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JUSTICE OR 'JUST' A PIECE OF PAPER?

A report on the findings of a community-based study conducted
by Battered Women's Support Services.



BWSS BATTERED WOMEN'S SUPPORT SERVICES ASSOCIATION

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My Sister's Closet and Strategic Interventions.



Safety Changes Everything

PREFACE AND CONTENT WARNING

The following report, Justice or ‘Just’ a Piece of Paper covers topics including, but not limited to: intimate partner violence; domestic violence; sexualized violence; and other forms of gender-based violence. It also covers family law Protection Orders, Peace Bonds, police responses and the legal system as it relates to violence against women and gender-based violence.

Information and material presented in this report may trigger unpleasant feelings, thoughts, and responses. If you need support in working through feelings or triggers that may arise, we invite you to contact a support worker at the BWSS Crisis Line:

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OTHER LINKS TO BWSS

Battered Women’s Support Services: www.bwss.org

Justice Centre at BWSS:
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Safety Planning Tools:
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www.bwss.org/project/colour-of-violence/

Non-Status, Immigrant, Refugee, and Refugee claimants facing Intimate Partner, Domestic or Sexualized Violence:
www.bwss.org/resources/how-to-support-non-status-immigrant-and-refugee-survivors-of-violence/

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Battered Women’s Support Services is based on the unceded and unsundered territories of the x̱m̱əθkwəy̱əm (Musqueam), Skwxwú7mesh (Squamish), and səliłwətaʔɫ/ Selilwitulh (Tsleil-Waututh) and works in solidarity with First Nations and Urban Indigenous communities across the colonial borders of what is also known as British Columbia.

Justice or ‘Just’ a Piece of Paper? Analyzing Family Law Protection Orders and Peace Bonds in British Columbia.

NOVEMBER 2024

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This research was conducted between April 2023 and November 2023 and the project was completed in November 2024

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This document does not contain legal advice.

If you or someone you care about requires legal advice, please consult with a lawyer.

ACKNOWLEDGEMENTS

We are sincerely grateful and extend deep appreciation to the 41 survivors – key informants who participated in this research by sharing their experiences of intimate partner violence and the legal system with us. We acknowledge the challenging nature of sharing personal stories and we honour the courage and commitment of those who participated. This project is to highlight and amplify the voices of survivors. We are committed to meaningfully engaging with your stories and taking action on the suggestions and feedback that you shared with us.

We also extend our thanks to 67 workers and advocates who participated in this research. Support workers, legal advocates and other anti-violence professionals who participated in this project offered thoughtful and heartfelt responses representing a diversity of personal experiences and professional perspectives from across BC. We value your ongoing solidarity in the important work of supporting and advocating for survivors on their justice and healing journeys.

We kindly thank our coworkers for their valuable insights and input including Rosa Elena Arteaga, Karen Bation, Sally Zhao, Mayra Albuquerque, Tina Ye, Melody Wise, Harsha Walia, and Lani Baybay for their important work in bringing this report to fruition and for their ongoing dedication to survivors. The BWSS team represents decades of combined experience providing legal support and advocacy to survivors of violence. The BWSS team collaborated to create the survey questions, analyse the data, review and copy edit the report.

We dedicate this work to women and gender diverse survivors of violence who are living with, fleeing, or recovering from domestic, intimate partner and sexualized violence as well as all forms gender-based violence. We are committed to walking with you on the path to justice.

The views expressed by the project participants are their own. Any errors or omissions, however, are the responsibility of BWSS Battered Women's Support Services Association.



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GLOSSARY

Violence or abuse? While the two terms are often used interchangeably, usually the distinction lies in the frequency. **Abuse** is generally used to refer to a repeated pattern of violence, while **violence** can also refer to a one-off incident.

It is important to establish from the outset of this report that neither violence nor abuse is limited to physical acts. Violence includes, inter alia:

- Words and actions
- Control, coercion and intimidation tactics
- Neglect
- Humiliation
- Cyber

This broad scope of ‘violence’ is also reflected in Part 4 of British Columbia’s Family Law Act.

Intimate Partner Violence (IPV) is abuse caused by one party in an intimate relationship to the other party in the same relationship. An intimate relationship is one that contains an emotional connection between parties, it may be romantic or sexual. Abuse includes, but is not limited to, physical violence. IPV may be:

- Emotional abusive, including coercive control
- Sexual abuse
- Stalking
- Financial abuse
- Litigation abuse
- Neglect

IPV is often the result of one party attempting to exert power or control over the other party in the relationship.

Gender based violence (GBV) is violence inflicted upon a person or persons because of their gender identity, gender expression or perceived gender. GBV “recognizes that violence occurs within the context of women’s and girl’s subordinate status in society and serves to maintain this unequal balance of power.”¹

Coercive control is “an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten their victim.”² Coercive control is the deliberate attempt to isolate someone. By removing someone’s independence and support system she becomes dependent on her controller.

Femicide is the gender-related killing of a woman or girl.³

Litigation Abuse “involves an abusive party intentionally using the court system to control or exhaust the opposing party.”⁴

¹ Western Centre for Research & Education on Violence against Women & Children, “Learning Network: Gender Based Violence Terminology” (n.d.) [LearningNetwork-GBV-Glossary.pdf \(gbvlearningnetwork.ca\)](#).

² Women’s aid, “What is coercive control?” (n.d.) [Coercive control - Women’s Aid \(womensaid.org.uk\)](#).

³ UN Office on Drugs and Crime et al, “Statistical framework for measuring the gender-related killing of women and girls” (28th February 2022) [Statistical_framework_femicide_2022.pdf \(unodc.org\)](#).

⁴ Haley Hrymak and Kim Hawkins, “Why can’t everyone just get along?” (January 2021) [Why can’t everyone just get along? – Rise Women’s Legal Centre \(womenslegalcentre.ca\)](#) at p30.

WHAT ARE THE DIFFERENT MECHANISMS FOR PROTECTION?

Family Law Protection Orders are made under the Family Law Act of BC. Under S.183 (2):

A court may make an order against a family member for the protection of another family member if the court determines that (a) family violence is likely to occur, and (b) the other family member is an at-risk family member.

Who can they be made against?

A Family Law Protection Order can be made against a ‘family member’ which includes, but is not limited to, a former or current spouse or common-law spouse. Also, it includes a child’s parent or legal guardian; a relative of a former or current partner or a legal guardian who lives with them.

What can the order include?

The order may limit or restrain the communication and/or contact a family member can have with an at-risk family member. It may include a term that requires a family member to not attend certain locations such as schools or places of employment.

The Family Law Act defines “at-risk family member” as “a person whose safety and security is or is likely at risk from family

violence carried out by a family member”. Therefore, an order can also include the restriction of a family member’s contact with children.

S.183(3) Family Law Act also provides for the restriction of a family member “possessing a weapon.”

Ultimately, per S.183(3)(e), the order may include “any terms or conditions the court considers necessary to (i) protect the safety and security of the at-risk family member”.

Where can they be made?

A Family Law Protection Order can be applied for in either the Provincial Court or Supreme Court of British Columbia. This means that an individual can avoid registry fees by applying for a protection order in Provincial Court.

How is the order enforced?

Breaching a Family Law Protection Order is a criminal offence under section 127 of the Criminal Code punishable by fine or imprisonment. When an individual is granted a protection order, they are instructed to carry a copy with them and to call the police immediately if the person whom the order is made against violates the order.

The Family Law Act defines “at-risk family member” as “a person whose safety and security is or is likely at risk from family violence carried out by a family member”.



Peace Bonds are protection orders made by a court under section 810 of the Criminal Code, sometimes referred to as “810 recognizance”.

A Peace Bond may be requested by, or on behalf of, “any person who fears on reasonable grounds that another person (a) will cause personal injury to them or to their intimate partner or child or will damage their property; or (b) will commit an offence under section 162.2.”

Who can they be made against?

A Peace Bond can be made against any person the individual fears – there is no requirement that the parties be “family”.

What can the order include?

The Judge will require the individual to “keep the peace and be of good behaviour for a period of not more than 12 months.” The terms may restrict a person’s actions and contacts.

Where can they be made?

Applications for Peace Bonds can be made directly at a provincial criminal courthouse.

How is the order enforced?

Peace Bonds can be enforced by police anywhere in Canada and violating one may result in criminal charges.

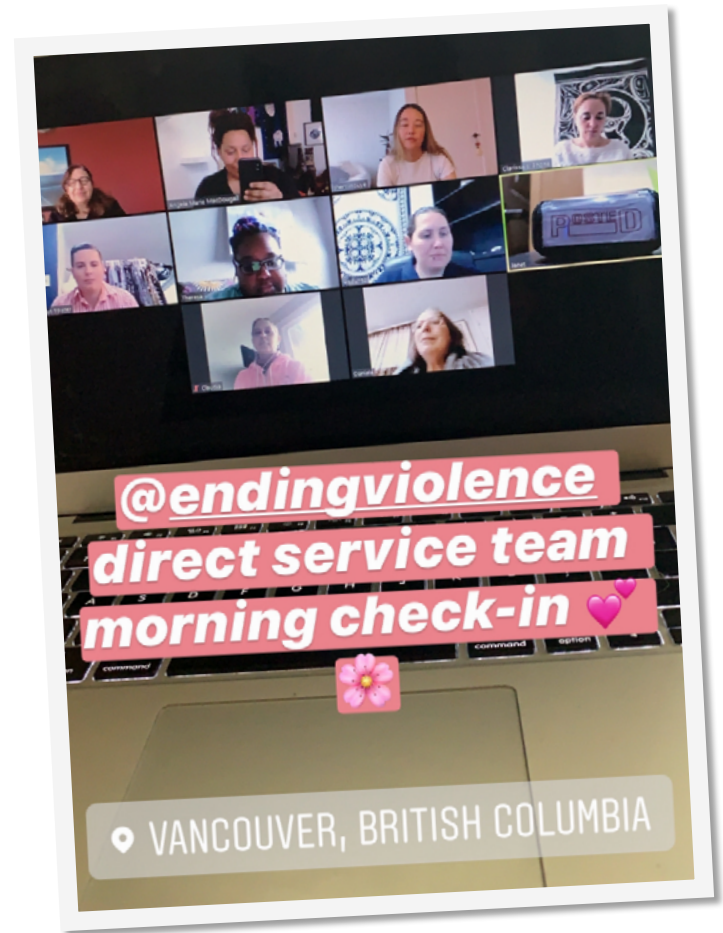
Both orders are legal mechanisms for protection and may be referred to as protection orders. However, in this Report, only Family Law Protection Orders are hereinafter referred to as Protection Orders. We keep Peace Bonds separate.

EXECUTIVE SUMMARY

THE SCOPE OF THE PROBLEM

Violence against women is a pervasive human rights violation and major public health concern.⁵ Globally, almost 1 in 3 women are subject to violence – with intimate partner violence (IPV) being the most prevalent kind.⁶ Dubbed the ‘shadow pandemic’, violence against women, particularly IPV, has increased since the outbreak of Covid-19 in 2020.⁷ In the four years since, the alarming rates of violence against women have not wavered. The UN reports that, since March 2020, many countries have seen an increase in calls to domestic violence helplines.⁸ The crisis line at BWSS is no exception.

In Canada, more than 4 in 10 women have experienced some form of IPV in their lifetime.⁹ Of all solved femicides that occurred in Canada in 2021, almost 72% of women and girls were killed by an intimate partner or family member.¹⁰ Between 2011 and 2021, 93% of the femicides that occurred in Canada were committed by a male family member or intimate partner.¹¹



⁵ World Health Organization, “Violence Against Women” (25 March 2024) [Violence against women \(who.int\)](#) (accessed September 4 2024).

⁶ World Health Organization, “Devastatingly pervasive: 1 in 3 women globally experience violence” (9 March 2021) WHO News [Devastatingly pervasive: 1 in 3 women globally experience violence \(who.int\)](#).

