childcare were available in court. Only 40% of advocates said the lawyers in their community had taken domestic violence training, with most advocates ranking the available training as somewhat effective (55.6%) or effective (33.3%).

DISCUSSION

Our study of the experiences of abused mothers in eight regions in Ontario and the community advocates who work with them finds persistent themes involving:

- Extremely high levels of psychological harm due to abuse
- Financial instability for mothers following separation from an abuser
- Victimization by multiple severe forms of abuse, violence, and coercive control
- Persistence of abuse following separation
- Involvement with multiple systems
- Problems with custody and access
- Dissatisfaction with mediation
- Ongoing coerced/forced contact with the abused following separation
- Unmet resource needs for abused mothers following separation

Underserved populations

Community advocates working with underserved populations indicated high levels of unmet need for rural women, disabled women, immigrant women, and First Nations Women. While the needs reported by these groups of women are greater than those of some other women, it is likely that the provision of services targeted to the needs of these women would help other abused women dealing with the family court system as well. Basic needs like transportation, legal and support assistance, income security, housing, and safety were evident across regions and groups in our study.

Regional variations

An important goal of this research was to determine whether there were regional variations in the rates at which Ontario women reveal being abused before and during or after separation. In our data set, there are such regional differences and it is beyond the scope of this report to present all of them. Preliminarily, this study lends some support for the argument that the key factors that contribute to woman abuse, such as patriarchal male peer support are variables – not constants. However, as is often stated, much more

research is needed, including the use of representative sample surveys of women residing in each of the eight regions of Ontario.

Regardless of the locations in which studies such as this one are conducted, data gathered from men are also needed to more precisely determine what motivates them to abuse their current/former female partners and/or their children. Certainly, as we have demonstrated, a great deal of useful information is obtained by asking the people who know these men best – the women who share or have shared their lives. Still, that does not end the need for direct research on men and regional variations in their behaviours.

Suggestions for further research

This study raised many questions that further research could answer. Since there is still very little research on the experiences of abused women in the family courts in Canada, almost any new study would fill gaps in the current knowledge. A longer timeline and a larger study would allow for larger sample sizes in each region, making more meaningful cross-region comparisons feasible. Areas suggested by our findings include studies on best practices related to cross-court communication and coordination, the outcomes for abused mothers in family and criminal courts, outcomes for children of shared custody and access with their mother's abuser, safety risks to women and children post-separation in Canada, regional and subcultural differences and similarities in experiences of abuse and need for services.

Many more suggestions for future research could be raised here, including the continued use of broad definitions of abuse, the use of multiple measures of abuse, and in-depth studies of what some refer to as “non-traditional populations,” including those living in rural communities, women with disabilities, refugee women, and immigrant

women. For example, if there are regional variations in woman abuse in general, it is fair, then, to assume that there might be regional variations in the experiences of disabled women, poor women, immigrant women, and women in other social groups. Still, this is an empirical issue that can only be addressed empirically.

Recommendations for policy and practice

The policy recommendations for this report come directly from our findings. Large majorities of abused mothers and community advocates endorsed actions to improve the safety and security of abused mothers and their children in the family court. Some basic policy directions we can draw from our findings include:

- Rethinking joint custody and access in family law cases involving abuse
- Improved coordination and communication across systems
- Improved safety for abused mothers in court facilities
- Providing income and housing security for survivors of abuse
- Improved transportation
- Increased provision of counselling and support to survivors
- Increased provision of legal services and assistance
- Tracking abuse cases away from mediation

Overall, there is a need to provide for basic safety and security for abused mothers and their children. Woman abuse continues to be minimized and misunderstood in the family court process, and this study goes some distance to illuminating the realities of abused mothers' experiences and needs. Policy initiatives should incorporate the voices of the survivors and those who work with them as the experts who can suggest the most efficient and effective ways to increase safety and improve family court functioning.

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Appendix I

A SURVEY OF WOMAN ABUSE SURVIVORS' EXPERIENCES IN THE FAMILY LAW SYSTEM

This is a survey of woman abuse survivors who are dealing with or who have recently dealt with family court. It is sponsored by the Ontario Women's Directorate and is being conducted by researchers and service providers affiliated with Luke's Place Support and Resource Centre for Women and Children located in Oshawa, Ontario. Luke's Place, serving the Durham Region in Ontario, is the first resource and information centre in Canada with the unique focus of supporting women abuse survivors and their children as they deal with custody and access issues within the Ontario Family Court System. Our study is guided by a broad definition of woman abuse, which includes sexual, physical, emotional, verbal, financial and/or psychologically abusive behaviours.

Please read the instructions for each section carefully and answer each question as honestly as you can. Please note that any information you provide will be kept *completely confidential*. Participation in this study is also *strictly voluntary*. We think that you will find this questionnaire useful.

