



Navigating Family Court Alone: Barriers and Gaps in Legal Representation for Survivors of Intimate Partner Violence in Ontario



ACKNOWLEDGEMENTS

We gratefully acknowledge the contributions of Micah Kalisch, former Luke's Place Program Coordinator, Sydney Keefe, Luke's Place Staff Lawyer and Mhairi Rothery, former Luke's Place Communications Coordinator in the completion of the research and the preparation of this report.

We also thank all the frontline advocates who took the time out of their tremendously busy schedules to share their experiences with us. We hope this report truly captures the gravity of the challenges the women you support face in finding a family law lawyer to represent them in court.

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INTRODUCTION

Who we are

Luke's Place is an award-winning non-profit organization solely devoted to improving the safety and experience of women and their children as they proceed through the family law process after leaving an abusive partner. Since 2003, Luke's Place has been delivering legal support services to women who are leaving relationships in which they were subjected to abuse. We work at the provincial and national levels, providing training and conducting research and law reform advocacy on the intersection of violence against women and the law. We deliver Family Court Support Worker ("FCSW") services and train other FCSWs located throughout Ontario. We also operate a provincial legal clinic where unrepresented women can access family law legal advice and court form drafting support from staff lawyers and a roster of volunteer lawyers from across Ontario. We also deliver public legal education workshops and create resources for women and those who support them. Our resources have been adapted for jurisdictions across Canada, including Yukon, British Columbia, New Brunswick, and Newfoundland and Labrador.

We believe women and their children have a right to be safe, and that family law should promote and provide this safety.

Survivors need access to a lawyer

Intimate partner violence ("IPV") continues to be an epidemic across Ontario. Many survivors of IPV will engage with, or consider engaging with, the family law system after leaving a relationship with a violent partner. Family law offers survivors the possibility of court orders that can help provide long-term safety and financial security. However, what many survivors quickly realize is that the family law system is complicated, time-consuming and not violence and trauma-informed. The system itself often gets used as a tool by violent partners to continue their abuse.¹ Access to legal representation by a family law lawyer who understands IPV is critical to reducing the harmful impact of the system and helping survivors secure favourable court outcomes.

Unfortunately, what we have learned through our research and frontline work with survivors across Ontario is that many are unrepresented in all or part of their family law case. The reasons for this vary, with the most common being that privately retained lawyers are expensive and financially inaccessible and legal aid thresholds are impossibly

¹ "When an abuser uses the family law and court processes as a strategy to try to maintain power and control over their ex-partner, it is called legal bullying. The abuser uses the family court process itself as a means to intimidate, harass and induce fear in their ex-partner."

<https://lukesplace.ca/after-she-leaves-legal-bullying/>

low for most low-to middle-income families. This leaves many survivors without access to a critical resource while they navigate the complexities of family court.

What we have also come to learn is that not all lawyers are created equally when it comes to knowledge and understanding of IPV. Even if a survivor can afford to hire a lawyer or qualify for legal aid, many report concerns and challenges in finding a supportive lawyer who is knowledgeable about IPV and its pervasive impacts. Survivors feel silenced and disempowered when they are represented by a lawyer who does not understand their experiences or hear their concerns. Lawyers are not able to effectively advise and advocate on behalf of survivors when they don't understand IPV.

Unfortunately, the lack of family law lawyers in general, and the lack of violence and trauma-informed lawyers in particular, is not new. Luke's Place, as well as many other anti-gender-based violence organizations, academics and legal clinics have been raising this issue for years.

In 2008, Dragiewicz and DeKeseredy engaged in research on behalf of Luke's Place on the experiences of women survivors of IPV in family court across Ontario. This research highlighted the critical gap in representation and shed light on the negative impacts the lack of lawyers has on survivors and the legal system as a whole. The most common challenges reported by unrepresented survivors in this research included: completing court forms, understanding court processes, managing court staff, knowing what evidence to submit and how, knowing how to act in court, and dealing directly with their ex-partner or their lawyer.² As stated in a subsequent report specifically on the experiences of unrepresented women survivors who have been subjected to violence, "[w]omen who are unrepresented must complete complex paperwork and negotiations without a foundation of legal knowledge, often in the presence of the abuser and while dealing with fear, change and transition for themselves and their children."³

A survivor's ability to secure court orders that provide for their long-term safety, well-being, and financial security is severely hindered when they do not have access to a lawyer. Bad court outcomes in family court can have significant negative impacts on survivors and their children. As stated in our past research, "[t]he consequences can be extreme - literally life and death - when woman abuse is involved."⁴

² Molly Dragiewicz and Walter DeKeseredy, *Study on the Experiences of Abused Women in the Family Courts in Eight Regions in Ontario* (Luke's Place, November 2008), 33, <https://lukesplace.ca/wp-content/uploads/2020/07/Study-on-the-Experiences-of-Abused-Women-Lukes-Place-2018.pdf>

³ Luke's Place and Denise House, *Needs Assessment and Gap Analysis for Abused Women Unrepresented in the Family Law System: Final Report and Recommendations* (March 2008), 2, <https://lukesplace.ca/wp-content/uploads/2020/07/Needs-Assessment-Gap-Analysis-for-Abused-Women-Report-Recommendations-Lukes-Place.pdf>

⁴ *Ibid* at page 17.

