

**Fall 2020 Budget Consultation Submission:
Family Court Support Worker Program
October 16, 2020**

The Honourable Rod Phillips
Minister of Finance
c/o Budget Secretariat
Frost Building North, 3rd floor
95 Grosvenor Street
Toronto ON M7A 1Z1

RE: 2020 Fall Budget Submission

Who We Are:

Luke's Place is the only stand-alone family law support centre for abused women in Canada. As a provincial centre of excellence, we provide direct services to hundreds of women and their children in Durham Region every year and share our expertise with thousands of service providers across Ontario through training programs, resources, tools, and mentoring. ***Our service delivery model is efficient and effective*** and has been leveraged by more than 100 organizations (shelters, counselling and women's centres, victim services, etc.) across the province seeking to deliver similar services as well as by the Ministry of the Attorney General in the development of the Family Court Support Worker (FCSW) program.

Luke's Place is a recognized leader for improving the understanding of violence against women and its implications in the family law context and is a two-time recipient of the Ontario Attorney General Victim Services Award of Distinction. Luke's Place received the Ontario Bar Association Award in 2019 for exceptional contribution to the improvement of the justice system through public legal education, innovative research and other means.

Demand for all of our services continues to grow annually. Last year we served almost 900 women in Durham and have already seen an increase of 60% during the pandemic, as well as an influx of calls from women across the province.

To begin, we commend the government for quickly implementing a number of effective measures to address the Coronavirus outbreak and for working collaboratively with health and many other partners to do so. We also commend the government for moving forward with important legislation such as Bill 207, *Moving Ontario Family Law Forward Act, 2020*; and on court modernization, leveraging what is being learned through innovation during the court reopening process.

Luke's Place is requesting the opportunity to work with government to help address violence against women in Durham Region and across the province in the context of access to justice, and court modernization during the pandemic.

Collaboration is key to ending violence against women. It requires focused government attention in collaboration with community partners. As a member of the Ontario Association of Interval and Transitions Houses (OAITH), we have seen this collaboration at work with respect to addressing the needs of women requiring shelter and transition services with policy and enhanced funding supports. Many of OAITH's members along with Luke's Place deliver programs that support abuse survivors effectively, engage with the family law process, and OAITH has also highlighted the need for additional funding supports for this work. Luke's Place wishes to work with government to help ensure that everyone is safe and healthy in Ontario. Sustainable funding for community-based supports and services for those impacted by violence against women and accessing legal processes, fosters safe and healthy communities.

FCSW program:

Ontario's Family Court Support Worker Program, since its inception in 2011 has provided invaluable supports to survivors of domestic violence who are involved in the family court process.

Located in 41 community agencies, primarily violence against women organizations these workers offer the following general services free of charge:

- Provide information about the family court process
- Assist clients to prepare for court proceedings and debrief outcomes
- Make referrals to appropriate community and court-based services
- Help clients with safety planning, including getting to and from court safely
- Assist with Legal Aid Ontario applications
- Accompany clients to court proceedings, as appropriate

Positions range from .25 FTE to 2 FTE, and in one large community, as many as 4 FTE.

The FCSW program has been a victim of its own success because the demand for its services has grown consistently since the beginning. COVID-19 simply brings into sharp focus ongoing funding issues with the program.

Ongoing funding issues:

The FCSW program has seen consistent and significant growth in both demand and number of clients served since 2011. More and more survivors have become aware of the program over time, but higher demand for services is also due to court staff and services (e.g. FLIC, LAO duty counsel, court counter staff) increasingly turning to the program for assistance and support.

This is a reflection of the high quality of services provided by FCSWs, which is an illustration of the dedication of individual workers, the commitment of the agencies housing the program and the quality of the training and ongoing support offered to the workers.

Despite consistently positive evaluations provided by clients and the increase in numbers of clients served, the program has seen no increase in funding since the initial allocation set in 2011. As a result, the community agencies who run the program across the province -- already working with tight budgets -- have had to stretch the same number of 2011 dollars across an ever-increasing number of clients or fundraise to address the increasing demand. From the beginning, rural and remote communities have faced funding challenges.

COVID-19

In addition to direct service delivery, the FCSW program includes a training initiative, which is delivered by Luke's Place. This component of the program consists of online training, resources, and supports for workers across the province. Over the past years, Luke's Place has become a central gathering point of information about the experiences of the program.

It was no surprise to us that by mid-March we were hearing COVID-19 related stories from workers throughout Ontario. Because Luke's Place delivers the FCSW program as well as the training initiative, our own workers were also reporting new issues because of the pandemic.

It was also no surprise to us that survivors of family violence were facing unique challenges and situations in several ways:

- Remaining with the abuser rather than leaving because of concerns about health and safety in communal living situations such as shelters or because of lack of access to the courts or because they are unable to search for or secure new housing options

- Increased levels of abuse due to physical distancing requirements: entire family in the home, few opportunities to leave the home, limited in-person supports from family or friends
- Limited access to family court as regular operations were suspended and slowly reopen
- Lack of information and access for survivors unrepresented in their family law case, which is as many as 70% of those served by the FCSW program
- Challenges in accessing legal advice and safety issues related to doing so while in the home with the abuser
- Suspension of many services that had assisted survivors of family violence in the past: supervised access and exchange centres, most child protection agencies suspending supervised access, no in-person court services such as FLIC and duty counsel
- New legal issues due to manipulation of the pandemic situation by the abuser
- Family law challenges arising as a result of criminal court responses to COVID-19, in particular, increased release from the police station, release on bail and early release from a sentence

This list is just a sampling of what we are hearing. We are gathering these stories and will be happy to share them with you as time goes by.

Some FCSWs are swamped with an increased demand for services. Others say that they are experiencing a calm before the storm and that there will be an onslaught of cases as women feel it is safe (in terms of public health issues) to leave their abusive partner and/or to move their family law case forward.

We know that abusers will continue to push the law to its limits post-pandemic just as they are during the pandemic (and as they always do). Some women will be forced back into court over issues long-since decided because the abusive ex-partner will try to claim, for example, that they were able to manage access or exchanges without supervision during the pandemic, so there is no need to return to the existing order.

In addition to this, we are seeing as court operations and services phase in re-opening these services remain limited, especially to unrepresented parties, creating a greater the need for FCSW services and supports.

Legal Aid Ontario is to be commended for suspending financial eligibility requirements for survivors of family violence who have family law issues. However, access to legal advice remains limited for a number of reasons: not all lawyers accept legal aid

certificates, not all lawyers are taking new clients, there is a shortage of family law lawyers in rural communities, and it is difficult for women to have the privacy they need to consult with a lawyer safely.

Summary legal advice, as can be provided by telephone and online by LAO and the Luke's Place Virtual Legal Clinic, is helpful, but does not replace legal representation or even ongoing legal advice from the same person.

All these realities emphasize the importance for survivors of family violence to have access to the supports that can be provided by FCSWs.

Conclusion:

As noted in the introduction, COVID-19 has brought long-standing funding issues for the FCSW program to the fore. We would like to engage with the Ministry of the Attorney General to discuss addressing both general and COVID-19 specific funding enhancements for this program.