It will take different people different lengths of time to fill in this survey. Some will not take too long to complete it; others will take longer. But all of your answers are important to us, so take your time and please be as honest as possible.

The results of this survey will be and used to improve the lives of many women like you. If you have any questions, please contact Margot McKinlay at 905-728-0978 or at margot@lukesplace.ca

Thank you for taking the time to complete this questionnaire.

Section I

First, we would like to ask you some general background questions. This information will allow us to compare your responses to other women. Please circle only one number which best represents your answer. Where there are blanks, please write out the answer. Please note that your responses will be kept completely confidential.

a) How old are you? _____

b) Where do you live?

a city.....1

a town.....2

a village.....3

in the country.....4

c) Do you identify yourself as an Aboriginal person (e.g., Metis, status/nonstatus Indian, Inuit)?

Yes.....1

No.....2

d) Please circle the number that best represents the ethnic or cultural group you identify with?

Central American (El Salvador, Honduras, etc.).....1

Scandinavian (Denmark, Sweden, Norway).....2

French Canadian.....3

English Canadian.....4

British (Scotland, Wales, England, N. Ireland).....5

Western European (France, Germany, Holland, etc.).....6

Eastern European (Russia, Poland, Hungary, etc.).....7

Southern European (Italy, Spain, Portugal, Greece, etc.).....8

Far Eastern (Japan, China, India, Hong Kong, etc.).....9

African.....10

Caribbean.....11

Middle Eastern (Israel, Lebanon, Iran, Iraq, etc.).....12

Latin American13

Other (please specify) _____14

e) Are you a recent (i.e., within the last five years) immigrant to Canada?
Yes.....1
No.....2

f) Are you a refugee from another country?
Yes.....1
No.....2

g) What is the language you are the most comfortable speaking, reading and writing?

h) If English is not your first language, do you speak enough English to communicate effectively?
Yes.....1
No2

i) Do you have a physical disability? (Example: mobility issues, visually impaired)
Yes.....1
If Yes, please identify _____
No.....2

j) Have you been psychologically affected by the abuse in your relationship?
(Example: depression, anxiety, PTSD)
Yes.....1
If Yes, Please identify _____
No.....2

k) Do you identify as a Deaf or Hard of Hearing woman?
Yes.....1
No.....2

l) What is your religious affiliation or background?
Catholic1
Jewish2

- Protestant.....3
- Muslim.....4
- Other.....5
- None.....6

m) What is your highest level of education?

- Some High School.....1
- High School Diploma2
- Some College/University.....3
- Undergraduate degree.....4
- Graduate Degree.....5

n) Prior to separation, who was the main income earner in your family?

- Me.....1
- The person I lived with.....2
- Both of us made roughly equal amounts of money.....3

o) Please provide your TOTAL yearly family income before separation.

\$ _____

p) Please provide your yearly family income after separation.

\$ _____

q) Do you now rely on funds from social services?

Yes.....1

No.....2

r) Do you now rely on friends and family for income support?

Yes.....1

No.....2

Section II

Now, we would like to ask you some questions about your family. Please **circle the number** which best represents your answer. Where there are blanks, please write out the answer.

a) Were you and your abusive ex-partner...

Married.....1

Living together.....2

Not living together.....3

b) How long did your relationship last? _____

c) Do you have any children?

Yes.....1

No2

(IF NO, PLEASE GO TO SECTION III...)

d) How many children do you and your ex-partner have who are...

Less than 5 years old:

5 to 12 years old:

13 to 17 years old:

18 and older:

SECTION III

We realize that it may be difficult to discuss some of your experiences with your ex-partner, but if we may, we would like to ask you some questions about how he treated you. Below is a list of some things that he might have done to you. Again, your responses will be kept completely confidential.

a) In the table below, **please circle the corresponding number** to indicate how many times each of the following happened **before** and **during/after** separation from your partner.