In the same research study from 2008, women survivors asked for various changes to the family law system that would have been helpful to them when they were going through the process. Many of them focused on changes to improve the accessibility of legal representation:

- **73.9%** reported the need for increased funding for family law legal aid certificates
- **59.3%** reported the need for different financial eligibility criteria for legal aid certificates
- **72.1%** reported the need for more hours on legal aid certificates
- **82.1%** reported the need for domestic violence training for their lawyer⁵

Since this time, the number of self-represented and unrepresented litigants in family court has continued to rise.⁶ Last year, over half of the women we support at Luke's Place were unrepresented when they accessed our services.

In 2023, Luke's Place circulated an online survey to 65 frontline advocates across the province to better understand their experiences supporting survivors involved in family court to access legal representation through Legal Aid Ontario. An overwhelming number of advocates reported at that time that the survivors they support found it incredibly challenging to find a family law lawyer to accept their certificates from Legal Aid. A summary of these findings was provided to Legal Aid Ontario in both 2023 and 2024 in response to open calls for consultation.⁷

In 2024 and 2025, we met with survivors and their advocates to learn more about their experiences in family court. One of the main issues we heard about in this research was that access to lawyers remains a prominent barrier to justice in the family law system.⁸

⁵ *Supra* note 3.

⁶ Department of Justice, *Self-Represented Litigants in Family Law*, JustFacts, June 2016, <<https://www.justice.gc.ca/eng/rp-pr/fl-lf/divorce/jf-pf/srl-pnr.html#:~:text=Based%20on%20the%20limited%20provincial,9>>; Birnbaum, Bala and Bertrand, *The Rise of Self-Representation in Canada's Family Courts: The Complex Picture Revealed in Surveys of Judges, Lawyers and Litigants*, 2013 91-1 *Canadian Bar Review* 67, 2013 CanLIIDocs 184, <<https://canlii.ca/t/28h4>>

⁷ Luke's Place, submission to Legal Aid Ontario regarding tariff reform, July 7, 2023. <https://lukesplace.ca/wp-content/uploads/2023/07/Letter-to-LAO-re-tariff-reform-July-7-2023.pdf>
Luke's Place, submission to Legal Aid Ontario regarding financial eligibility increase, December 20, 2024. <https://lukesplace.ca/wp-content/uploads/2025/06/Lukes-Place-submissions-re-consultation-Dec-2024-1.pdf>

⁸ Morton et al, *Diverse Survivors of Intimate Partner Violence and the Ontario Family Law Systems (Executive Summary)*, Feb 2026. <https://lukesplace.ca/wp-content/uploads/2026/03/Executive-Summary.pdf>

We have repeatedly raised these issues with Legal Aid and all levels of government. Despite our advocacy, and the advocacy of many other survivors and anti-gender-based violence organizations, our concerns remain unchanged: too many of the survivors we work with are unable to find or afford a lawyer to represent them in family court.

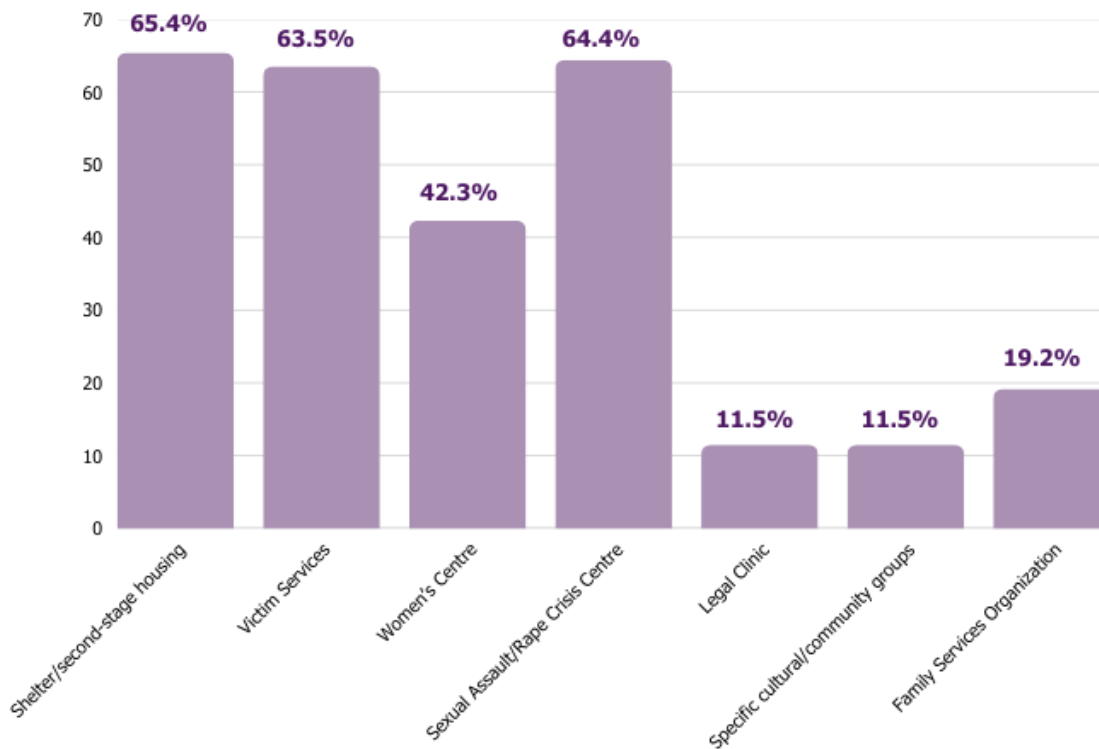
CURRENT RESEARCH

Online Survey

In May 2025, we circulated an online survey to frontline advocates across Ontario to ask about their experiences supporting survivors through the family law process. The questions were focused on the availability and experience working with lawyers in their local communities, and the accessibility of legal aid services.

