



# Family and Criminal Law

Group #3

## SUMMARY

There is a continuing need to educate both the public and professionals who come into contact with victims and perpetrators of domestic violence about how domestic violence works and the importance of taking appropriate action with potential abusers, victims and their children. In particular, this education has to include an awareness of the risk factors for murder and suicide. Protocols need to be developed to allow police, lawyers and the judiciary to pay attention to the dynamics of family violence.

### Family Law

Recommendation: 2004-4

It is recommended that lawyers in family law practice receive continuing education on understanding and recognizing the dynamics of domestic violence and the risk factors for lethality associated with separation, divorce and custody and access.

Recommendation: 2006-21

The Ontario Association of Children's Aid Societies and Ontario Family Law Bar Association should jointly develop protocols regarding children who appear to be in danger in the context of parental separations with a history of domestic violence. These children may not qualify for CAS protection because their mother appears to be trying to manage a safety plan as a private family matter. However, the CAS may be in a better position to limit any unsupervised access as a temporary measure pending a thorough assessment by the family court.

### Police- Protocol and Training for Child Access and Custody

Recommendation: 2004-5

It is recommended that there be ongoing training for police on the appropriate response to domestic violence cases that involve child custody and access, which may be a time of high risk requiring special vigilance. These cases require the development of a high-risk case management protocol. Such a protocol needs to be accompanied by appropriate training focused on addressing the dual goals of victim safety (intervention) and offender risk reduction/containment (case management).

### Police- Protocol -Entering Restraining Orders into CIPIC

Recommendation: 2004-21

It is recommended that a protocol be established for immediately entering restraining orders into the CPIC (Canadian Police Information Centre) system so that if there is a breach, the police can act immediately under the *Family Law Act*.

### Child Custody and Law

Recommendation: 2004-23

It is recommended that the province review the *Children's Law Reform Act* and work in collaboration with the federal government's review of the *Divorce Act* to ensure that domestic violence is given a prominent role in judicial decision-making when considering child custody. Similarly, the *Child and Family Services Act* should also be reviewed to ensure consistency with the legislation noted above in requiring specific consideration of the presence and effect of domestic violence in custody cases.

### Child Custody: Family Court to Look at Criminal Record

Recommendation: 2004-24

It is recommended that before deciding on the nature of access, assessment reports for Family Court Judges, prepared by qualified assessors with domestic violence training, should be considered. This assessment is especially valid when dealing with someone who has a history of domestic violence as demonstrated by a prior criminal record for related offences.