Use the following categories: Never – 1, Once – 2, Occasionally - 3, Often - 4

<i>Incidents</i>	<i>Before Separation</i>	<i>During/After Separation</i>
Yell at you	1 2 3 4	1 2 3 4
Insult or swear at you	1 2 3 4	1 2 3 4
Accuse you of being a lousy lover	1 2 3 4	1 2 3 4
Accuse you of having affairs with other men	1 2 3 4	1 2 3 4
Call you fat or ugly	1 2 3 4	1 2 3 4
Keep you from seeing your family/friends	1 2 3 4	1 2 3 4
Behave in a jealous or controlling fashion	1 2 3 4	1 2 3 4
Call you multiple times when you were not together	1 2 3 4	1 2 3 4
Follow you or keep an eye on you in other ways	1 2 3 4	1 2 3 4
Insult you in front of the children	1 2 3 4	1 2 3 4
Make you ask him for money	1 2 3 4	1 2 3 4
Make you account to him for money you have earned/spent	1 2 3 4	1 2 3 4
Destroy something that belongs to you	1 2 3 4	1 2 3 4
Threaten to hit or throw something at you	1 2 3 4	1 2 3 4
Grab you or slap you	1 2 3 4	1 2 3 4
Push or shove you	1 2 3 4	1 2 3 4
Throw something at you that could hurt	1 2 3 4	1 2 3 4
Make you fear for your life	1 2 3 4	1 2 3 4
Twist your arm or pull your hair	1 2 3 4	1 2 3 4
Kick you	1 2 3 4	1 2 3 4

Punch or hit you with something that could hurt	1 2 3 4	1 2 3 4
Slam you against a wall	1 2 3 4	1 2 3 4
Choke you	1 2 3 4	1 2 3 4
Burn or scald you on purpose	1 2 3 4	1 2 3 4
Beat you up	1 2 3 4	1 2 3 4
Use a knife or a gun on you	1 2 3 4	1 2 3 4
Threaten you with physical force to make you have sex	1 2 3 4	1 2 3 4
Use physical force to make you have sex	1 2 3 4	1 2 3 4
Insist on having sex with you when you didn't want to (but did not use physical force)	1 2 3 4	1 2 3 4
Make you upset by trying to get you to do what he had seen in pornographic pictures, movies, or books.	1 2 3 4	1 2 3 4

b) Did you ever call the police because of something your ex-partner did or said to you?

Yes.....1

No.....2

c) Were criminal charges laid against your partner in your situation?

Yes.....1

No.....2

d) Did you find it difficult to be going to both criminal and family court at the same time?

Yes.....1

No.....2

If no please proceed to “e”. If yes, then why? Pick as many of the reasons below as apply.

Too much time in court	1
No lawyer in criminal court	2
Confusing	3
Hard to be around abuser	4
Abuser tried to intimidate me into dropping criminal charges by making threats about family law issues	5
Sometimes what happened in one court conflicted with what happened in the other court	6
Information was not shared between the courts	7
Do you think it would be helpful if the two courts communicated with each other more?	8
Other	9

e) Do you think it would be helpful if the two courts communicated with each other more?

Yes.....1

No.....2

f) If no, then proceed to **Section IV**. If yes, which of the following kinds of communication/coordination between family and criminal court would be helpful? Please circle as many as apply.

Sharing the risk assessment done in the criminal process with family court.....1

Requirement at bail stage that any family court orders be provided to Crown/JP.....2

Automatic sharing of all orders between the two courts.....3

Other (please specify).....4

SECTION IV

The next set of questions are about experiences you may have had in Family Court. Please circle the number which best represents your answer. Where there are blanks, please write out your answer.

a) What issues were or are involved in your family law case? **Please circle either yes or no** for each of the following.

	<u>Yes</u>	<u>No</u>
Custody	1	2
Access	1	2
Child Support	1	2
Spousal Support	1	2
Division of Property	1	2
Exclusive Possession of Matrimonial Home	1	2
Restraining Order	1	2
Other _____	1	2

b) Have you used any of the following services during your case? Was it helpful? **Please circle** 1 for yes and 2 for no.

Service	Used the Service		Found it Helpful	
	Yes	No	Yes	No
Family Law Info Centre	1	2	1	2
Duty Counsel Lawyers	1	2	1	2
Mediation Services	1	2	1	2
Family Law Advice Clinics	1	2	1	2
Two-Hour legal advice certificates	1	2	1	2
Paralegals	1	2	1	2
Community Services Agency	1	2	1	2
Shelter Advocates	1	2	1	2
Counselling Services	1	2	1	2
Parent Information Sessions	1	2	1	2
Written materials	1	2	1	2

(booklets from Family Information Office)				
Office of the Children's Lawyer	1	2	1	2
Mediation	1	2	1	2
Parenting Assessments	1	2	1	2
Other	1	2	1	2

c) Is your Family Court case finished?

Yes.....1

No2

d) How long did your case take or if it is on-going, how long has your case taken to this point?