We received a total of **104** responses to our survey from **52** unique organizations across Ontario. These included shelters/second-stage housing, victim services, women’s centres, crisis centres, community legal clinics, and specific cultural resource hubs.

Organizational types (select all that apply):



Focus Groups

In collaboration with The Chanterelle Alliance, we held a one-hour focus group on June 25th, 2025, with people working in anti-violence organizations to learn more about the availability and accessibility of lawyers, understandings of IPV among legal professionals, and their experiences working with Legal Aid Ontario. A total of **24** participants joined

us from **22** different organizations. This resulted in a rich dialogue that highlighted shared barriers across the province that impede survivors from accessing safety and justice for themselves and their families in the family law system.

RESEARCH FINDINGS

100% of the frontline workers who responded to our online survey reported that family law is an urgent legal issue for their clients. The extent to which survivors rely on the family law process after separation highlights the critical importance of urgently addressing systemic barriers in this system that limit access to justice and safety.

Both the survey and focus group responses provided us with the following main findings that will be explored in more detail throughout this report:

- ❖ Many survivors are unrepresented in family court.
- ❖ Legal Aid's financial eligibility criteria severely limit access to services.
- ❖ Survivors cannot find a lawyer to accept their Legal Aid Certificates.
- ❖ There are challenges accessing the Senior Family Counsel Program.
- ❖ The hours provided on Legal Aid Certificates are insufficient in IPV cases.
- ❖ Two-hour Domestic Violence Certificates do not provide enough support.
- ❖ Many lawyers and legal professionals lack an understanding of IPV.
- ❖ Community organizations face challenges trying to fill the access to justice gap for unrepresented survivors.

Addressing these challenges is critical so that survivors are given the opportunity to safely and meaningfully engage in the family law process. The prospect of having to navigate the system alone is causing some survivors to disengage altogether, even if this means they don't have access to protective orders that provide for the safety and financial security of themselves and their children following separation.

Many survivors are unrepresented in family court

What we heard from frontline workers across Ontario is what we know to be true from our own frontline service delivery: many survivors in Ontario are unrepresented in family court. Over **56%** of frontline workers reported that half or more of their clients do not have a lawyer. A specific breakdown of responses is as follows:

How many of the survivors you are supporting are unrepresented in family court?

- **None:** 3.88% (n = 4)
- **Less than half (under 25%):** 19.42% (n=20)
- **Almost half (over 25%):** 16.5% (n=17)
- **Half:** 22.33% (n=23)
- **More than half (under 75%):** 13.59% (n=14)
- **Majority (over 75%):** 16.5% (n = 17)
- **All (100%):** 3.88% (n = 4)
- **Other:** 3.88% (n=4)

When asked about the reasons the survivors they support were unrepresented, many workers noted challenges in the availability and accessibility of lawyers in their communities. Over **95%** reported that survivors were unrepresented because they couldn't afford a lawyer.

What are the reasons the survivors you are supporting are unrepresented? (select all that apply)

- **Can't afford a lawyer:** 95.1% (n=96)
- **Limited lawyers in community:** 87.1% (n=88)
- **Lawyers at capacity:** 78.2% (n=88)
- **Maxed out legal aid:** 64.4% (n=65)
- **Lawyers conflicted out:** 21.8% (n=22)
- **Lawyers don't want to take IPV cases:** 22.8% (n=23)
- **Lawyers don't have experience in cases with IPV:** 25.7% (n=26)
- **Language barriers:** 25.7% (n=26)
- **Lack of knowledge/trust in system:** 38.6% (n=39)

Some workers highlighted the consequences of survivors having to navigate the system alone, including that some survivors may forgo it altogether and return to an abusive ex-partner given the lack of support available to them.

"Due to many or all of the above issues, clients are frustrated with the system they expect will assist them in protecting their children and decide to reconcile, give in to abusers demands, become at risk for losing housing and financial supports."

"There is simply not enough legal representation for survivors of IPV in Ontario and it means that survivors are choosing not to go through these systems".

"...women fleeing domestic violence situations, worried for their safety, shelter, finances, child/children's parenting time & decision making, child and spousal support are now left with no legal support to help settling these. Perpetrators are misusing this situation. Victims feel like there is no choice other than to return to the abuser..."