⁷ UN Women, “The Shadow Pandemic: Violence against women during Covid-19” UN Women [The Shadow Pandemic: Violence against women during COVID-19 | UN Women – Headquarters](#).

⁸ Ibid.

⁹ Statistics Canada, “Intimate partner violence in Canada, 2018” (26 April 2021) [The Daily – Intimate partner violence in Canada, 2018 \(statcan.gc.ca\)](#) (archived).

¹⁰ David, J.-D., & Jaffray, B. (2022). Homicide in Canada, 2021. Juristat. Statistics Canada Catalogue no. 85-002-X.

¹¹ D. Sutton (2023) Gender-related homicide of women and girls in Canada. Juristat. Statistics Canada Catalogue no. 85-002-X.

It is important to note that, while family violence and IPV is sufficiently pervasive to be labelled an ‘epidemic’,¹² certain groups of women are at greater risk than others. The rate of police reported intimate partner violence in 2022 was especially high among women and girls aged 12-24 years old.¹³ Furthermore, rates of both police reported intimate partner violence and family violence were considerably higher in Canada’s non-census metropolitan areas.¹⁴ Women and girls in rural communities overrepresent victims of family violence and IPV.¹⁵

In addition, other marginalized individuals such as women with disabilities, Black, Indigenous, racialized women, trans and non-binary people and women who are homeless are at even greater risk of being subject to violence against women.

Despite comprising only 5% of Canada’s female population, Indigenous women and girls represented 21% of all victims of gender-related homicides between 2011 and 2021.¹⁶ Alarming, the same data indicates that where the victim of femicide was Indigenous, a larger proportion were younger and died by beating.¹⁷ This overrepresentation consistently indicates that indigenous women and girls are at greater risk of family violence than other women.

Overall, violence against women, and IPV in particular, is a global threat to human rights. Canada is no exception to the rule – with certain demographics over-represented in studies into survivors of IPV and victims of femicide. So, the need for effective and legal protection mechanisms – that operate to protect ALL survivors of violence against women – is undeniable.



WHY DID WE CONDUCT THIS RESEARCH?

The statistics are bleak, and this research comes at a critical time. However, it is important to remember that each number represents an individual – a life lost as a result of deep-rooted patriarchal oppression and misogyny. Devastatingly, in December 2022, Stephanie Forster was murdered by her ex-husband in Coquitlam, British Columbia.¹⁸ Stephanie had been accessing support from BWSS and legal advocates had assisted her to obtain a family law protection order against her would-be killer just two months prior to her death. However, in the media response and public outcry, BWSS noticed a degree of misinformation and misunderstanding surrounding court ordered protection

¹² Canada, Mass Casualty Commission, *Turning the Tide Together: Final Report of the Mass Casualty Commission* (2023) <https://MassCasualtyCommission.ca> at p 120.

¹³ Statistics Canada, “Trends in police-reported family violence and intimate partner violence in Canada, 2022” (21 November 2023) [The Daily – Trends in police-reported family violence and intimate partner violence in Canada, 2022 \(statcan.gc.ca\)](https://www150.statcan.gc.ca/n1/pub/25-001-x/2023001/article/00001-eng.htm).

¹⁴ Ibid.

¹⁵ S. Conroy (2021) *Family Violence in Canada: A statistical profile, 2019* Juristat Statistics Canada Catalogue no. 85-002-X.

¹⁶ D. Sutton, *supra* note 11.

¹⁷ Ibid.

¹⁸ “Woman shot dead in Coquitlam BC had a protection order against ex-husband” CBC News (16 December 2022) [Woman shot dead in Coquitlam, B.C., had a protection order against ex-husband | CBC News](https://www.cbc.com/news/canada-west-coquitlam-woman-shot-dead-1.6711111).

measures in Canada. In fact, Canadian news outlets were talking about “restraining orders” – a term not used in Canadian law.¹⁹

The period immediately before and after fleeing an abusive situation is when survivors of IPV are at the greatest risk of being killed by their (ex)partner.²⁰ At BWSS, we support survivors going through this transition period and we witness first-hand the need for court-ordered and enforceable methods of protection from violent partners. Thus, in scrutinizing these measures through the lens of community-based support, BWSS seeks to understand how we can maximize the efficacy of protection mechanisms and make policy recommendations that prioritize the safety of survivors of IPV.

WHAT DID WE DO?

BWSS set out to investigate how the current system of protection measures fails survivors of family violence so catastrophically, sometimes with fatal consequences.

Through a community-based study, BWSS sought to answer two principal questions:

How much does the public know about court ordered protection measures?

How effective are these measures perceived to be at protecting survivors of gender-based violence?

To answer these questions, we created and conducted two semi-structured surveys: one for community-based support workers; and one for survivors of violence. Both surveys asked a variety of structured response questions (multiple choice and scales of 1-5 responses), and open-ended questions.

WHAT ARE OUR KEY FINDINGS?

Overall, our study found that the system for both Family Law Protection Orders and Peace Bonds inconsistent, unsupportive and retraumatizing. With survivors, and workers to a slightly lesser extent, being uninformed.

There is widespread misunderstanding surrounding both Family Law Protection Orders and Peace Bonds, including a lack of knowledge about eligibility, application process, and enforcement. This underscores the need for the creation of user-friendly resources for survivors of family violence – explaining the legally enforceable options for protection available to them.

From survivor survey, we can identify three major barriers to pursuing protective orders: fear, lack of knowledge, and a lack of faith in the ability of orders to protect them. Ultimately, this final barrier concerns the lack of enforcement.

There is a lack of consistency in the granting of protective orders, particularly the making of ex parte Family Law Protection Orders. There is even less consistency in the enforcement of the orders when there is a breach. It appears police action is entirely dependent on the officer or jurisdiction in which the survivor reporting the breach is located. This is unacceptable – fair and just treatment when reporting order breaches cannot continue to be luck of the draw.

Our recommendations in part six of this report center around education; implementation of laws that better promote women’s safety from IPV and ultimately, uniformity across all actors in the system. This means police, judges, crown counsel and support-workers.

¹⁹ Ibid.

²⁰ M. Sinha (2013) Family Violence in Canada: A statistical profile, 2011 Juristat Statistics Canada Catalogue no. 85-002-X.

PART ONE METHODOLOGY

Our goal for this research was to better understand how Family Law Protection Orders and Peace Bonds are experienced. This includes how the orders are obtained, how the orders are enforced, how orders are received in public opinion. To do this, we must ask how do the laws on protective orders operate for the individual?

To go beyond the letter of the law, we adopted a socio-legal approach to this research. This person-focused methodology enabled us to further the BWSS mandate – namely, to amplify and honour the voices and realities of victims-survivors of violence.

Through a community-based study, we sought to answer two principal questions:

1. How much does the public know about court ordered protection measures?
2. How effective are these measures perceived to be at protecting survivors of gender-based violence?

We created and conducted two semi-structured surveys, designed for different participants: community-based support workers, and survivors of violence. Both surveys were conducted online for ease of participation and anonymity. The surveys were conducted between April 19 and June 12, 2023, they were hosted by SurveyMonkey. Recruitment was conducted via social media; Ending Violence Blog on BWSS website, the BWSS newsletter; and emails within our network.

THE SURVIVOR SURVEY

The eligibility criteria for participating in this survey was that the individual:

- a. Identified as a cis- or trans-gender female, or a gender-diverse person; and
- b. Has experienced domestic violence and/or IPV and/or GBV; and
- c. Lived in British Columbia; and
- d. Was at least 19 years old.

The survivor survey was comprised of two parts. Participants who had never obtained, nor attempted to obtain, a protective order of either kind were invited to respond only up to question 13 (inclusive). Participants who had pursued obtaining a protection order could complete the entire survey of 40 questions. There were 41 total participants to the survivor survey. Of this 41, 17 survivors completed both parts of the survey since they had pursued a protection order of either kind.

Questions 1 to 5 of the survivor survey asked questions which helped us to understand the demographic of participants. Questions asked survivors' age, gender, race and ethnicity, geographic location, and if participants identified as having a disability.

Questions 6 to 8 were designed to determine survivor knowledge and familiarity with Family Law Protection Orders and Peace Bonds, including the scope of protection offered by each of the protective orders and their key differences.

Questions 9 to 13 were designed to question any connection between the type of violence the survivor had experienced, and their attempts to obtain a protective order. We also asked survivors to identify any challenges or barriers they experienced in attempting to obtain a protective order – whether they were successful or not. For survivors who chose not to pursue either kind of order, there was an additional open-ended question which provided the opportunity to disclose the reasoning behind their choice.

Questions 14 to 17 asked survivors who had attempted to obtain, including those that were successful in obtaining, a Family Law Protection Order or Peace Bond about their experiences.

Questions 18 to 21 invited survivors to reflect on their experiences, if any, with Crown Counsel.

Questions 22 to 26 were designed to learn about the nature of the protective orders once they had been obtained. We asked, *inter alia*, who had been named on the orders as requiring protection and how long the order was to be in place for.

Questions 27 to 34 invited survivors to reflect on their experiences after obtaining an order. This included questions regarding their perceptions of their own safety; the behaviour of the person for whom the survivor needed protection from; and any breaches that occurred.

Questions 35 to 37 asked about survivor experiences with police. This includes for the purpose of enforcement and ‘highest risk’ designations.

Questions 38 to 39 were designed to gather information about the individuals the orders were against. This included asking whether the abusive partner had a criminal history and/or a criminal record that survivors were aware of.

Question 40 was an open-ended question that provided survivors the opportunity to tell us anything that they wanted to share about Family Law Protection Orders and Peace Bonds.

SURVIVOR DEMOGRAPHIC RESULTS

Disability rates:

39.92% of survivor participants identified as having a disability. This is disproportionately higher than the rate of disability in the general population.¹ We believe that this reflects the increased vulnerability of women and girls with disabilities to experiencing violence. The DAWN Canada provides the following succinct insight on the relationship between GBV, IPV and disability:

“Violence against women and girls with disabilities is not just a subset of gender-based violence – it is an intersectional category dealing with gender-based and



disability-based violence. The confluence of these two factors results in an extremely high risk of violence against women with disabilities.”²

It is also important to recognize that disability may be a result of violence. For example, at BWSS we support survivors who experience traumatic brain injury, post-traumatic stress responses, and mobility issues as a result of the violence they have survived. Many of these disabilities are invisible and require specialized support.

¹ Statistics Canada Diversity and Sociocultural Statistics Division, “2022 Canadian Survey on Disability (CSD)” https://www.realizecanada.org/wp-content/uploads/2022CSD_realize_EN.pdf.

² DAWN Canada, “Fact sheet on Women with Disabilities and Violence” [DAWN-RAFH :: Fact Sheet on Women with Disabilities and Violence \(dawn-canada.net\)](https://dawn-canada.net/fact-sheet-on-women-with-disabilities-and-violence).

Race and ethnicity:

BWSS recognizes the complexity of race and ethnicity, and we acknowledge that, in the words of one participant, “this list does not capture the complexity of ethnicity.” Participants were asked to ‘select all that apply’ and provided the opportunity to add additional information about their race and ethnicity by selecting ‘other’.

Most survivor survey participants identified as white/European, with a significant number of respondents preferring not to answer the question.

We know from our experience that white survivors may be more comfortable with accessing police and engaging with courts. Indigenous, Black, Immigrant, Newcomer and Refugee survivors may face barriers to seeking justice within legal systems. These barriers are based on the fact that legal institutions tend to reinforce, rather than disrupt, the status quo, and are rooted in colonialism. As such, survivors of colour may be less likely to seek Family Law Protection Orders or Peace Bonds due to distrust of the legal systems. Additional research is needed to further explore these themes for racialized survivors.