Less than one year.....1

Between 1 and 2 years.....2

Between 2 and 4
years.....3

More than 4 years.....4

e) If your family court case is done, **please circle** the appropriate number for what happened in each of the following areas. If you need to circle more than one number, please explain under the last option marked "other".

i. Custody & Access:

▪ Sole Custody with unsupervised access to the father.....1

▪ Sole custody with supervised access to the father.....2

▪ Sole custody with no access to the father.....3

▪ Joint custody with the children mostly living with you and having access to the father.....4

- Joint custody with the children spending roughly the same amount of time with you and the father.....5
- Joint custody with the children mostly living with the father and having access to you.....6
- Sole custody to the father with unsupervised access to you.....7
- Sole custody to the father with supervised access to you.....8
- Sole custody to the father with no access to you.....9
- CAS has custody of the children.....10
- Other _____11

ii. Support:

- Child support paid to me.....1
- Child support paid to him.....2
- Spousal support paid to me.....3
- Spousal support paid to him.....4
- Both paid to me5
- Both paid to him.....6

iii. Division of Property:

- I received the matrimonial home.....1
- My abusive ex-partner received the matrimonial home.....2
- The matrimonial home was sold and the money divided3
- Other assets (Example: savings accounts, pensions, RRSP's, car, furniture)
- I feel I received my fair share of our assets.....1
- I do not feel I received my fair share of our assets.....2

iv. Restraining Order:

- Obtained against ex-partner

Yes.....1

No.....2

- Mutual Restraining Order

Yes.....1

No.....2

- Unsuccessful in getting a restraining order

Yes.....1

No.....2

f) Has CAS been involved in your situation?

Yes.....1

No.....2

g) Did you apply for an Emergency Motion?

Yes.....1

No.....2

If yes, what was the outcome? (example; restraining order)

SECTION V

Now we would like to ask you some questions about how your custody and access arrangements are working. Please circle the appropriate number(s) for each question.

a) If your abusive ex-partner has been granted access visits with your children, has he been using the visits?

Yes.....1

No.....2

b) If you have been granted access visits with your children, has your abusive ex-partner been allowing the visits?

Yes.....1

No.....2

c) Please circle whichever of the following are true for you with respect to access visits:

- No difficulties.....1
- Angry scenes at exchanges.....2
- Feeling unsafe at exchanges.....3
- Ex-partner assaulting me at exchanges.....4
- Ex-partner using access visits to criticize me to the children.....5
- Ex-partner using access visits to get information from the children.....6
- Ex-partner refusing to return clothing or items needed by the children.....7
- Ex-partner changing times of access visits without consulting me.....8
- Ex-partner not showing for access visits when children are expecting him.....9
- Fear about my partner using controlling or abusive behaviour with the children when I am not there..... 10

Having to force children to go on access visits when they are crying and don't want to go.....11

Continuous conflict about school issues, medical issues, activities, holidays, etc.....12

Ex-partner using access exchanges to pressure me to reconcile.....13

Supervised access visits done by ex-partner's parents or girlfriend who deny his abuse.....14

Your abusive ex-partner refuses to give you access.....15

Your abusive ex-partner refuses to return the children.....16

Other (please specify).....17

SECTION VI

The next questions are about lawyers' involvement in your family law case. Please circle the number which best represents your answer. Where there are blanks, please write out your answer.

a) How much money have you spent on your family law case to date?
 (Example: legal fees, time away from work, childcare, parking, fax/photocopy)
 \$ _____

b) Have you ever had a lawyer at any point in your family law case?

Yes.....1

No.....2

IF NO, PLEASE REFER TO QUESTION g) ON PAGE 11

c) How did you pay for your lawyer(s)? (Example: borrowed from friends/family, legal aid, yourself):

d) How many lawyers have you had during your case?

e) How much money have you spent on your family lawyer(s) to this date? \$

f) Did you know about legal aid when you began looking for a lawyer?

Yes.....1

No.....2

g) Did you know what the requirements were to receive legal aid?

Yes1

No.....2

h) Did you apply for legal aid?

Yes.....1

No.....2

i) If no, why didn't you apply?

I didn't think I would qualify.....1

I didn't want a lien against my property.....2

I wanted to choose my own lawyer3

Other (Please specify) _____4

Have you ever been unrepresented in Family Court Proceedings?

Yes.....1

No.....2

If no, please proceed to SECTION VII

j) Why were you unrepresented in Family Court proceedings?

Did not qualify for legal aid but could not afford the fees of a lawyer.....1

Ran out of legal aid due to length and complexity of proceedings.....2

Ran out of money due to the length and complexity of the proceedings.....3

Felt my lawyer did not understand the issues.....4

Could not find a lawyer who would accept legal aid.....5

Could not find a lawyer who was knowledgeable about woman abuse.....6

Did not have time to find a lawyer given the emergency nature of my situation.....7

Other (Please describe.) _____8

k) At the time when you didn't have a lawyer, what were the greatest difficulties for you in handling your case? (Circle any that apply.)