Legal Aid's financial eligibility criteria severely limit access to services

Legal Aid Ontario will cover the cost of a lawyer for qualifying low-income individuals through their certificate program ("Legal Aid Certificate"). However, the thresholds to access a family law certificate through this program are so low that many low-income people do not qualify. Full-time minimum wage in Ontario is approximately \$36,608 annually.⁹ The financial threshold for a certificate for a survivor without children is well below minimum wage, at \$22,270, and barely above minimum wage for a survivor with two children, at \$39,352.¹⁰

Legal Aid Ontario increased the financial eligibility for its criminal law certificate program in 2025 and left the criteria for the family law certificate program unchanged.¹¹

Almost **100%** of frontline workers who responded to the online survey noted an urgent need to address the income eligibility requirements for the Legal Aid Certificate program for family law.

"Part-time workers make too much. Minimum wage workers make too much. Even some people on disability don't qualify."

"[A] significant gap in support caused by income eligibility criteria. Many survivors earn above the threshold for LAO but still lack the financial means to afford legal representation. Raising the income threshold would help bridge this gap and ensure that more survivors can access the legal support they need..."

⁹ Ontario Minimum Wage to Increase to \$17.60 per Hour," CBC News, April 1, 2025, <https://www.cbc.ca/news/canada/toronto/ontario-minimum-wage-increase-1.7647859>

¹⁰ Legal Aid Ontario, "Will Legal Aid Pay for My Lawyer?" accessed February 13, 2026, <https://www.legalaid.on.ca/will-legal-aid-pay-for-my-lawyer/>

¹¹ *Supra* note 7 for Luke's Place's submission to Legal Aid on this issue in 2024.

"The income threshold should definitely be higher for DV survivors, there is an unrealistic amount set in the income eligibility, and this makes it hard for survivors to access justice."

"The eligibility requirements don't take into consideration the payments that people may be locked into - only take into account the net income. This can be a barrier for many."

"The LAO financial requirement needs to be higher. Often times, clients use the money they make for food, housing and basic needs. Therefore, the money that they make is not disposable and cannot be used for legal fees..."

We asked frontline workers to quantify how much of their caseload falls into the gap of people who are ineligible for legal aid yet cannot afford a lawyer. Just under **27%** reported that half or more of their clients were in this position, and just under **14%** reported that this impacted a majority of their clients.

Privately retained family law lawyers in Ontario can cost anywhere from \$150 to \$750 an hour and typically require an upfront retainer ranging anywhere from \$2,500 to \$10,000, depending on the case. At the same time, the median total income of women in Ontario was \$39,800 in 2023.¹² This income level would likely make a woman ineligible for a Legal Aid Certificate, depending on her family size, yet far below what is required to afford a lawyer.

Over **75%** of frontline workers reported that most of their clients cannot afford legal representation at the outset of their case. Over **35%** of respondents reported that over half their clients who could afford a lawyer at the beginning of their case ran out of money partway through and had to represent themselves.

"The percentage that don't qualify for legal aid and are forced to pay for a lawyer almost always run out of money part way through and end up self-representing at some point during their legal process."

"It all comes down to either spend the whole money on lawyer and don't feed their children & [themselves] and don't pay the bills and eventually forced to become homeless and be dependent on shelter & government assistance or burden themselves with huge loans to pay the lawyer. or not pursue court at all and hope nothing worse happens..."

¹² Statistics Canada, *Tax filers and dependants with income by total income, sex and age*, Table 11-10-0008-01, released July 18, 2025, <https://www150.statcan.gc.ca/t1/tbl1/en/cv.action?pid=1110000801>

"Most IPV clients are at a financial disadvantage, i.e. making too much money to qualify for a legal aid certificate, spouse refuses to provide financial support after separation, have to financially support all the children, unable to pay for private retainer."

In our focus group, workers expanded on barriers to accessing Legal Aid Certificates beyond the financial eligibility threshold. Multiple workers identify inconsistencies that survivors face when they contact Legal Aid about their services and apply for a certificate. Survivors face differing levels of responsiveness and are at risk of receiving different information depending on who they are connected with.

"One woman calls and is told she'll get a call back from a lawyer—but never hears back. Another calls and gets a certificate in 15 minutes. They're in the same situation, but the outcomes are wildly different. It's frustrating and unfair. Survivors are already dealing with trauma, and now they must navigate this completely unpredictable system."

Many frontline workers have had to become adept at Legal Aid's appeal procedures, given the extent to which their clients are denied certificates. This process takes time and unnecessarily diverts frontline worker resources from providing other urgent services.

Survivors cannot find a lawyer to accept their Legal Aid Certificate

For those who do qualify for a Legal Aid Certificate, finding a lawyer who accepts it can be all but impossible for many survivors. Less than **1%** of survey respondents said their clients are always able to find a legal aid lawyer, with almost **70%** stating they are only sometimes or rarely able to find a lawyer. Instead of improving, the problem is getting worse, with **80%** of workers reporting that it was harder to find lawyers accepting Legal Aid Certificates in 2025 compared to the previous year.

"Lawyers accepting full LAO certificate has been decreasing [for a] few years, and recently it has reached a point that there is no lawyers at all accepting full LAO certificates for family law. Clients qualify for the certificate, but unable to find any lawyer, this is affecting their situation...Victims feel like there is no choice other than to return to the abuser".