Location:

Geographically, survivor participants came from various regions throughout BC, thus representing a balance of both urban and rural BC.



THE SUPPORT-WORKER SURVEY

The eligibility criteria for participating in this survey was that the individual:

- Be a support worker, front-line worker, victim services worker, legal advocate or another role that supported cisgender and transgender women or gender-diverse people who experience IPV, family violence or GBV; and
- Lived in British Columbia; and
- Was at least 19 years old.

The support worker survey was also comprised of two parts. Participants who did not have any experience assisting survivors with pursuing a Family Law Protection Order or Peace Bond were invited to respond only up to question 10 (inclusive). Participants who did have this experience could complete the entire survey of 26 questions. There were 67 participants in the worker survey. Of this 67, 29 had experience assisting survivors with pursuing protective orders and completed both parts of the survey.

Questions 1 to 3 asked workers about the organisations they worked for, their specific roles and responsibilities, and their geographical location within British Columbia.

Questions 4 to 6 investigated the understanding and familiarity of workers with Family Law Protection Orders and Peace Bonds, including the scope of protection they both offer and the key differences.

Questions 7 to 10 asked workers how, if at all, they support survivors who seek a protective order. They also asked, if the worker does not offer this service, where do they refer the survivor to? For workers who did not assist survivors in pursuing Protection Orders, an additional open-ended question was included to give them an opportunity to share anything else they would like about Protection Orders or Peace Bonds.

Question 11 asked workers to identify the barriers the survivors they supported faced when attempting to obtain either a Family Law Protection Order or a Peace Bond.

Questions 12 to 15 investigated the experience of workers when interacting with other actors

in the operation of protective orders. This included duty counsel, court registry staff and Crown Counsel.

Questions 16 to 20 were designed to learn about the nature of protective orders once they had been obtained. We asked, inter alia, how long the process to obtain an order took, who had been named on the orders as requiring protection, and whether any orders had been obtained without notice to the other party.

Questions 21 to 23 asked about worker experiences with police in relation to supporting survivors with the Family Law Protection Orders or Peace Bonds, including enforcement of orders, and ‘highest risk’ designations.

Questions 24 and 25 asked whether survivors they assisted were aware of any criminal histories or criminal records against individuals for whom family law Protection Orders or Peace Bonds were sought.

Question 26 was a long answer question that provided the opportunity for workers to tell us anything that they wanted to share about Family Law Protection Orders and Peace Bonds.

WORKER DEMOGRAPHIC RESULTS

Numerous participants listed their title as ‘Other’ but were later reclassified by our team as support workers from a wide array of fields. These titles included: two victim service workers; a sexual assault support coordinator; a PEACE counsellor for children, youth and their caregivers who have experienced domestic violence; and one participant who had worked in a transition house and in a front-line women’s anti-violence services organization. One participant who remained in the ‘other’ category listed their role as ‘coordinator’.

‘Other’ responses included:

- a community-based victim services/ police-based victim service hybrid organization.
- a not-for-profit charitable organization providing counselling and separation/divorce resource services
- a community support and psychosocial rehabilitation organization.

Like survivor survey respondents, workers came from a variety of regions in BC.

“Violence against women and girls with disabilities is not just a subset of gender-based violence – it is an intersectional category dealing with gender-based and disability-based violence. The confluence of these two factors results in an extremely high risk of violence against women with disabilities.”

PART TWO RESULTS • UNDERSTANDING AND AWARENESS

BWSS sought clarity on the following matters: the familiarity of both survivors, support-workers with Family Law Protection Orders and Peace Bonds; and whether survivors and support-workers understand the difference between the orders.

To determine this, we asked the following questions before participants were provided with any explanations of the different orders.

FIGURE 1.

SURVIVOR FAMILIARITY WITH FAMILY LAW PROTECTION ORDERS.

› How familiar are you with **Family Law Protection Orders**, including the scope of protection that is offered?

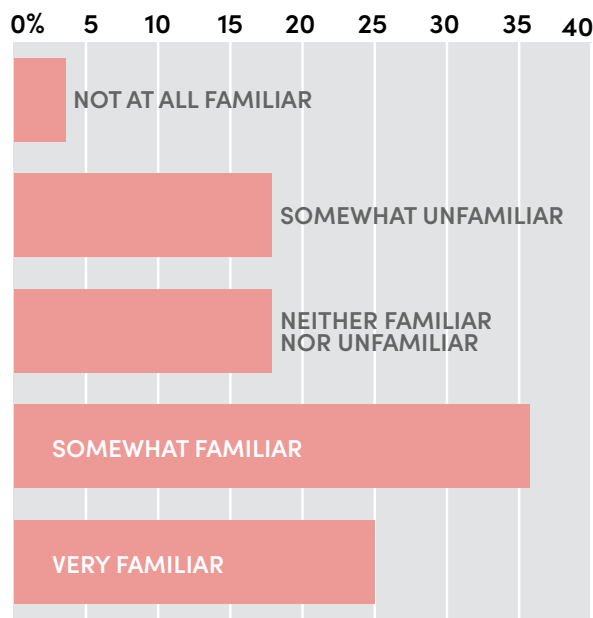


FIGURE 2.

SURVIVOR FAMILIARITY WITH PEACE BONDS.

› How familiar are you with **Peace Bonds**, including the scope of protection that is offered?

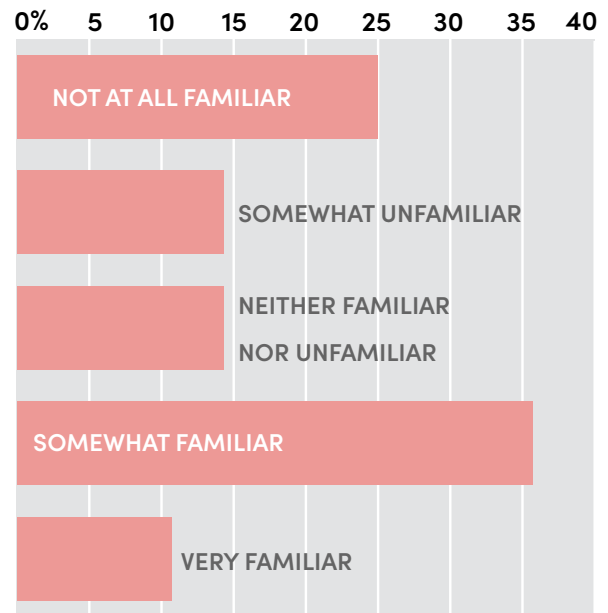


FIGURE 3.

WORKER FAMILIARITY WITH FAMILY LAW PROTECTION ORDERS.

› How familiar are you with **Family Law Protection Orders**, including the scope of protection that is offered?

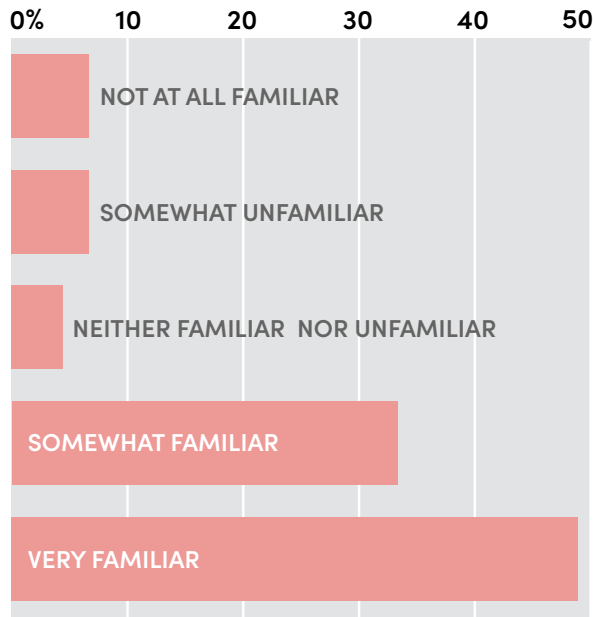


FIGURE 4.

WORKER FAMILIARITY WITH PEACE BONDS.

› How familiar are you with **Peace Bonds**, including the scope of protection that is offered?

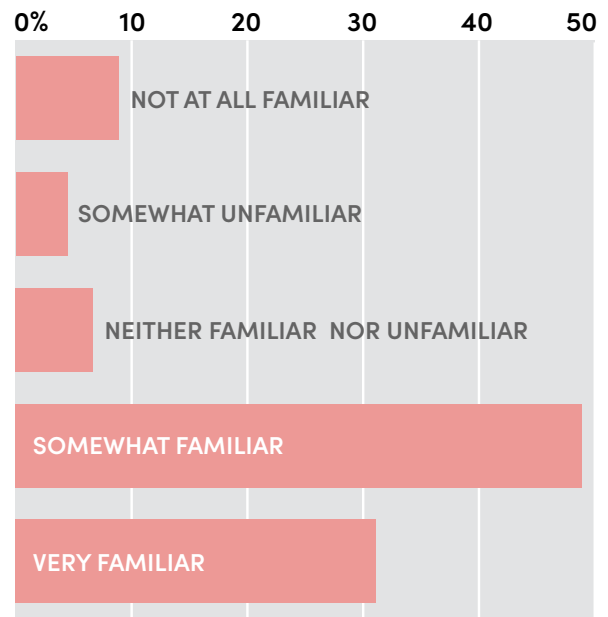


TABLE 1.

SURVIVOR MISCONCEPTIONS ABOUT FAMILY LAW PROTECTION ORDERS AND PEACE BONDS.

SURVIVOR MISCONCEPTIONS	CORRECTION
That Family Law Protection Orders can only be ordered against members of one’s family.	The definition of ‘family member’ under the Family Law Act includes current spouses and common-law partners with whom you have resided for a minimum of 2 years, or a partner in which there is a child of the relationship. <i>The Family Law Act</i> can also include immediate family members residing in the family home.
That children must be involved for an application for a Family Law Protection Order to be made.	Children do not need to be involved for an application for a Family Law Protection Order to be made.
That Family Law Protection Orders can only be made on behalf of children.	Family Law Protection Orders can be made on behalf of you, your children, or family members who live with you.
That Family Law Protection Orders are obtained in small claims court.	Family Law Protection Orders are obtained in BC Provincial Court or BC Supreme Court.
That Peace Bonds require pending criminal charges to obtain.	Although Peace Bonds do not require there to be pre-existing charges a Peace Bond is a criminal offence under s.810 of the criminal code of Canada, and does result in a criminal charge.
That a Family Law Protection Order is placed by the courts.	A survivor must apply to the courts for a Family Law Protection Order, with or without the help of a lawyer. If the application is successful, a judge will grant the Order for a Family Law Protection Order.
That Family Law Protection Orders are only for women and children, and that Peace Bonds are for everybody else.	Family Law Protection Orders are not only for women and children – they can also be obtained by men and gender-diverse people. Women and children are also able to access Peace Bonds.

Generally, both survivors and support workers were more familiar with Family Law Protection Orders than with Peace Bonds. As is to be expected, workers overall were more familiar with both types of protective order than survivors.

Both survivors and workers were asked, “From your understanding, what are the primary differences between Family Law Protection Orders and Peace Bonds?” From the responses to this question, we can identify common themes and misconceptions around survivor and worker understandings of the differences between the two.

TABLE 2.

WORKER MISCONCEPTIONS ABOUT FAMILY LAW PROTECTION ORDERS AND PEACE BONDS.

