

Diverse Victim-Survivors of Intimate Partner Violence and the Ontario Family Law System

Executive Summary

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About this Report: This report provides a high-level summary of the key findings from critical community-engaged research conducted by Luke’s Place in collaboration with Dr. Mavis Morton, University of Guelph, that identifies the access to justice issues in the Ontario family law system that diverse women and 2SLGBTQIA+ victims-survivors of intimate partner violence (IPV) experience. The findings include results from comprehensive data, including 389 surveys and in-depth semi-structured interview data from 36 diverse IPV victim-survivors who had engaged with the Ontario family law system and 18 service providers from the 12 violence against women (VAW) and community-based organizations.

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Introduction

[Luke's Place](#) is a non-profit organization committed to providing accessible and responsive legal services to all women subjected to IPV, especially those with diverse intersectional identities and from underserved communities. This research was conducted by Luke's Place in collaboration with Dr. Mavis Morton, Associate Professor and Chair of the Department of Sociology and Anthropology from the University of Guelph, to deepen our understanding of the unique family law experiences, needs, and priorities of diverse victim-survivors of IPV and to use this to inform programming and policy to enhance access to justice within the Ontario family law system.

Methodology

This research was guided by principles of critical community-engaged scholarship (Gordon Da Cruz, 2017), consistent with intersectional, decolonizing, and trauma-informed approaches. A mixed-methods design was employed, including qualitative interviews with 18 service providers from community-based organizations supporting diverse IPV victim-survivors; 389 online survey responses from diverse IPV victim-survivors; and in-depth semi-structured interviews with 36 diverse women and 2SLGBTQIA+ IPV victim-survivors who had interacted with, or attempted to access, the Ontario family law system.

Key Findings

The findings and recommendations reflect the experiences of diverse victim-survivors navigating Ontario's family law system, highlighting family law and related legal issues, systemic gaps, and barriers faced by women and 2SLGBTQIA+ victim-survivors subjected to IPV. The following major themes were identified:

Family Law and Intersecting Legal Issues

- **Multiple family law issues:** The most common family law issues IPV victim-survivors faced were divorce, division of property and financial support followed by parenting arrangements, separation, safety concerns, risk mitigation issues, and restraining or protection orders.
- **Intersecting legal issues:** Victim-survivors of IPV also face and navigate multiple legal issues when dealing with their family law matters, including criminal justice, child protection, and immigration.

Experiences with the Family Law System

Most diverse IPV victim-survivors reported dissatisfaction and negative experiences with Ontario's family law system, including their interactions with legal professionals, court processes, legislation, and the system overall. Positive experiences were rare and were typically limited to encounters with individual professionals who were supportive and informed. Survivors particularly those with intersecting identities continue to face significant gaps, barriers, and challenges within the system.

Barriers and Challenges within the Ontario Family Law System

Accessing and navigating Ontario's family law system and achieving timely, satisfactory, outcomes was often extremely difficult, if not impossible.

- **Lack of or limited access to affordable and appropriate legal representation:** Many IPV victim-survivors are unrepresented and must navigate the family law system alone due to systemic barriers such as high legal fees, restrictive and limited legal aid, inadequate compensation for legal aid lawyers, outdated referral lists, insufficient information, and a shortage of IPV and trauma-informed family lawyers.
- **The Ontario family law system is inaccessible, confusing, intimidating, risky and time-consuming:** The system is confusing and overwhelming, risky, and uncertain due to the complexity of legal procedures and processes, use of legal language that only legal experts can understand, unclear procedures, conflicting information and advice, poor communication, lengthy disorganized court procedures and lack of ongoing legal representation and support.
- **Re-traumatization and revictimization within the system:** Many IPV survivors feel revictimized by the family law system & other systems due to legal intimidation by abusive partners, inadequate court safety, lack of trauma- and culturally informed practices, technology barriers, and the systems' unpredictable, adversarial, bureaucratic, and dehumanizing nature.
- **Communication barriers due to a lack of access to culturally sensitive and appropriate interpretation:** Complex legal language, inconsistent terminology, a lack of culturally appropriate interpretation and translation and the inability to collaborate with local organizations prevent many diverse victim-

survivors from understanding court processes and clearly communicating their experiences.