"The lack of accessibility for legal representation in family law allows for the cycle of abuse and revictimization to continue. Lawyers in the area are often not accepting LAO certificates due to the complicated and lengthy nature of IPV cases as certificates will not cover the length of the process and what it

ends up costing them. These women are the ones who need representation most."

For those who do find a lawyer, it takes a long time. Just under **30%** of workers shared that, on average, it takes their clients anywhere from one to two months to find a lawyer to accept their certificates. Just under **21%** reported that it takes three to four months, and just under **11%** reported that it takes over six months. This delay in finding a lawyer is concerning, given that many survivors need quick and ready access to protective court orders. They must wait to apply for these orders until they can find a lawyer, or risk applying on their own without the benefit of legal representation.

"Many of our clients qualify for Legal Aid but can't find lawyers. Their certificates expire while they're waiting. Some must reapply multiple times because they couldn't find anyone before it lapsed. Then add all the layers of intersectionality: newcomers, refugees, language and cultural barriers, lack of system knowledge. They might not even know what forms they need. We try to help—getting forms, figuring out the court process—but we're not lawyers. We can't represent them."

This problem is even more acute in some communities, including rural and northern communities. A participant from Six Nations explained, *"[w]e have zero lawyers currently accepting full Legal Aid Certificates."* Other frontline workers echoed this concern, noting that they have no lawyers in their local community who are willing to accept Legal Aid Certificates.

We also heard from some frontline workers that survivors are having to find lawyers in other jurisdictions that are further away from their local community given the lack of lawyers accepting certificates closer to home.

"Women must call Toronto to find a lawyer who accepts Legal Aid. That's a 24-hour drive."

"Even if clients can obtain a LAO certificate, they are unable to find a lawyer able/willing to take the file. Clients are looking further and further out of jurisdiction which leads to significant challenges with satisfactory representation."

"There are currently few or no lawyers in this area taking new clients. Folks are having to reach out to larger communities to find LAO lawyers and often find that those lawyers are also not taking clients. This can cause life-threatening experiences in court for women who must go to court without representation."

Various workers mentioned the low rates paid to lawyers as an explanation for why there were so few lawyers accepting certificates in their community. They also noted that the limited number of hours provided on Legal Aid Certificates resulted in lawyers working for free, which again discourages them from taking certificates, particularly for cases involving IPV, which are generally more complex and time-consuming for lawyers.

"Lawyers won't take LAO certificates because they know the hours aren't enough—and they'll be working for free."

"...Many lawyers will not take the files due to the pay and knowing that abuse cases take more hours, are more complex and legal aid will not provide them with the necessary support."

A number of frontline workers commented about the challenges of using Legal Aid's website to find a list of available lawyers. We heard from frontline workers that many of the lawyers listed on the website are not actually taking Legal Aid Certificates. As a result, survivors are often forced to contact numerous lawyers repeatedly, only to receive no response or be informed that certificates are not being accepted.

Some frontline workers discussed the absence of family law services at local community legal aid clinics as a further barrier. One worker within the clinic system itself noted the growing number of clients looking for family law advice and services and how this highlights the gap in services community legal clinics can provide.

There are Challenges Accessing the Senior Family Counsel Program

The Senior Family Counsel program was created by Legal Aid in 2024, in part to address the shortage of lawyers accepting Legal Aid Certificates. Through this program, a staff lawyer from Legal Aid can accept a certificate from a vulnerable, low-income Ontarian who cannot otherwise find a lawyer to accept their certificate. This program is only offered in a few locations throughout the province.¹³

While the program has the potential to assist some survivors find legal representation, many frontline workers described it as inconsistently implemented, poorly communicated, and largely unavailable in many communities.

Many focus group participants and survey respondents indicated they were either unaware of the program entirely or unclear about how it operates, underscoring the

¹³ Legal Aid Ontario, "Legal Aid Ontario's New Family Senior Counsel Program," *In Briefs*, January 24, 2025, <https://www.legalaid.on.ca/in-briefs/legal-aid-ontarios-new-family-senior-counsel-program/>

need for clearer, more proactive communication about program and service options. Over **53%** of frontline workers responded that they had not heard of the Senior Family Counsel program. Some frontline workers requested more information about this program in their responses, as they were not familiar with it before completing the survey. Others specifically requested more communication from Legal Aid about this program.

Many frontline workers reported challenges with their clients being accepted into the program. Only **21%** of frontline workers reported referring clients to this program. Of those who had submitted referrals, just over **39%** reported that none of their clients were accepted, just over **17%** reported that either some (7.9%) or a few (9.2%) had been accepted, and just over **5%** reported that all (4%) and most (1.3%) were accepted to the program.

Frontline workers across regions reported that, despite the program being promoted as an available resource, they were often unable to successfully refer clients.

"[W]e are unable to refer because we are told there is a shortage or no one to take on, or jurisdiction issue, etc."

"This service is not available in our community. Survivors are told it exists, but when they ask, there's no one to provide it."

"Only one client [was] accepted at the beginning of the program. Afterwards, all clients in [our Region] [were denied]."

Participants frequently described the program as offering limited relief to a very small number of clients, without addressing the underlying systemic gaps in access to family law representation.