- Paperwork.....1
- Understanding the procedure.....2
- Court/staff response.....3
- Judiciary response.....4
- Knowing what evidence about abuse to submit and how.....5
- Knowing how to act in court.....6
- Dealing with ex-partner and/or his lawyer.....7
- Other (Please specify) _____8

SECTION VII

Abused women face different challenges in the Family Law Process. Some challenges are related to a woman's person situation (i.e. women dealing with disability, Deaf/Hard of hearing women, women with psychological challenges, women facing racial barriers, First nations women, immigration women, women living in a rural community, women living in poverty, etc.). Some of the following items are specific to those situations.

We would ask all women to complete the question below and on the top following page.

a) Please indicate on the chart below and on the top of page 13, any of the following challenges/barriers you faced in the Family Law process: (Please circle all that apply).

Not enough support services and resources	1
Difficulty with the distance to travel to Court or support services	2
Transportation difficulties	3
Isolation	4
Lack of anonymity and/or lack of confidentiality	5
Difficulty with access to services (justice system, social services, etc.)	6
Sporadic access to police	7
Dealing with service providers who are relatives or friends	8
Economic conditions	9
Length of time involved to sell a farm	10
Dealing with community attitudes about separating	11
Dealing with a patriarchal attitudes toward women	12

Fear about partner's access to guns	13
Language barriers	14
Difficulty finding an effective translator	15
Fear of harming immigration status	16
Fear of being deported	17
Separating from a husband who sponsored me into this country	18
Pressure from my community to stay in the marriage	19
Difficulty finding support services that understand my particular issues	20
Difficulty accessing legal help	21
Dealing with discrimination and/or racism	22
Fear of the police; not trusting police	23
Fear of how police will treat my partner	24
Difficulty finding affordable housing	25
Fear that my partner will take children out of the country	26
Fear that my children will be taken away	27
Services not understanding traditional ways of healing	28
Fear that chiefs and council members will support the abuser	29
Fear that I have to move outside of my community to get away from abuse	30
Fear that I won't be believed or abuse won't be taken seriously	31
High tolerance for violence in my community	32
Difficulty leaving my abuser because he is my caregiver	33
Difficulties with physical accessibility to court, legal, and/or support services	34
Being treated as if I am a child or lacking in intelligence	35
Feeling that I am supposed to be compliant and not challenge people	36
Fear about managing on my own	37
Difficulty finding physically accessible, affordable housing	38
Fear that I will be seen as an incompetent witness by police and the courts	39
Difficulty with communicating; requiring assistance in communicating	40
Fear that the court will view me as a lesser parent because of my disability	41
Feeling less powerful than the abuser	42
None of the above	43
Other	44

b) If you have been awarded joint custody, has your experience with joint custody been positive?

Yes.....1

No.....2

Please explain:

c) If you were entitled to receive child support, how much time passed before you received it?

One to three months.....1

Four to six months.....2

Seven months to a year.....3

One to two years.....4

Over two years.....5

Never received it.....6

SECTION VIII

a) Do you think your ongoing contact with your abuser has affected decisions you made in your case?

Yes.....1

No.....2

b) How would your decision-making have been different if you had minimal contact?

c) Rank the level of risk of safety you feel when dealing with your ex-partner.

No risk1

Moderate risk2

High risk.....3

d) Do you feel safe when you are in the family court?

Yes.....1

No.....2

If yes please move to “e” below. If no what would make you feel safer?

Separated waiting areas.....1

Security guards.....2

Someone to sit with them.....3

Police Officers.....4

Other (please specify).....5

e) Please tell us if any of the following changes would have been helpful to you? Circle 1 for helpful and 2 for not helpful.

Increased funding for family law legal aid certificates	1	2
Different financial eligibility criteria so you could have qualified for a legal aid certificate	1	2
More hours for your lawyer on your legal aid certificate	1	2
More time with the advice lawyer in the FLIC office	1	2
More legal information for you to read yourself	1	2
A bigger role for women’s advocates in family court	1	2
Domestic violence training for your lawyer	1	2
DV training for family court judges	1	2
DV training for family court personnel	1	2
More coordination and communication with criminal court	1	2

f) Were you told you could not hire a lawyer on a legal aid certificate if you had seen her/him as duty counsel or at the FLIC office?

Yes.....1

No.....2

g) Would it have been helpful for you if there were free child care at the family court?

Yes.....1

No.....2

h) If you have comments about the about the emergency motions process, please provide them in the space below. If not please proceed to question “i”.

i) If you have comments about the process for getting restraining orders, please provide them in the space below. If not, please proceed to SECTION IX.

SECTION IX

We really appreciate the time you have taken to complete this survey. And we’d like to assure you that everything you have told us will remain strictly confidential.

We realize that the topics covered in this survey are sensitive and that many women are reluctant to talk about their legal and relationship experiences. But we’re also a bit worried that we haven’t asked the right questions.