WORKER MISCONCEPTIONS	CORRECTION
That Peace Bonds require a pending criminal charge.	Peace Bonds are a criminal charge under s.810 of the Criminal Code of Canada and can result in criminal charges. The perpetrator does not have to have other pre-existing charges to seek a Peace Bond.
That Family Law Protection Orders are not enforceable by police.	Peace Bonds and Family Law Protection orders are police enforceable however Family Law Protection Order may also be enforceable through the <i>Family Law Act</i> in BC Provincial or Supreme Court, depending on the breach.
That the terms of the Peace Bond will be followed; that abusers do not breach Peace Bonds.	An abusive partner may or may not follow the terms of a Peace Bond.
That the circumstances necessitating Family Law Protection Orders are not as serious as those that precede Peace Bonds.	Both a Peace Bond and a Family Law Protection Order are meant to protect victims from violence, including more serious, and even lethal forms of violence. Family law Protection Orders are more difficult to obtain as they require more evidence whereas with a Peace Bond demonstrated fear for yourself or your property can be sufficient.
That Family Law Protection Orders are meant to protect a family, while Peace Bonds are for the protection of individuals.	Family Law Protection Orders can protect you, your children, your current partner, and other family members who live with you. A Peace Bond can protect you, your children, your current partner, and your property.
That both Family Law Protection Orders and Peace Bonds do not result in criminal charges if breached.	Both a Family Law Protection Order and a Peace Bond can result in criminal charges when breached.
That Peace Bonds only protect against non-family members.	Peace Bonds can also protect from family members, as defined under BC law.

Ultimately, there is a high level of misunderstanding among the public with regards to both Family Law Protection Orders and Peace Bonds.

PART THREE • RESULTS

BARRIERS TO APPLYING FOR ORDERS

The highest form of IPV survivors reported was emotional – with almost 90% of survivor participants reporting that they had experienced emotional abuse. 74% reported experiencing physical abuse, while 70% reported experiencing sexual abuse. However, only 17 survivors indicated that they had either obtained or attempted to obtain a protective order of any kind. That means the majority of survivor participants did not even attempt to secure a protection order.

In a long-answer question, we provided survivors the opportunity to tell us why they chose not to pursue a protective order? Here are some of the responses:

Because I live in a very small community and have a high-profile job that was being threatened.

In the past, I have always been afraid. I was made to feel like I was in more danger if I spoke up. Speaking up never helped. Even after getting a Protection Order in the family law case, we are fearful that he will continue to target us now that the order has expired before we could renew it.

I thought I loved him; I was in a safe place & felt like I didn't need to take further action & make it a "he said she said" situation. I didn't want to go any further & just wanted 2 move on.

My ex is not physically violent. He likes to ensure his violence is not "visible" and prefers litigation harassment, financial abuse, parental alienation, ruining my work...

I did not pursue one for myself, but I did pursue one for my son. We did not go through with it because the police at the time advised my young son in order for this to happen, he would have to point to his father in a court room and tell the judge that he had abused him. My son was not willing to go through the trauma of having to go into court, so we dropped the order.

I had a Peace Bond 12 years ago. He breached it constantly and was never charged. There was a long period of time where I was afraid to go to police and tried to keep him calm. In January he was charged with assault causing bodily harm and No Contact order was issued and he still breaks it, from jail, and although I have reported ongoing breaches no additional charges have been filed.

I looked into it, but it would have meant giving my former abuser my current address and I was not willing to do that.

"Poverty has kept me from trying to get justice."

SURVIVOR

"The process and the evidence required usually tires women and gender-diverse survivors out before they complete it."

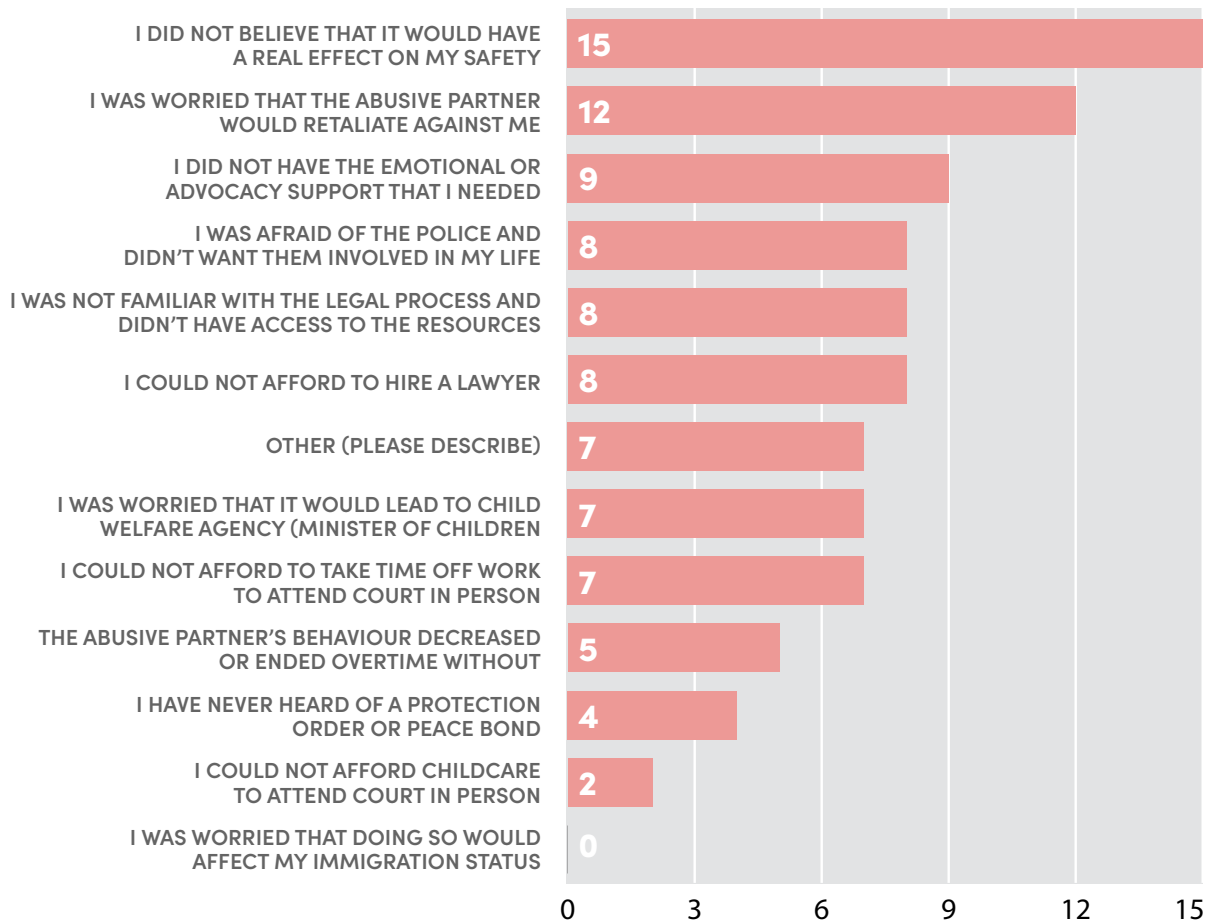
WORKER

"I felt that the system was very confusing and not victim-oriented or friendly."

SURVIVOR

FIGURE 5.

SURVIVOR BARRIERS TO OBTAINING A FAMILY LAW PROTECTION ORDER OR PEACE BOND.



These responses are troubling. Firstly, the responses demonstrate how fear dictates the actions of survivors of violence. Secondly, the responses are riddled with misinformation. For example, applying for a Family Law Protection Order does not require a survivor to disclose her location. At BWSS we have supported survivors obtain orders who are in a covert transition house location. Survivors also spoke about past experiences with court orders being disobeyed by their abusive partner, these survivors doubted their experience with a protective order would be any different.

The responses of support workers echoed those of the survivors themselves:

Lack of education and understanding what they are, what the process is going to be like, having to serve their abuser with a copy of their application, risking the fact that if it is denied –

they have now just detailed all the abuse they have experienced and likely making their abuser more angry/giving the abuser the satisfaction that the survivor was denied protection from the courts.

Main barrier is fear and anxiety about approaching the courts with the documentation.

Navigating the legal system as well as the non-profit service provider system which could be complicated by language, being a visible minority, fear of police or court system, lack of capacity due to stress, lack of time due to caregiving responsibilities and work schedules.

Fear of not being believed. Fear of their partner escalating behavior and violence after being served with the order. The emotional nature of filling out a Protection Order. Not feeling like they deserve one because “it wasn’t that bad.”

Not having enough evidence of why there is a significant enough of a safety risk.

Language, fear of police in general, fear of police visiting their home, having to go to the police station, retaliation from their abuser, police not interviewing all possible witnesses, no justice after the fact, re-traumatization.

*Not wanting their children (who love the other parent) to be cut off from seeing them. Facing shame/being stigmatized from their community.
Losing support from their community.*

Fear of some kind of retaliation from the SOP

Fear that it is just a piece of paper and cannot protect them.

Not getting legal assistance; reluctance of judges to order.

Survivors often refer to them as “just a piece of paper.”

Overall, we can group these barriers into three broad categories: fear, a lack of knowledge, and a lack of faith in the ability of orders to protect them. Ultimately, this final barrier concerns enforcement.



PART FOUR • RESULTS

THE PROCESS OF OBTAINING ORDERS

With the next set of questions, BWSS sought to understand how survivors viewed the entire process of obtaining a protective order. From the triggering incident, to seeking help, to eventually apply and, for some, obtaining the order.

We asked survivors, “Was there a particular event or trigger that influenced your decision to pursue a Family Law Protection Order or Peace Bond against the abusive partner? What the survivors disclosed were incidents of severe violence.

“I had been 13 months sober and had fled from him 2 years ago and had also started a file with police who gave him a warning to not contact me. He contacted me by using a friend’s email address and told me that he loves me. The next two weeks I spent triggered and I relapsed. I decided to seek a Protection Order.”

“My youngest son was being physically and emotionally abused by his father and my older child and I were having flashbacks from when we had escaped my ex the last time. When I realized that my children were in danger, I ran and after the fallout of leaving our abuser, I filed for a Protection Order as soon as we felt safe, but before moving into our new home.”

“My life was in danger after a particularly gruesome assault. I did not feel safe.”

“My 3-year-old son told me a story that indicated sexual abuse after increasing in severity incidence. We fled the house and the threats, and the harassment became unbearable.”

“I left after 12 years of abuse, when it became abusive towards the children. I was found and assaulted again, my father intervened, and he had broke a bone in my neck and mid back. Police did not press charges.”

“12 years ago, my intimate partner, broke into my home and broke my son’s nose.”

“I looked into it when I found out he had been assaulting other people. I thought making a report to somebody was important because everyone else was afraid to. I made a police report, but it was a giant mistake, and then I decided not to do the Peace Bond or Protection Order because I was too afraid.”

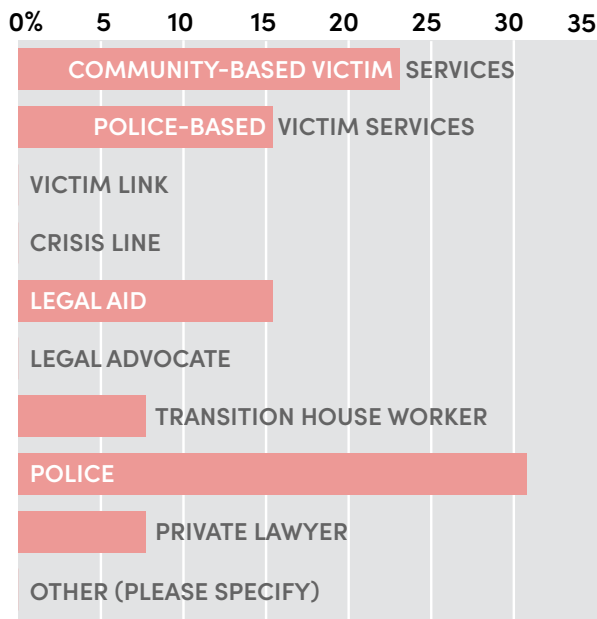
“He found me, kidnapped the children, and threatened that I would never see them again. The physical abuse, harassment and sexual abuse was still going on a year after I left him.”