"Again, another band-aid—it does not fix the underlying issues. This lawyer is going to max out their caseload fast, and so it definitely helps the few clients who make their caseload. But soooooo many more women are in need of a lawyer to acknowledge their LAO Certificate."

Lack of transparency in decision-making was identified as a significant barrier to accessing this service. Several respondents raised concerns about vague denial letters issued to clients who are not accepted into the program and the inability to get information about the status of referrals.

"[D]enial letters for clients who are not accepted for a retainer are very vague, and their denial is not subject to appeal. This is a major barrier in access to justice, as it does not provide transparency around the reasons they are being"

denied, and does not allow an opportunity for them to further self-advocate in a situation where they are already struggling to retain counsel”

“We have clients ask about the status of the referral and when we reach out, we do not often get a response to the requests even though we provide consent to share information.”

The hours provided on Legal Aid Certificates are insufficient in IPV cases

Legal Aid Certificates cover only certain legal issues and steps in a family law case. These certificates will provide a set number of hours a lawyer can spend on a particular part of the case. Many workers raised concerns with the number of hours provided to survivors on their certificates, given the complexity of cases involving IPV.

Approximately **70%** of frontline workers reported that their clients run out of hours on their certificates partway through their cases. Of these workers, **26%** reported that this issue impacted half or more of their clients. Only **4%** of workers reported that the survivors they support do not run out of hours.

Some frontline workers raised the concern that the limited number of hours on Legal Aid Certificates results in lawyers having to work for free or survivors being dropped mid-case and left to represent themselves.

“We’ve also noticed lawyers are firing clients more frequently—especially once hours run out or if the case is complicated. It’s devastating for survivors to lose a lawyer late in the process.”

“The amount of hours given also isn’t realistic, given how much work the lawyers have to put into a case. It can put the lawyer in a difficult situation where they’re either not able to work on the case as much as they should, or they find themselves working for free out of empathy for the client.”

Workers specifically noted how the limited number of hours is exploited by abusive ex-partners who intentionally engage in behaviours directed at draining the survivor’s resources.

“The hours are not reflective of the complexities of IPV cases. Legal bullying burns through time fast”

“The approved hours are usually not enough for IPV cases, because their spouse will generally not cooperate and prolong the process. Very often, their abusive spouse will use legal bullying to exhaust legal aid hours or run up

client's legal fees by continuing to take clients to court until client can no longer retain a lawyer financially."

"The hours included in the certificate are not reflective of the complexities that come along with cases involving DV/IPV, particularly in cases where the opposing party is a vexatious litigant, delays court proceedings, etc."

While Legal Aid allows applications for more hours, these applications are not always granted, and they take time to process. Approximately **66%** of frontline workers reported that their clients who ran out of hours on their Legal Aid Certificates applied for more hours. These same workers reported that these requests were only sometimes (**31.6%**) or never (**19.4%**) approved by Legal Aid. Workers also noted the delay in receiving a response to these requests, with one worker noting that the response can take up to eight weeks.

Two-hour Domestic Violence Certificates do not provide enough support

Legal Aid offers survivors specific certificates they can take to a lawyer to receive up to two hours of free legal advice regardless of financial eligibility ("Two-hour DV Certificate"). Survivors can obtain only five of these certificates in a calendar year and must use only one per legal issue. Local anti-violence organizations and community legal clinics distribute these certificates. Nearly two-thirds of the organizations that responded to the online survey or engaged in the focus group distribute these certificates at their workplace.



Many of the workers who distribute two-hour DV Certificates and support women in using them reported limitations with this service, with more than **82%** reporting that they do not provide enough support. While some frontline workers reported that this was a helpful program in theory, many discussed the practical challenges of survivors finding a lawyer to accept the certificate and the short duration of the consultation. Some frontline workers describe the two-hour DV Certificates as "*a laughable amount of time considering family court can take months, even years*" and warn that they offer "*only [two] hours of false hope*" if lawyers are unable or unwilling to take on the case afterward, should the survivor financially qualify for a Legal Aid Certificate.

Some workers reported that even when lawyers accept the two-hour DV certificate, survivors do not always receive the full two hours of legal advice, and, even when they do, the kind of support they can receive in two hours is extremely limited.

"[S]ome lawyers only spend a few minutes talking to the client and do not use the time available with the certificate to provide as much help as possible."

"Insufficient in situations where women require more involved advice, such as a review of documents they have drafted".

"[T]he lawyers provide legal advice, however, sometimes do not assist with completing paperwork...some lawyers do not give the full two hours to consult about their legal questions."

"Two hours is not enough time for complex cases and should have a four-hour option if their situation is complex"

Some frontline workers noted that DV Certificates are often used only as a last resort, as many lawyers in their community have opted out of the program or have strict limits on the number of these certificates they will accept. Only **1%** of frontline workers reported that the survivors they support are always able to find a family law lawyer to accept their two-hour DV Certificate, while **31%** reported that survivors can rarely find one, and **34%** reported that survivors can only sometimes manage to find a lawyer to accept these certificates.

"[T]he Lawyers in the area that are registered for the LAO DV program have not been accepting new clients. The clients we have that would qualify for the free consults for IPV victims are not able to access this program as a result, meaning vouchers are not provided. The Panel list is distributed and yields no viable connections."