- **Stereotypes, bias, and discrimination within the Ontario family law system:** The Ontario family law system, rooted in Eurocentric norms, can reinforce racist, sexist, heteronormative, and xenophobic biases, failing to reflect or respond to diverse, intersectional identities and leading to misjudgment, disbelief, dismissal, discriminatory treatment, and unsafe court orders.
- **Use of the Ontario family law system by an abusive partner as a tool of ongoing control and abuse:** Tactics used include deliberate delays by refusal to file documents; hiding assets, filing of excessive motions forcing repeated legal battles, dragging out proceedings to drain and exhaust victim-survivors' limited finances and resources; self-representation to harass and manipulate the outcome; false claims, such as parental alienation.

Ineffective court orders/unsafe and unfavourable court outcomes were also something identified by IPV victim-survivors.

- **Abusive partner's intentional use of cultural norms and pressure to reconcile to secure favourable family law outcomes:** Abusive partners exploit cultural norms around marriage, community pressure, extended family threats, and, for immigrant survivors, fears of sponsorship withdrawal, deportation, or child separation to coerce reconciliation. Many diverse victim-survivors are unaware that reconciling can damage their legal case, and few safeguards protect them from such coercion. Courts often interpret reconciliation as evidence that the abuse was not serious, undermining survivors' credibility, weakening their claims, favouring the abuser, and resulting in unsafe parenting decisions.
- **Ineffective and inadequate responses to IPV cases and unsafe or unresolved court outcomes:** IPV is frequently ignored, minimized, or mislabeled as "high conflict" by lawyers and judges leading to decisions that overlook risks to survivors and their children. Limited understanding of intersectional realities, IPV and skills to address IPV, insufficient time, pressure to settle, evidence restrictions, delays, poor enforcement of orders, lack of abuser accountability, and differential treatment prolong legal battles and leave families in limbo.

- **Lack of coordination and inconsistent responses across multiple legal systems:** The lack of communication and coordination, timely action, decisions and conflicting processes between these systems increase confusion, fear, re-traumatization, stress and negative outcomes.
- **Financial, emotional, mental, health & wellbeing impacts of the family law process:** Prolonged court proceedings, unaffordable or unavailable legal representation, litigation abuse, inconsistent judges and staff, and disbelief increase confusion, anxiety, and emotional and physical distress. These systemic failures leave many survivors exhausted and without the energy or resources to protect themselves and their children, while also harming housing, employment, and long-term wellbeing.

Barriers and Challenges to Legal and Non-Legal Resources and Services

IPV victim-survivors rely on both family law-related support services and non-legal-based support services, such as housing/shelter, counselling, healthcare, and culturally specific programs. Findings from the research revealed major gaps in the availability, accessibility, and adequacy of these services and supports, which compound the barriers and challenges faced when navigating Ontario’s family law system.

- **Lack of available, accessible, and adequate support of services and resources:** Limited, culturally responsive counselling, childcare, and trauma supports especially for specific Indigenous groups (Inuit, First Nations, and Métis), people with disabilities, and those in northern, rural, or remote communities, along with restricted hours, strict income eligibility, scarce shelter beds and affordable housing, inadequate safety supports for pets (including farm animals), and limited access to secure technology leave many victim-survivors without essential help.
- **Understaffed services and inadequate staff/service providers:** Understaffed trauma-informed services and high caseloads for Family Court Support Workers, supervised parenting time services, children’s mental health supports, counselling and shelters/housing programs lead to long waiting lists and slow response times. Weak coordination across systems, and the lack of services and accountability mechanisms for male perpetrators, disproportionately force victim-survivors and limit the availability of wraparound supports.