Appendix II

SURVEY OF COMMUNITY ADVOCATES WORKING WITH WOMAN ABUSE SURVIVORS IN THE FAMILY LAW SYSTEM

This is a survey of community advocates working with woman abuse survivors in the Ontario family law system. It is sponsored by the Ontario Women's Directorate and is being conducted by researchers and service providers affiliated with Luke's Place Support and Resource Centre for Women and Children located in Oshawa, Ontario. Luke's Place, serving the Durham Region in Ontario, is the first resource and information centre in Canada with the unique focus of supporting women abuse survivors and their children as they deal with custody and access issues within the Ontario Family Court System.

Please read the instructions for each section carefully and answer each question as honestly as you can. Please note that any information you provide will be kept *completely confidential*. Participation in the study is *strictly voluntary*. We think that you will find this questionnaire interesting.

It will take different people different lengths of time to fill in the survey. Some will not take too long to complete it; others will take longer. But all of your answers are important to us, so take your time and be as honest as possible.

The results of this survey will be used to help enhance the safety of women and children in Ontario and across Canada. If you have any questions, please **contact Margot McKinlay at margot@lukesplace.ca or at (905) 728-0978.**

Thank you for taking the time to complete this questionnaire.

As stated on the cover page of this questionnaire, this study is guided by a broad definition of woman abuse, which includes: sexual, physical, emotional, verbal, financial and/or psychologically abusive behaviours. Please circle the appropriate number for your response and fill in the blanks where necessary.

1) Please describe the type of agency where you work:

- Women's service agency (e.g. shelter, community counseling centre).....1
- Immigrant service agency.....2
- Housing agency.....3
- Ontario Works.....4
- Community mental health agency.....5
- Children's service agency.....6
- Other, please describe _____ 7

2) Does your agency primarily serve women who are urban, rural, remote, on reserve?

- Yes.....1
- No.....2

3) How long have you been doing this work? _____

4) How often do you see women who have experienced woman abuse?

- Daily.....1
- Weekly.....2
- Monthly.....3
- Several times a year.....4
- Rarely.....5

5) What percentage of your clients is involved with family court proceedings? _____

6) Of your clients involved with family court, what are the three **most pressing** family law issues for most of them? (**Select only three.**)

- Custody and access.....1
- Restraining order.....2
- Child support.....3

Spousal support.....4

Exclusive possession of the matrimonial home.....5

Property division.....6

Getting lawyers and/or Family Court to recognize abuse as a factor that should
Influence outcomes.....7

Emergency Motion.....8

Exclusive possession of the family home.....9

Legal aid/legal representation.....10

7) What percentage of your clients who have experienced violence is also involved with criminal court proceedings? _____

8) What is the biggest problem for women who are dealing with family and criminal court at the same time?

9) Which of the following kinds of communication/coordination between family and criminal court would be helpful? (Circle as many as apply)

- Sharing risk assessments done in the criminal process with family court.....1
- Requirement at bail stage that any family court orders be provided to Crown/JP.....2
- Automatic sharing of all orders between the two courts.....3
- Other (please specify)_____4

10) What percentage of your clients who have experienced violence is also involved with the Children’s Aid Society?

Less than 25 percent.....1

Between 25 and 50 percent.....	2
Between 50 and 75 percent.....	3
More than 75 percent.....	4

11) In your work, what is your estimate of the percentage of abused women who do NOT have a lawyer?

Less than 10 percent.....	1
Between 10 and 25 percent.....	2
Between 25 and 50 percent.....	3
Between 50 and 75 percent.....	4
More than 75 percent.....	5
Don't know.....	6

12) What are some of the common reasons for why women are unrepresented in family court?

Did not qualify for Legal Aid but couldn't afford the fees of a lawyer.....	1
Ran out of Legal Aid due to length and complexity of proceedings.....	2
Ran out of money due to the length and complexity of the proceedings.....	3
Abused woman felt her lawyer did not understand the issues.....	4
Client couldn't find a lawyer who would accept Legal Aid.....	5
Client couldn't find a lawyer who was knowledgeable about woman abuse.....	6
Client didn't have time to find a lawyer given the emergency nature of her situation....	7
Other (Please describe) _____	8

13) At the time when abused women don't have a lawyer, what are the greatest difficulties they face? (Circle any that apply)

Paperwork.....	1
Understanding the procedure.....	2
Court/staff response.....	3
Judiciary response.....	4
Knowing what evidence about abuse to submit and how.....	5
Knowing how to act in court.....	6
Dealing with ex-partner and/or his lawyer.....	7

- Inadequate knowledge of the law.....8
- Other (Please specify) _____.....9

14) Where do you refer these women for assistance? (Please circle all that apply)

- I assist them myself.....1
- I refer them to a local women’s shelter/community counselling centre.....2
- I provide them with a 2-hour legal advice certificate.....3
- I refer them to Legal Aid Ontario to apply for legal aid.....4
- I refer them to Family Court duty counsel.....5
- I refer them to the Family Law Information Centre.....6
- Other, please describe _____.....7

15) If you provide assistance yourself, what does that include?