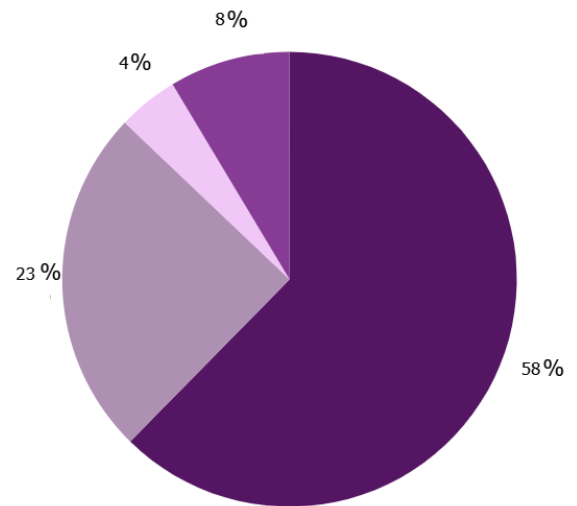
While DV Certificates may offer some amount of limited support for survivors, as one respondent put it, they are "a small band-aid" and are insufficient for the complex, ongoing legal support survivors often need. Many emphasize the need for more hours on these certificates, more accessible lawyers to accept them, and a system that better reflects the realities of family law and IPV cases.

"More hours for each certificate, while not reducing the number allotted per year, would benefit each of my clients."

"In our community we have very limited lawyers that are willing to accept the two-hour DV certificates, as well women often tell us that it's difficult to get a hold of the lawyers we have on our certificate list. Many women also feel that two hours is not enough time to get general information on their rights specific to their situation, some also say that the lawyers weren't helpful, supportive or compassionate."

Many lawyers and legal professionals lack an understanding of IPV

Access to legal representation is about more than access to any lawyer. Instead, it necessitates access to lawyers who understand IPV and how to deliver services in a trauma-informed way. Just over **85%** of frontline workers reported that lawyers who work with survivors in their community are only somewhat aware and educated (58%), not so aware and educated (23%) or not at all aware and educated (4%) about IPV issues. Only **8%** reported that lawyers were very aware and educated about issues of IPV.



38% (30/80) of frontline workers explicitly named lawyers lacking an understanding of IPV and not being trauma-informed as some of the biggest barriers faced by their clients.

"...lack of legal aid lawyers who are educated in DV Lawyers/Judges – attitudes and education around DV and impact on Women - still not a recognition of risk for lethality for women and children "he may be abusive to his partner but that doesn't mean he will abuse his children"

"...it's becoming more clear that lawyers are NOT well trained in IPV and what that means for the survivors."

Some frontline workers commented about how this lack of knowledge can lead to a breakdown in the solicitor-client relationship, resulting in survivors being unrepresented.

"But the real issue is that only some of those lawyers understand intimate partner violence. Some are trauma-informed and client-centred; others aren't. That can lead to serious breakdowns in the solicitor-client relationship."

Frontline workers also highlighted knowledge gaps at all levels of the legal system, including among judges:

"Judges here don't seem to understand coercive control. It's very hard to get emergency orders—like restraining orders or exclusive possession."

"...the system is overwhelming and Judges still do not understand the dynamics of DV and decisions that are made often put victims and children at significant risk"

Community organizations face challenges trying to fill the access to justice gap for unrepresented survivors

Community organizations continually work to fill systemic gaps and offer support to survivors. This support is often more complex and involved when the survivor is unrepresented. They are doing whatever they can to support.

"We try to help—getting forms, figuring out the court process—but we're not lawyers. We can't represent them."

"We help women complete forms, serve documents, figure out court logistics—because no one else will."

"When there's no one to represent a client, we help them complete court forms and submit everything online. We walk them through how to serve the other party. It's not easy—but we do what we can."

"...most of the time they do not find any lawyer at all. They are dependent on the social workers to assist with the court papers and then self-represent and having to handle the legal matter on their own."

Some workers discussed the challenges of doing the work, particularly when they are short-staffed and underfunded. The costs of this are borne by the workers as well as the survivors they are trying to support. The taxing nature of this additional labour has left organizations and frontline workers "discouraged", "stretched thin" and ultimately exacerbates vicarious trauma, burnout, compassion fatigue, and high rates of turnover.

"...increases the already high workload for court support workers leaving clients on extended wait lists."

"...our services are overwhelmed since there are so few family lawyers taking clients and /or certificates."

"...very little funding for FCSW programs. overworked and underpaid staff..."

We asked frontline workers where they are referring their clients for family law support, and while many listed Legal Aid, a number also listed various community organizations that offer legal advice services¹⁴ and public legal education resources. Some frontline workers commented on how limited these supports are for unrepresented survivors and

¹⁴ Including Barbra Schlifer Clinic, Yellow Brick House, Gillian's Place, Canadian Council of Muslim Women and Luke's Place.

how challenging it is for them to do their job when there is nowhere to refer survivors to for support.

"There is nowhere to refer, every door we try to knock we get told they are unable to help. So, we end up supporting with the court papers, get it reviewed using a two-hour or some time duty counsel."