- **Geographical barriers to accessing support and services:** Diverse victim-survivors in rural, remote, and northern communities face major barriers due to limited public transportation, scarce local services, and lack of awareness of alternatives to court. In close-knit communities, fears of gossip, stigma, and confidentiality breaches deter help-seeking.
- **Lack of culturally informed services for Indigenous and Inuit victim-survivors:** Limited services delivered by outsiders and system-wide gaps in IPV trauma- and culturally informed training, compounded by high staff turnover and inexperience leave Indigenous victim-survivors without safe or effective support. A lack of practical training on Inuit realities, including the risks and retraumatizing effects of virtual or phone-based services, further undermines safe access to the family law system.

IPV Victim-Survivor Recommendations

Mandatory & Specialized Education and Training for Legal Professionals

Findings highlight the need for mandatory, ongoing specialized training for all legal professionals including judges, lawyers, mediators, family court staff, and law students covering topics beyond standard legal education.

1. **Intersectionality and cultural competency:** Training on intersectionality, cultural competence, trauma and its impacts, and how survivors can access relevant, culturally appropriate services in their preferred language.
2. **Comprehensive knowledge about and IPV:** Recognizing non-visible forms of abuse, such as coercive control, psychological, emotional, digital, social, system, financial abuse and manipulative tactics abusive partners employ to perpetuate legal bullying.
3. **Trauma-informed care/practice:** Training on trauma-informed care practices that include sensitivity, empathy, and compassion to support legal professionals in providing support.
4. **Best practices in client support and advocacy:** Practices include integrity and ethics, adopting a social justice and client-centered lens, using a collaborative systems model and holistic support approach.

5. **Discrimination and anti-discrimination laws:** Train legal professionals to recognize visible and hidden biases and apply anti-discrimination laws to support equitable treatment and informed decisions for victim-survivors of diverse identities.
6. **Other specialized trainings:** Trauma and mental health, sign language, children's rights and safety, IPV case management, gathering and presenting evidence on abuse, and understanding family law-related systems and services.

System Level Reform Recommendations

IPV victim-survivors also called for various reforms at the system level to improve access to family law support and access to justice.

1. **Improve access to legal support and representation:** Increase the number of lawyers especially lawyers with IPV expertise, expand legal aid funding, raise financial thresholds for legal aid and grow the Family Court Support Worker Program, ensuring these workers are recognized by legal professionals as valuable partners.
2. **Improved coordination/communication between criminal, child welfare, and family law systems:** Implementation of real-time online reporting tools, be aware of and communicate across systems, read and use information and evidence from legal and non-legal professionals.
3. **Changes to court processes/procedural reforms:** Broad changes such as the addition of a Unified Family Court model as well as changes such as improving evidence collection and investigation procedures, reducing delays and going straight to trial, penalties/fines for non-compliance with court orders.
4. **Legislative changes to family law legislation:** Establish clear and comprehensive definitions of family violence, relationship status, and safety Including, expansion of protections such as granting immediate restraining orders, immediate disclosure of violence in all cases involving IPV, culturally informed decisions about parenting arrangements, abuse to be considered in decisions of child support, spousal support, family home, and expenses; and prioritizing the best interests of children over parental rights.

Conclusion

These findings highlight that diverse women and 2SLGBTQIA+ IPV survivors face layered systemic barriers when trying to resolve family law issues. A lack of cultural competence, trauma-informed practices, and the unpredictability of court processes enable ongoing abuse and limit accountability, reinforcing barriers to access to justice and perpetuating cycles of oppression and trauma. These conditions have long-term negative impacts on the health, wellbeing, and family law outcomes of victim-survivors. What we heard from countless victim-survivors is that the family law system in Ontario is not a reliable pathway to safety and security. System-level change is needed to improve access to justice for victim-survivors in Ontario.