- Providing informational pamphlets and materials produced by your organization.....1
- Providing informational pamphlets and materials produced by other organizations....2
- Discussing her case with her and providing emotional support.....3
- Assisting her in completing court documents.....4
- Assisting her in preparing her affidavit.....5
- Accompanying her to Court or legal appointments.....6
- Other, please describe _____.....7

16) Which of the following incidents are commonly identified to you by abused women going through Family Court proceedings? Please circle each item as follows:

Never – 1, Occasionally – 2, Often – 3

Incidents	Never	Occasionally	Often
Difficulty finding a lawyer	1	2	3
Difficulty affording a lawyer	1	2	3
Not qualifying for Legal Aid	1	2	3
Dealing with pressure from the abusive partner to reconcile	1	2	3
Dealing with ongoing harassment and control by the abusive ex-partner	1	2	3
Fear for her own safety	1	2	3

Fear for her children's safety	1	2	3
Dealing with threats from the abusive partner that he will get custody of the children	1	2	3
Fear that she won't be believed in Court	1	2	3
Having a lawyer that says woman abuse is not a relevant factor		2	3
Dealing with an abusive ex-partner who creates issues with access visits (not showing up, arbitrarily changing visits without consultation)	1	2	3
Dealing with an abusive ex-partner who criticizes her to the children for "breaking up the marriage" without acknowledging her right to live free from abuse	1	2	3
Feeling overwhelmed by the complexity of Family Court proceedings	1	2	3
Feeling frustrated by numerous motions brought forward by the ex-partner	1	2	3
Feeling pressured to participate in mediation when it feels difficult to speak honestly in front of an abusive ex-partner	1	2	3
Feeling emotionally and financially drained by Family Court proceedings	1	2	3
Feeling disempowered by her lawyer	1	2	3
Dealing with an abusive ex-partner who refuses to respond to court documents	1	2	3
Not having money for herself and children to live on before financial issues are addressed in court	1	2	3
Dealing with intervention by Children's Aid Society because of her partner's abuse	1	2	3
Having her children removed because of her partner's abuse	1	2	3
Feeling pressured to accept Joint Custody agreements to look like a cooperative parent even if it does not feel like the best option for herself and the children	1	2	3
Not knowing how to get the abusive ex-spouse out of the house before it sells	1	2	3

Other: _____

17) If you work with any abused women living in a rural community, which of the following difficulties do they experience in going through the Family Law process? (Please circle all that apply.)

- Not enough support services and resources.....1
- Difficulty with the distance to travel to Court or support services.....2
- Transportation difficulties.....3
- Isolation.....4
- Lack of anonymity and/or lack of confidentiality.....5
- Difficulty with access to services (justice system, social services, etc.).....6
- Sporadic access to police.....7
- Dealing with service providers who are relatives or friends.....8
- Economic conditions.....9
- Length of time involved to sell a farm delayed the process.....10
- Dealing with community attitudes about separating.....11
- Dealing with a more patriarchal attitude toward women.....12
- Fear about partner's access to guns.....13
- Other _____.....14
- None of the above.....15

18) If you work with any immigrant women who are abused, which of the following difficulties do they experience in going through the Family Law process? (Please circle all that apply.)

- Language barriers.....1
- Difficulty finding an effective translator.....2
- Fear of harming immigration status.....3
- Separating from a husband who sponsored her into this country.....4
- Pressure from her community to stay in the marriage.....5
- Difficulty accessing support services that understand my particular issues.....6
- Economic conditions.....7
- Isolation.....8

Difficulty accessing legal help.....	9
Dealing with discrimination and racism.....	10
Fear of the police; not trusting police.....	11
Fear of how police will treat her partner.....	12
Difficulty finding affordable housing.....	13
Fear that her partner will take her children out of the country.....	14
Transportation difficulties.....	15
Fear that her children will be taken away.....	16
Fear of being deported.....	17
Other _____.....	18

19) If you work with any First Nations women who are abused, which of the following difficulties do they experience in going through the Family Law process? (Please circle all that apply.)