"Advocates are having to do their best to support survivors as no lawyers in this community will take legal aid clients. We use Luke's Place and two-hour authorization as much as possible, we go to FLIC and we speak to duty counsel before court. almost all survivors are unrepresented in court."

"We've been trying to build up a referral network and strengthen our ties with other agencies. When we can't get a lawyer, we lean heavily on Luke's Place and virtual legal clinics. But that only goes so far. What we really need is more structural funding for family law within the clinic system, especially in rural areas. Otherwise, we're just patching things together—and that doesn't meet survivors' long-term needs."

Even with frontline organizations doing everything they can to support unrepresented survivors, they can only do so much. What survivors really need is consistent access to a lawyer. This would alleviate the burden on frontline workers to fill a gap that only a lawyer can fill. Frontline workers would be able to use their limited resources to support survivors in other important and impactful ways as they navigate family court.

CONCLUSION

The lack of legal representation for survivors in family court is a critical issue across the province. A growing number of survivors find themselves in the challenging position of not being able to afford a lawyer yet not qualifying for support from Legal Aid. Even those survivors who financially qualify for Legal Aid services are struggling to find lawyers willing to take on their case. Programs that have been created by Legal Aid to try to bridge the gap in legal representation are not fully meeting the needs of survivors. Meanwhile, frontline workers are left to fill gaps without sufficient resources or support to do so.

This situation requires urgent attention and reform. Survivors of IPV should not be forced to navigate a complex legal system on their own. The stakes are far too high.

"It's incredibly discouraging. Survivors take such courage to step forward, only to face barrier after barrier. Some start to question whether they should've left in the first place."

RECOMMENDATIONS

The following are recommendations based on the expertise and knowledge of the frontline workers who took part in this research. These recommendations also align with past research, advocacy from other gender-based violence organizations and past recommendations from inquests and death reviews. Fulfilling these changes would not only create tangible and potentially life-saving impacts for survivors' lives, but they would also relieve the burdens being felt by frontline workers across the province who are forced to try to bridge the access to justice gaps for unrepresented survivors. The family law system itself would also operate more efficiently and achieve better outcomes if more survivors were represented by a lawyer. Committing to these recommendations is an important commitment to supporting survivors and ending IPV in Ontario.

To the Ministry of the Attorney General for Ontario

- 1.** Provide increased funding to Legal Aid Ontario, specifically with the goal of improving access to legal representation in family court to survivors of IPV.
- 2.** Ensure adequate funding for other community programs and services that provide support to survivors engaging in the family law process.
- 3.** Increase access to family court support workers, interpreters, and trauma-informed supports within the family court system.
- 4.** Ensure all court staff have sufficient training on IPV and trauma.
- 5.** Create a specific task force or advisory committee on family violence and family law, which should include survivors, Legal Aid Ontario and gender-based violence organizations that support survivors through the family law process.
- 6.** Consider increased flexibility for virtual court attendance to accommodate survivors who are forced to retain counsel in other jurisdictions.
- 7.** Hold the governing bodies responsible for judicial education accountable to meaningfully implement Keira's Law and provide ongoing, consistent educational opportunities to judges on issues of IPV and trauma.

To Legal Aid Ontario

- 8.** Raise the financial threshold for Legal Aid Certificates so more survivors qualify. Ensure financial assessments in IPV cases take into account the actual cost of living, housing, childcare, and the impacts of financial abuse.
- 9.** Increase the number of hours on Legal Aid Certificates in situations involving IPV. Hours should reflect the complexity of IPV-related family law cases and the realities of legal bullying. A more expedited approval process should be created where additional hours are needed.
- 10.** Reimburse lawyers for travel when accepting Legal Aid Certificates for survivors in other jurisdictions.
- 11.** Ensure all lawyers accepting Legal Aid Certificates and 2-hour DV Certificates receive meaningful and ongoing education and training on IPV and trauma-informed practice. This training should be mandatory.
- 12.** Expand access to the Senior Family Counsel Program to ensure all areas of the province benefit from this service. Create more transparency in the referral process and how decisions about eligibility are made.
- 13.** Strengthen communication and access to information to survivors and community organizations to ensure widespread knowledge about programs and services and how they can be accessed.
- 14.** Regularly engage and consult with community organizations to stay abreast of trends and challenges experienced by survivors in accessing services.
- 15.** Enhance recruitment and outreach efforts to expand the roster of lawyers, particularly geared toward those who work in family law or have experience working with survivors of IPV.
- 16.** Raise the tariff rate for lawyers accepting Legal Aid Certificates and 2-hour DV Certificates to incentivize more lawyers to do this work.
- 17.** Ensure the online list of lawyers who are currently accepting Legal Aid Certificates and 2-hour DV Certificates is regularly updated.
- 18.** Increase transparency and education about LAO processes, eligibility criteria, required documentation, and complaint mechanisms for both clients and frontline workers.

To The Law Society of Ontario

- 19.** Consider making it mandatory for lawyers practicing family law to attend annual continuing professional development on issues of IPV and trauma-informed practice.
- 20.** Work with the Ontario Bar Association, Osgoode PD and other professional development providers for lawyers to ensure educational content is offered to lawyers on topics that include IPV and trauma-informed practice.