“Yes. My husband at the time physically hurt my son enough for me to have to take him to the doctor.”

FIGURE 6.

SURVIVOR FIRST STEPS TO OBTAINING FAMILY LAW PROTECTION ORDERS AND PEACE BONDS.

› What were the first steps that you took towards obtaining a family law Protection Order or Peace Bond against the abusive partner?

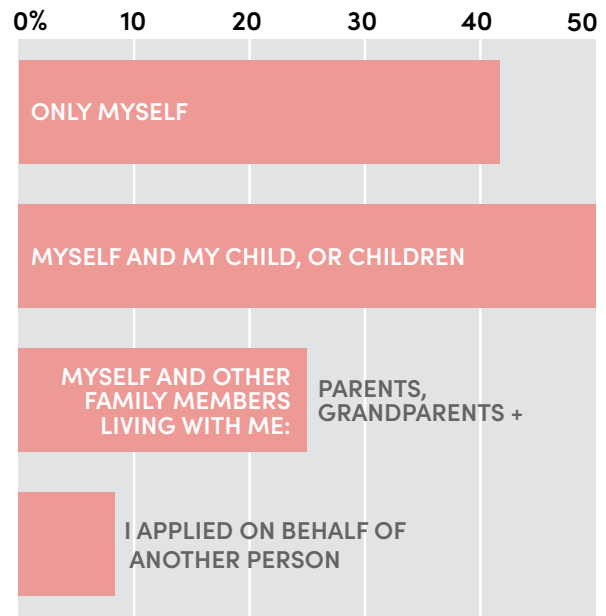


As explained earlier, a Family Law Protection Order may be made on behalf of ‘at-risk family members’ which includes children. A Peace Bond may be made on behalf of any person who fears injury or damage to property. We asked survivors whom they applied for protective orders for.

FIGURE 7.

SURVIVOR PROTECTION ORDER APPLICATIONS FOR MULTIPLE PARTIES.

› If you applied for a family law Protection Order or Peace Bond, was the application for:



We asked a similar question of workers, to gauge their perspectives on obtaining orders for multiple parties. We asked, “How successful are you in getting Family Law Protection Orders for multiple parties (such as for children and other family members)? If you are unsuccessful or rarely successful, could you please describe any barriers you and survivors you work with face in this process?” We heard from workers that:

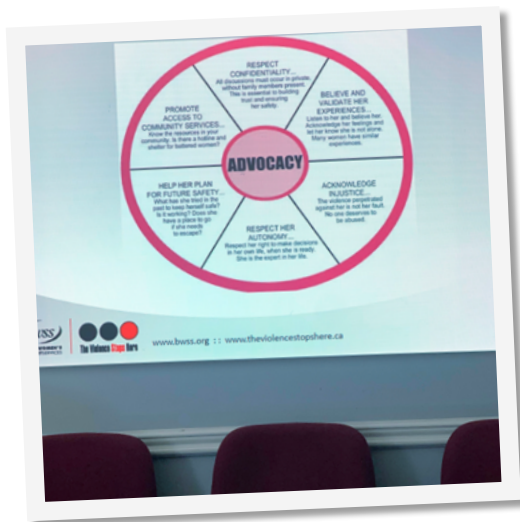
“Court seems hesitant to include others.”

“Successful all of the time when persons are living in the same household.”

“Never had problem getting children or relatives added.”

“Very successful for party and their children.”

“For other extended family members, it very difficult unless they were directly impacted. It is typically not difficult to have children added.”



“If there is a family law case, going through court it is easier to obtain a family law protection for children and family members. However, in regards to the children, there has to be evidence on why the father cannot access his children.”

Some workers who responded to this question identified that judges prioritizing the parental rights of abusive partners instead of safety of children was a barrier to successfully adding children to Protection Orders. This is extremely concerning since the safety of children ought to be the paramount consideration – s.189 of the Family Law Act is explicit that, where there is a conflict between a protection order and another order made under the Act, for example a parenting order, the protection order takes priority, and the other is suspended.

*“Depends on the circumstances.
Some judges seem to prioritize parenting time over family safety.”*

“Often the children are not included as emotional abuse and witnessing abuse are not taken seriously. Parental rights to visitation are most commonly cited as a reason to not include the children. Seeking protection for the child can be interpreted as the mother trying to withhold the child from their father rather than protect them from family violence and abuse.”

“Children rarely seem to fall under the Protection Order unless they too have been direct victims of the family violence. Being witness to family violence should be enough, but it doesn’t seem to be.”

“Pretty successful. When there are children involved it is often seen more seriously by judges. Of course, when the perpetrator is the father of the children it can be less successful as the judge is careful to ensure things are of a very serious matter to make orders that keep a parent from children and so for that reason is more likely to ask to have the SOP present.”

“It’s hard to get the kids protected on a PO or FPO. In my experience, the kids were present, but the law doesn’t think of them as victims and will often give visitation to the abusive parent.”

LENGTH OF PROCESS OF OBTAINING AN ORDER:

We asked survivors, “How long did it take for to obtain a Family Law Protection Order “estimating from the moment you decided to get a Protection Order until one was granted by the judge?”

Answers included:

“2 days”

“6 months”

“Fairly quickly.”

“That part was swift.”

“3 months”

“2 weeks”

We asked workers the same question, “estimating from the moment you were approached by a survivor for assistance in this task until one is granted by the judge?”

Answers included:

“It depends on the amount of time it takes for the survivor to get the documents from online or in person, to drafting the application, to appearing in court on a first appearance within a week or two, to then a hearing date which can sometimes be a few more weeks or up to 2-3 months in the future depending on how busy and which courthouse the application is made in.”

“48 hour turn around.”

“It can be done in the same day if applying for ex parte.”

“Very quickly. Often same day.”

“3 weeks to 5 weeks.”

“Months, if at all.”

“2 – 3 days.”

“It depends, it took longer when Covid was in effect.”

We then asked the same question to both survivors and workers but concerning Peace Bonds.

Answers from survivors included:

“The police immediately issued a no-contact order. I did not have to apply for one.”

“Fairly quickly.”

“I didn’t end up getting one.”

“Still waiting.”

Answers from workers included:

“One week minimum if not longer.”

“Process can be long – months and then sometimes no Peace Bond.”

“2-3 weeks.”

“About a month if Crown can get the SOP (define) to agree to it without having to go to a judge’s decision, sometimes months if they have to have a small trial to get it requiring a judge’s decision on the evidence.”

“I haven’t had enough experience with survivors actually obtaining Peace Bonds to see a pattern.”

“Over a year.”

“Can be anywhere from 1-6 months, depending on the circumstances. If it is a Peace Bond used on a guilty plea then that would happen quickly. If a survivor approaches me with the idea of a Peace Bond it’s usually in the context of other factors in the case. I did have a case where it took under a month for a survivor to obtain a Peace Bond as she was able to access a detective in the DVU. Some survivors ask for a second Peace Bond after the initial one expires but these are difficult to get.”

“Years.”

“Anywhere from the same day to maybe 3-4 weeks.”

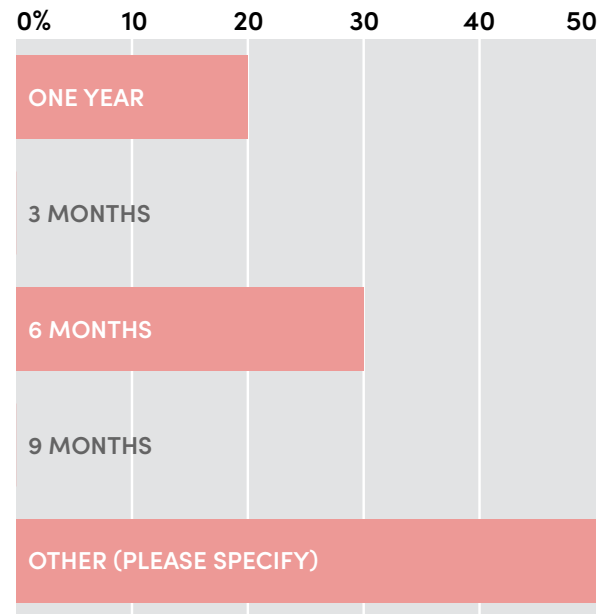
“I have never been successful in helping a client get a Peace Bond.”

LENGTH OF THE ORDER THAT WAS IMPLEMENTED:

FIGURE 8.

SURVIVOR RESPONSES TO THE QUESTION:

› If you obtained a **Family Law Protection Order**, how long was the Protection Order granted for?



OTHER:

- 2 + years due to Coronavirus pandemic
- The 4th Protection Order was for 3 years
- Not yet completed

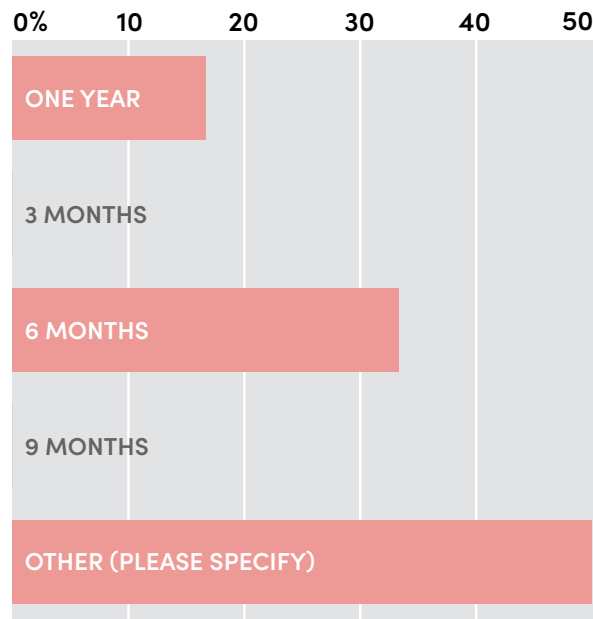


LENGTH OF THE ORDER THAT WAS IMPLEMENTED:

FIGURE 9.

SURVIVOR RESPONSES TO THE QUESTION:

› If you obtained a **Peace Bond**, how long was the Peace Bond granted for?



OTHER:

- Still waiting
- 3 years



WITHOUT NOTICE APPLICATIONS

Family Law Protection Orders may be applied for without notice. This means that the survivor does not need to have the abusive partner served with her application for a protection order before one may be granted. Family Law Protection Orders are granted without notice when the survivor demonstrates the urgency of her fears of family violence, she must convince the judge that this is the case.

Occasionally, a judge will provide an interim ex parte order to expire on a date when the other party, the abusive partner, can present their own case in court. This approach enforces the idea that ex parte orders are not the norm, they are exceptions when the need for one is urgent. However, it prioritizes this at the expense of a survivor’s complex trauma. The survivor is only granted enforceable protection until she must face her abusive partner in court – when he can attempt to take down all her reasons for fearing family violence. This approach invalidates the experience of, and retraumatizes, survivors of family violence.

We asked workers, “How successful are you in obtaining without notice family law protection orders?” and “If you are unsuccessful, or rarely successful, could you please describe any barriers you and the survivors you work with face in this process?” Below are some of their answers – the wide array of answers indicates a lack of consistency or identifiable practice in the system of granting ex parte family law protection orders.

“In my experience Judges are hesitant to allow ex parte Protection Order applications. A barrier I have seen are judges not being satisfied that the family violence could worsen if the opposing party is notified.”

“100% success.”

“Not very successful. A common response is to grant a PO until the hearing with the abuser or not grant it until the abuser can be present. The abuser will be given a notice to appear with no protection for the survivor, increasing her risk of violence and retribution for seeking a PO.”

“About 1/2 of the time for without notice. Even if successful for an order without notice, the orders are sometimes only for a few weeks and the court wants to have a hearing with the (other party).”

“They may be given, but the process of the perpetrator having an opportunity to challenge the order is a horrible process for the victim.”