Not enough support services and resources.....	1
Difficulty with the distance to travel to Court or support services.....	2
Transportation difficulties.....	3
Isolation.....	4
Lack of anonymity and/or lack of confidentiality.....	5
Difficulty with access to services (justice system, social services, etc.).....	6
Lack of trust in the police.....	7
Dealing with service providers who are relatives or friends.....	8
Economic conditions.....	9
Services not understanding traditional ways of healing.....	10
Dealing with discrimination.....	11
Fear that chiefs and council members will support the abuser	12
Fear that she will have to move outside of her community to get away from abuse.....	13
Fear that she won't be believed or abuse won't be taken seriously.....	14
Dealing with community beliefs and expectations.....	15
Difficulty finding affordable housing.....	16

High tolerance for violence in the native community.....	17
Fear that her children will be taken away.....	18
Other _____.....	19
None of the above.....	20

20) If you work with any abused women with a physical or psychological disability, or who are Deaf/Hard of hearing, which of the following difficulties do they experience in going through the Family Law process? (Please circle all that apply.)

Difficulty leaving her abuser because he is her caregiver	1
Difficulty accessing support services.....	2
Transportation difficulties.....	3
Difficulties with physical accessibility to court, legal, and/or support services.....	4
Dealing with discrimination.....	5
Being treated as she is a child or lacking in intelligence.....	6
Feeling that she is supposed to be compliant and not challenge people.....	7
Fear about managing on her own.....	8
Difficulty finding accessible, affordable housing.....	9
Isolation.....	10
Difficulty accessing legal services.....	11
Fear that she will be seen as an incompetent witness by police and the courts.....	12
Difficulty with communicating; require assistance in communicating.....	13
Fear that the court will view her as a lesser parent because of her disability.....	14
Feeling less powerful than the abuser.....	15
Other _____.....	16
None of the above.....	17

21) Do you have any training or education related to family law?

Yes, please describe _____.....	1
No.....	2

22) Do the women you work with report feeling generally safe when they are in the Family Court?

Yes.....	1
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(IF YES, PLEASE GO TO QUESTION 24)

No.....2

23) If no, what could help them feel safer?

Separated waiting areas	Yes.....1	No.....2
Security Guards	Yes.....1	No.....2
Someone to sit with them	Yes.....1	No.....2
Police Officers	Yes.....1	No.....2
Other	Yes.....1	No.....2

24) Are women in your community able to get emergency motions when they need them?

Always.....1
Most of the time.....2
Some of the time.....3
Almost never.....4
Never.....5
Other.....6

25) Are women in your community able to get restraining orders when they need them?

Always.....1
Most of the time.....2
Some of the time.....3
Almost never.....4
Never.....5
Other.....6

26) Please rank each of the following for how well they work for women in your community.

Always-1, Most of the time-2, Some of the time-3, Almost never -4, Never-5, Other-6

- Duty counsel....._____
- Advice counsel....._____
- 4-hour legal advice certificates..... _____
- Family Law Information Centre (FLIC)....._____
- Parent information sessions..... _____
- Mediation....._____
- Parent assessments..... _____

27) Have lawyers in your community taken domestic violence training?

- Yes.....1
- No.....2
(IF NO, PLEASE GO TO QUESTION 29)

28) Please rank the effectiveness of the domestic violence training.

- Ineffective.....1
- Somewhat effective.....2
- Effective.....3
- Very effective.....4

29) With respect to improving women’s experiences in family court, please rank each of the following as to how helpful they would be to an abused woman’s family law case.

Very helpful -1, Somewhat helpful -2, Not at all helpful -3

	Very Helpful	Somewhat Helpful	Not Helpful
Increased funding for family law legal aid certificates	1	2	3
Relaxed financial eligibility criteria to enable more women to qualify for certificates	1	2	3
Increasing the maximum number of hour available on	1	2	3

family law legal aid certificates			
Providing additional compensation to lawyers who take VAW cases	1	2	3
Increasing the amount of time women can spend with the advice lawyer in FLIC	1	2	3
Creating more legal information for women	1	2	3
Domestic violence training for lawyers	1	2	3
DV training for family court judges	1	2	3
DV training for family court personnel	1	2	3
Increased coordination and communication with criminal court	1	2	3

30) From the above list in Question 29, please list in order of importance the three things you think would be the most helpful of all to an abused woman's family law case?

- 1) _____
- 2) _____
- 3) _____

31) In your community, is it a conflict of interest for a woman who has seen a lawyer as either the Family Law Information Centre advice lawyer or the duty counsel, to then retain that lawyer when she gets a legal aid certificate?

- Yes.....1
- No.....2

32) Would you like to see a fast track system through family court for cases involving violence against women?

- Yes.....1
- No.....2

33) Would it be helpful if free child care were available at your family court?

- Yes.....1
- No.....2

The views and/or opinions expressed herein are those of the authors
and do not necessarily reflect those of the Province.