“We are successful a lot of the time. On the occasions that we are not it is usually because they has not been much in the way of recent escalation, however sometimes it is that cold silence that causes the most fear for survivors.”

“About half time the judge will consider an ex parte; very dependent on the judge.”

“Depending on the gravity of the offences, behaviour, situation, they are typically successful without notice.”

“I would say 1/5 without notice.”

“Lack of staff, language and cultural barriers.”

“Usually, women are more successful if they already have a family case going through family law and the lawyer includes the request for a family law Protection Order.”

AFTER OBTAINING AN ORDER

When a judge grants a Family Law Protection Order, it is given to the application with clear instruction that “DISOBEYING THIS ORDER IS A CRIMINAL OFFENCE UNDER SECTION 127 OF THE CRIMINAL CODE PUNISHABLE BY FINE OR IMPRISONMENT.”

Furthermore, the back pages of the order include, first, “Protection order information for person(s) protected by the order” and second, “Protection order information for person against whom the order was made.”

However, in the early stages of protection and safety planning, when deciding whether to pursue a protection order application, this information may not be easily accessible for survivors.

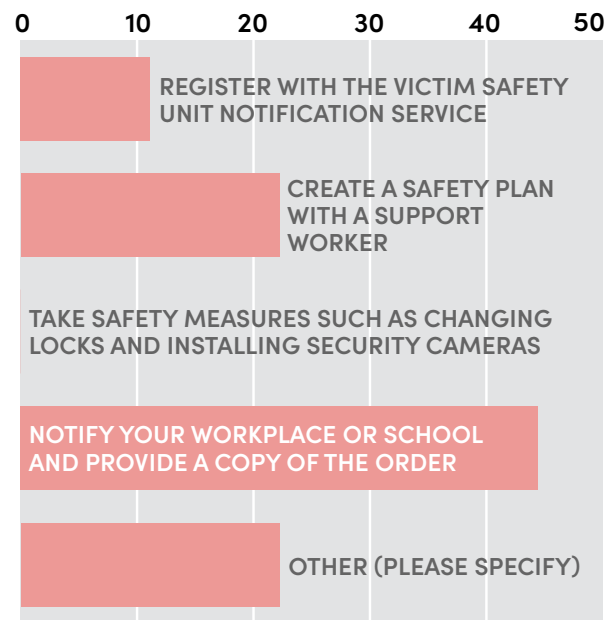
For the survivors who obtained protection orders or peace bonds, we wanted to find out what they did next, and whether it informed

any subsequent safety plans. We asked survivors, “After obtaining a Family Law Protection Order or Peace Bond, did you take any follow-up action?” We provided some popular answers as well as another category, inviting survivors to tell us what they did.

FIGURE 10.

FOLLOW-UP ACTIONS OF SURVIVORS.

➤ After obtaining a family law Protection Order or Peace Bond, did you take any follow-up actions such as:



OTHER:

- Still waiting after 3 months
- I packed up my family and moved due to him threatening us

The results indicate that most survivors notified workplaces and schools of the order terms, while many others created a safety plan with a support worker. However, interestingly no survivors reported ‘taking their own safety measures such as changing locks or installing security cameras.’ Perhaps this is an indication of the sense of security the order bestows upon survivors. However, we cannot draw definite conclusions here without follow-up as to why these measures were not taken.

Importantly, responses to the “other, please provide information” category included “I

packed up my family and moved due to him threatening use.” Arguably, this could fall under ‘taking own safety measures.’ However, what distinguishes this is that the survivor felt that she could not be safe without starting over – this is a drastic action, and it is upsetting that an individual felt it was her only option. Furthermore, the order in this survivor’s case seems to have been of limited effectiveness since the perpetrator continues to threaten the survivor.

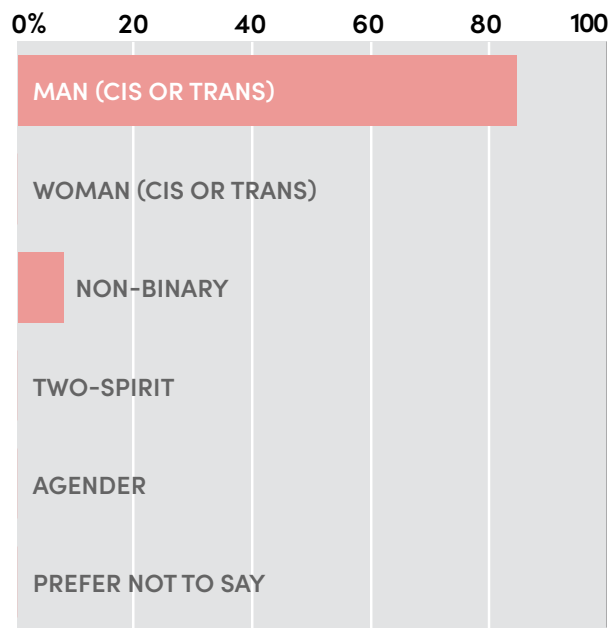
THE ABUSIVE PARTNER: IDENTITY AND CRIMINALITY

Given the systemic realities of a patriarchal society, and gendered power imbalances, it is unsurprising that almost all the abusive partners in this study were male.

FIGURE 11.

GENDER IDENTITY OF ABUSIVE PARTNERS.

› What is the gender identity of the individual you pursued or are pursuing a Protection Order or Peace Bond against?



Statistics Canada fails to collect data on the criminality of those who have Protection Orders against them. As such, we wanted to collect this information. We asked both survivors and workers about the criminal record or history of the domestic abusive partners.

Survivors said:

“Yes – he has many charges and convictions regarding domestic abuse, several assault charges (non-domestic), trafficking drugs, uttering threats, fraud under \$5,000, resisting arrest, attempt to obstruct justice, extortion, mischief, robbery, and multiple breaches.”

“No, he’s never been reported or caught in the act.”

“No, he always gets away with his issues for some reason.”

“Yes. He was very known to police. B&Es, assault, theft, car theft, parties out of control, assault, and more assaults.”

“My ex-partner has more than a 20-year history of domestic violence and been charged many times.”

“No, he made deals with the police so he would not get charged.”

Workers said:

“Generally, all over the place, some have extensive criminal history, some have minimal, and some have none.”

“Typically, they do not have criminal records. Which plays in their favor as it has been used as a reason to deny a PO.”

“50% of the time there are criminal charges for assault, uttering threats, harassment, and others against the survivors. Sometimes there are other charges involving drugs or driving offences.”

“Often the person I’m supporting has advised that their ex-partner had a previous FLPO against them in a previous relationship.”

“Usually, they would have some criminal history, however, may not show on their record as they may have not received convictions... In cases where the person has criminal convictions it would be serious offences against the survivor or other survivors (assault, assault causing bodily harm, criminal harassment, assault by choking).”

THE PERPLEXING PARADOX: WHEN PROTECTION ORDERS END

When a protection order ends, applying for subsequent protection orders against the same person is difficult. When applying for a Family Law Protection Order, a judge must be convinced that the applicant is at a current risk of family violence, this is done by considering recent evidence of the risk.¹

What we see is that a protection order ends, and a survivor no longer feels safe. However, an application for another order may be unsuccessful because there is no recent evidence of abuse thus a judge cannot find a risk of family violence that warrants an order. But does the lack of recent evidence mean there is no current risk of family violence? Or does it mean that the order has prevented abuse for its duration, but the risk of violence remains? In this latter case, once the order has expired, will there be violence again? Must we wait until it's too late to demonstrate that there is still a risk of family violence?

Can a piece of paper, active for one year, truly eradicate the risk of family violence between parties forever? The well-researched and documented 'cycle of abuse' suggests otherwise. Is it about time we start pushing for a longer assumed Protection Orders duration? We believe the answer is yes.

We asked survivors, "Once the initial Family Law Protection Order or Peace Bond ended, did you apply for another one? Were you successful in doing so? What barriers, if any, did you experience in pursuit of an additional Protection Order or Peace Bond once the initial one expired?"

"I wanted to, and I tried, but my lawyer did not make the request in time, so it expired."

"Yes, I have had multiple and concurrent... doesn't really stop him."

"No as it did not work anyway."

"No because it didn't help anything anyway."

"I was not supported by (local) RCMP, I have had a terrible experience with Crown Counsel. I'm devastated by the way victims are treated!"



¹ S.K. v S.U.K., 2024 BCSC 168; and Yusufi v Yusufi, 2022 BCSC 900.

We also asked workers about their experiences with subsequent Protection Orders and Peace Bonds. This is what they reported:

“I’ve encouraged survivors to go back to their legal advocate for support with pursuing renewals when the safety risks continue or escalate but that’s as far as my involvement goes.”

“Often not renewed because the partner has stopped the behavior that was the catalyst to get the order in the first place... as a result of the order.”

“Lack of evidence or proof that there’s still a risk of harm or lack of any recent incident that would convince the court the person is still a danger.”

“Judges are reluctant to renew Protection Orders if they have been successful in preventing further abuse. They seem to see that as there not being any risk to protect against.”

“I have assisted a client with a Protection Order renewal, which was denied. I don’t know what the test is for determining if the order should be renewed, since there is often a higher risk of violence occurring once the order is expired, but if the OP has been following it, then there may not be any actual safety concerns that have happened while the order was in place. This can make it difficult to show why a client feels they need an extension.”

“It is easier to get a renewal than to get the initial order.”

“Usually successful with family law Protection Orders but not Peace Bonds.”

“It is difficult to pursue an additional Peace Bond if the accused person in the order has NOT breached. If they do breach its usually in the context of another charge and then a release order may have conditions to keep the survivor safe. It is also difficult to renew a Protection Order or obtain another one if the survivor has had contact with the accused. This can happen for obvious reasons and make it difficult for the survivor to show there is fear or reasonable grounds an incident would take place.”

“It is hard to get renewal, client needs to provide so much info and most judges in family law will not renew the order.”

“When a survivor inquires on a renewal, the renewal success rate is 80%; dependent on self advocating from a survivor. Most receive an immediate renewal.”

“In my 6 years in this field, not one has been granted. We often hear judges say that since the offender has not breached then there is no ground that the survivor should fear for their safety.”



PART FIVE • RESULTS

ENFORCING ORDERS AND EXPERIENCES WITH POLICE

Ultimately, the efficacy of both Family Law Protection Orders and Peace Bonds depends upon the Police. For Peace Bonds, involvement with the Police from the outset is common; however, for both types of protective orders, enforcement is in Police hands.

When an abusive partner breaches a protective order, survivors of abuse are instructed to contact the police immediately. However, participants in this survey presented an overwhelmingly negative experience with police. This is incredibly disappointing.

“Why do they not pursue breaches?”

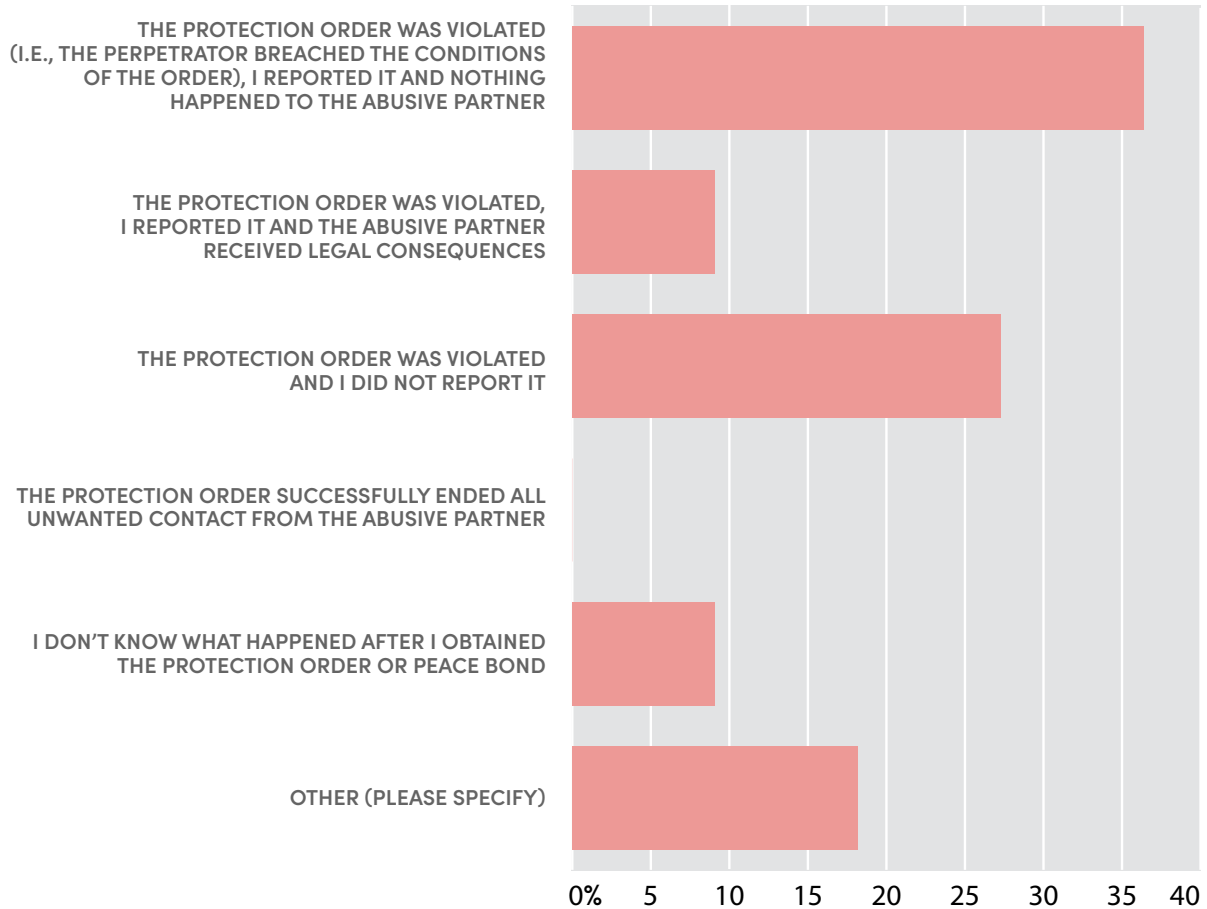
SURVIVOR



FIGURE 12.

ASSESSING THE IMPACTS OF FAMILY LAW PROTECTION ORDERS AND PEACE BONDS.

› We asked survivors what happened after obtaining a Family Law Protection Order or Peace Bond.



OTHER:

- The Protection Order ended, he did not violate the order, but he has been trying to use this as a way to convince us to welcome him back into our lives and into our family unit
- Nothing is happening – it's making me feel helpless more than what he already put me through

It is incredibly disappointing, but not surprising, that the two most popular responses were that either the protective order was breached, the breach was reported, and the abusive partner did not face consequences, OR the order was violated but the survivor did not report the breach. No participants indicated that the protective order successfully ended unwanted contact.

DISTRUST AND REPORTING RELUCTANCE

From survivor and worker participant responses, a lack of faith in police is identifiable. Notably, indifference among police towards gender-based violence in British Columbia has a decades old history.

In the aftermath of notorious serial killer Robert Pickton, the Missing Women Commission of Inquiry was ordered. Titled *Forsaken: The Report of the Missing Women Commission of Inquiry*, the Commission which was led by Wally Oppal exposed systemic failings in both the Vancouver Police Department and the RCMP: “I have found that the missing and murdered women were forsaken twice: once by society at large and again by the police.”² Police disregard for violence against women is nothing new and it has fueled a long-lasting and deep-rooted distrust of police.

The BWSS ‘Colour of Violence: Race, Gender, and Anti-Violence Services’ report outlines the impact of the fraught history between police and survivors of violence, upon those fleeing domestic abuse. The Report found that survivors who are afraid of police involvement are less likely to access any anti-violence support services and 28.57% of participants felt “they were afraid the police would be contacted, and they did not want to be involved with the police or criminal legal system.”³

Furthermore, the ‘Colour of Violence’ Report found that Indigenous respondents were also significantly less likely to contact anti-violence services after experiencing gender-based violence due to fear of police involvement.⁴ Specifically, “Indigenous survivors’ mistrust of reporting to police when they experience gender-based violence stems from the pervasive phenomenon of being dismissed, not believed, and under protected by police forces.”⁵

Systemic failings have caused a deep-rooted mistrust in the police by survivors of family and intimate partner violence, in particular survivors of colour and Indigenous survivors.

Immediately, fostered by decades of failings and intergenerational trauma, there is a reluctance among survivors to report violations of protective orders.

WHEN SURVIVORS DO REPORT

More problematic still is the experience of survivors who *have* reported breaches to police, but police responses have been inadequate and neglectful.

Varied responses from survivors – clearly depends on the particular officer they dealt with. The responses indicate that there is no uniform approach, cannot identify a uniform condemnation of violence against women amongst services intended to protect. Fair and just treatment should not be down to chance.

“Nothing is happening – it’s making me feel helpless more than what he already put me through.”

We asked survivors, “If you obtained a Peace Bond with the assistance of the police, what was your experience engaging and interacting with them? (For example, how did you feel you were treated? Were you comfortable with the way they spoke to you? In what ways did they help or hinder the process?)”

“I usually don’t trust police, but they were actually super helpful & kind during this process. My partner is very well known to police, so I believe that had some effect on them wanting to help me and I feel they were very motivated to get him off the street. The police immediately started looking for my partner and arrested him a short time later.”

² British Columbia, Missing Women Commission of Inquiry, *Forsaken*, Executive Summary (The Honourable Wally T. Oppal, 2012) [Forsaken: The Report of the Missing Women Commission of Inquiry - Executive Summary \(gov.bc.ca\)](https://www.gov.bc.ca/missing-women-commission-of-inquiry/) at p 160.

³ A. M. MacDougall, H. Walia, M. Wise, *Colour of Violence: Race, Gender & Anti-Violence Services*, (BWSS, 2022) at p 41.

⁴ *Ibid.*

⁵ *Ibid* at p 72.

“The officials were friendly but very vague about what was going on and what would be happening.”

“They told me I had to leave my home with my child they could not make him leave, the whole thing was a mess. They could not do much. The police did not come to see me when I was assaulted. They talked to me and my child on the phone. They said I could not press charges it was up to them – and they did not press charges.”

“I did not appreciate the police telling my small boy that it’s a ‘big deal’ to press charges against your dad and that he would have to go into a courtroom in front of a judge and point to his father and tell the judge that he had abused him. My son was petrified of his dad and the repercussions and embarrassed by the situation.”

“The cops made me upload my own videos and evidence and it was traumatizing and triggering every time I had to revisit it.”

“The police report process was awful. The officers themselves were fine, but then they kept giving me the wrong information, and it made the whole situation much more confusing and out of control. First they wanted to press charges, but then there were jurisdictional issues because assaults had happened in different places, and then they said they were going to go knock on his door and ask about the unregistered gun that he had, but they never told me what happened and so I was just afraid of retaliation more, and didn’t feel like the police had my interests or safety in mind at all.”

“The police were abusive.”

“I didn’t feel safe with (local) RCMP 12 years ago and didn’t feel safe in January 2022.”

How was your experience enforcing the family law Protection Order or Peace Bond? If you called the police regarding a breach (violation) of the Protection Order or Peace Bond, were the police responsive and supportive? Were there consequences for the other party, such as criminal charges laid?

“The officer assigned to help me never called me back.”

“When my children and I left Vancouver Island, the RCMP were very helpful. They escorted us off the island and made sure that my ex was aware that we were safe. He tried to track the cellphone he gave me, but the RCMP informed me that this was what he was doing after he had called to police to tell them he can see where we were and who I was calling.”

“The police responded, took statements, and nothing came of it even though there were pending criminal charges.”

*“Some were. Some were not. **No** criminal charges have **ever** been laid.”*

“Non-responsive, arrogant, rude, did not come or listen, no charges were laid even when there were witnesses.”

*“Nothing, the cops did nothing to protect me! They told me I had no reason to be afraid. **No man will ever tell me my level of fear!** The guy ended up almost killing me. Still nothing.”*

“Currently my local police department take every breach very seriously, however, Crown council does not pursue charges which is where I believe the problem is.”

“I called the police when he was banging at my door and trying to get in. They said they were not coming until he entered my home even when I told them if he gained entry, I would not be able to call them. They did not come, and he was not charged. He did assault me in front of the children.”

We asked workers, “In your experience, if the police are called regarding a breach (violation) of a Protection Order or Peace Bond, are the police generally responsive and supportive? What do you find are usually the consequences for abusive partners who breach or violate a family law Protection Order or Peace Bond?”

“I would say I’ve heard that police are generally responsive but only somewhat supportive of survivors. The abusive partner usually receives another charge and/or is arrested and told to not be in the same place as the survivor. No consequences.”

“They are responsive and mostly supportive. Often, they investigate with the abuser and the abuser is able to talk their way out of it and the police sympathize with them. Holding them for one night is not sufficient, releasing them without the warning the survivor is not okay, often time they breach again.”

“The police often do not respond at all. They do not like to get involved in ‘family conflicts’.”

“I have found that unless something serious happens (OP comes to the survivor’s house etc.), then breaches are not taken seriously. For example, many of my clients who have obtained Protection Orders which state OP is not to communicate with them directly or indirectly will still have their friends send nasty messages for them or will drive by the survivors’ home. RCMP in my community often dismiss the subtle abusive tactics.”

“Generally responsive & supportive. Consequences for violations of FLPOs seem inconsistent and weak, i.e., going and talking to the abusive ex-partner.”

“The police are very supportive of survivors in our area, and consequences can be arrest and release with court dates/charges and sometimes extra conditions (if warranted) or arrest and hold with a follow-up of court dates/charges. If it happens more than once they are likely to hold to go before a judge.”

“If the FLA is police enforceable, police are often confused by the language the orders are so poorly written and confusing. Typical responses are to remove the partner from the situation or apply an appropriate charge, holding them in jail until they can be seen by a judge. Peace

Bonds are responded to much better as they are easier to enforce. The offender is often held for court the next day or given an additional charge and court date.”

“Not a great response. Not great consequences. Only sometimes a breach charge that is normally eventually dropped.”

“Breaches in general in the criminal courts are not dealt with severely, so once the police work on the breach, it does not receive consequences. Most survivors think that a breach would be dealt with by the courts in a more serious way and in reality, breaches are not dealt with much consequence.”

“Violations are dealt with on a slow pace.”

“I find the RCMP to be complacent in these matters.”

“I find they can sometimes be dismissive when it comes to violations.”

“Survivors often state they felt disbelieved, not protected and or victim shamed.”

“It seems like it really depends on the abusive partner. If they are known to police and known to not follow orders, they will take an aggressive action to apply for more charges. If they are not known to police, or the police do not interpret the action as dangerous, they rarely do anything.”

“The women seem to get more lectures from RCMP, threatened to not tempt him into breaching. I am not sure what they say to perps.”

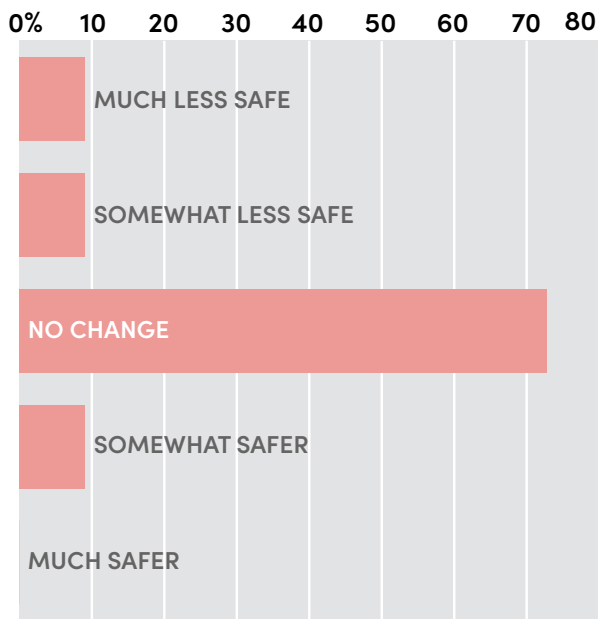


DO PROTECTIVE ORDERS IMPACT FEELINGS OF SAFETY?

FIGURE 13.

SURVIVOR SAFETY AFTER OBTAINING A PROTECTION ORDER.

› On a scale of 1-5, with 1 being much less safe and 5 being much safer, could you please rate the level of safety you felt after you obtained the family law Protection Order or Peace Bond?



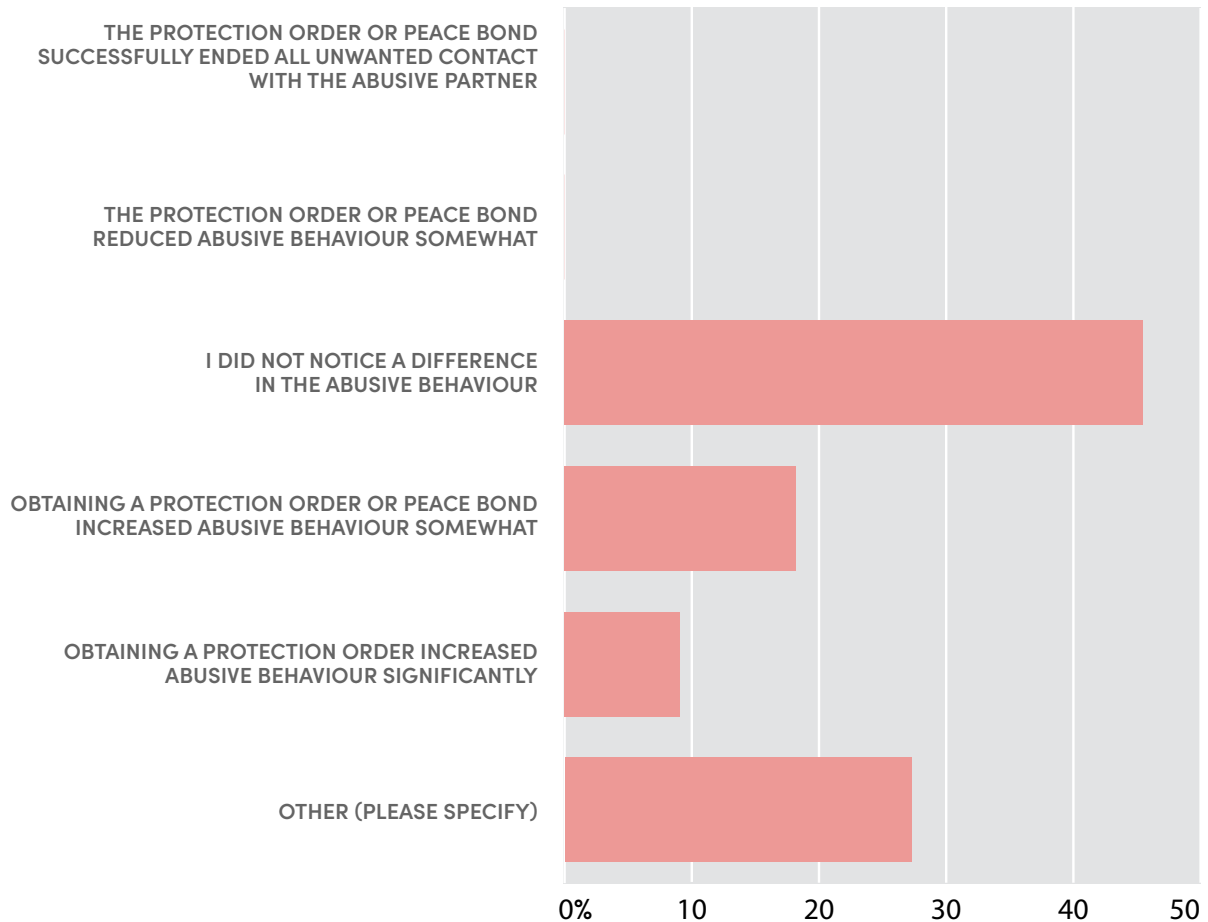
“Never!!!! I have seen very few police even wanting to respond to a breach. I often see the offenders are given a warning when they have breached. And even less prosecuted by the criminal courts.”



DO PROTECTIVE ORDERS CHANGE THE BEHAVIOUR OF ABUSIVE PARTNERS?

FIGURE 14. IMPACT OF PROTECTION ORDER ON BEHAVIOUR OF THE ABUSIVE PARTNER.

➤ After you obtained the family law protection Order or peace Bond, did you notice an impact or change in the behavior of the abusive partner?



As it can be seen by the survey responses, obtaining a Protection Order either had no impact, or a negative impact on the behaviour of the abusive partner.

Survivors shared:

“They –Protection Orders– do not work. Ex still harassed, assaulted, stalked, threatened and kidnapped my children. When he was banging on my door and I called police they would not come. They said to call if he entered my home. Even when I told them I would not be able to call again if he got in, they did not come.”

“My abuser found other ways to intimidate me. Withheld my children from me and still refuses to let me see them... and still waiting for protection.”

“Abusive partners ignore them. They don’t work, we still feel unsafe.”

SURVIVOR

ONGOING SAFETY PLANNING

We asked workers about the support they offer to survivors after applications for Family Law Protection Orders or Peace Bonds have been made. This provided workers with an opportunity to give a longer answer, detailing any follow-up measures their organization has in place. What became clear is that, overwhelmingly, workers will continue safety-planning with survivors – even after a protective order has been granted:

“I help them to discuss a safety plan and hold space for them to be honest with themselves about their perceived risk.”

“Safety planning, exit planning, connecting with community victim services, ongoing emotional support, accessing financial aid, housing applications, legal aid.”

“Check-ins, safety planning, follow-ups if police have been called to the residence or in relation to a breach.”

“Safety planning is still super important because a Peace Bond is just a piece of paper at the end of the day, and abusive partners know that the police usually take time to respond, if they do at all, and this changed based on your socio-economic background and skin colour.”

“We safety plan often and register with every safety measure possible.”



Overall, given the limitations of protective orders discussed thus far, the importance of survivors having their own, tailor-made, safety plan cannot be underestimated. To maximize the potential protection an order can provide, front-line workers prioritize ongoing safety planning in a move that also empowers individuals.

PART SIX RECOMMENDATIONS

PRIMARY RECOMMENDATIONS

1 An immediate coroner’s inquest into any femicide death of a woman in which a protection order or peace bond was granted or sought prior to her killing is a proposed process aimed at uncovering the systemic failures that may have contributed to the woman’s death.

This initiative recognizes that protection orders and peace bonds are tools designed to safeguard women at risk of violence, particularly intimate partner violence. However, when a woman is killed despite these legal measures, it signals a critical breakdown in the system that warrants immediate examination.

A coroner’s inquest is a formal, fact-finding process conducted to determine the circumstances surrounding a death. It seeks to identify:

- What happened: The events leading up to the woman’s death, including whether she had sought legal protection, such as a peace bond or protection order, and whether it was granted, denied, or ineffectively enforced
- Why it happened: The potential gaps in the justice system, law enforcement response, or community supports that failed to prevent the killing

- How to prevent future deaths: Recommendations for systemic changes to improve the effectiveness of protection orders, ensure stronger enforcement, and address broader issues like survivor safety planning and perpetrator accountability

The goal of this immediate inquest is not just to document the tragedy but to take action to prevent future femicides. By closely examining the specific failures in each case, this process can lead to concrete reforms in the legal, social, and institutional frameworks designed to protect women.

This initiative sends a clear message that femicides, particularly in the context of known risks and failed protective measures, are not isolated tragedies but systemic failures that demand accountability and urgent reform.

2 Extend the Duration of Family Law Protection Orders and Section 810 Peace Bonds to Two Years for Cases of Intimate Partner Violence or Gender-Based Violence

Family Law Protection Orders and Section 810 Peace Bonds are vital legal tools designed to protect survivors of intimate partner violence (IPV) and gender-based violence (GBV). These orders are intended to provide safety and peace of mind for individuals at risk of harm. However, the current duration of these protective measures is often insufficient, particularly during the critical period immediately following separation.

THE CRITICAL FIRST TWO YEARS POST-SEPARATION

Research and frontline experience consistently show that the first two years following separation are the most dangerous for survivors of IPV and GBV. This period is marked by heightened risks, including escalated harassment, stalking, and lethal violence. Separation often triggers a loss of control for the abusive partner, which can lead to retaliation and increased aggression.

CURRENT LIMITATIONS OF SHORT-TERM ORDERS

Protection orders and peace bonds are frequently issued for shorter durations, such as six months or one year, which fails to align with the reality of survivors' ongoing safety needs. Survivors are forced to revisit the legal system repeatedly to renew their orders, a process that can:

- Increase Vulnerability: Each renewal request exposes survivors to potential re-engagement with their abuser through court proceedings, heightening emotional distress and risk of violence
- Overburden the Legal System: Repeated applications place unnecessary strain on already stretched family law and criminal courts
- Create Gaps in Protection: Survivors risk lapses in coverage if renewal processes are delayed or denied, leaving them unprotected during critical times

WHY A TWO-YEAR MINIMUM IS ESSENTIAL

Issuing Family Law Protection Orders and Section 810 Peace Bonds for a minimum of two years provides survivors with a more robust layer of safety during this high-risk period. This approach addresses several key needs:

1. Safety and Stability for Survivors: A longer duration minimizes the frequency with which survivors must interact with the legal system, reducing exposure to potential re-traumatization. It provides a sustained sense of security, allowing survivors to rebuild their lives
2. Acknowledgement of Risk Dynamics: The two-year timeframe reflects the reality of IPV and GBV dynamics, where

- the greatest risk of harm often extends beyond the initial months of separation
3. Administrative Efficiency: By reducing the need for frequent renewals, the two-year minimum lightens the workload on courts and legal systems while maintaining critical protections
4. Enhanced Deterrence: Longer orders send a clear message to perpetrators about the seriousness of the situation, reinforcing accountability and the consequences of violating protective measures

IMPLEMENTATION AND IMPACT

- Legal Adjustments: Family law statutes and Section 810 of the Criminal Code should mandate that protection orders and peace bonds issued in cases of IPV and GBV default to a two-year term, with flexibility for longer durations if warranted
- Support Services Coordination: Survivors under these orders should be connected to ongoing support, such as counselling, safety planning, and advocacy, to address the continued risk and trauma during this period
- Awareness and Training: Judges, lawyers, and law enforcement must be educated on the increased risk during the post-separation period and the importance of issuing longer protective measures

By extending the duration of these orders, we can better align legal protections with the realities survivors face, providing them with the time and security needed to transition out of abusive relationships safely and begin the process of healing and rebuilding.

Family Law Protection Orders and Section 810 Peace Bonds are vital legal tools designed to protect survivors of IPV and GBV.

3 Grant Full-Length Family Law Protection Orders on Without Notice Applications to Ensure Survivor Safety

Family Law Protection Orders (FLPOs) issued under the Family Law Act (FLA) are essential tools for safeguarding survivors of intimate partner violence (IPV) and gender-based violence (GBV). A without notice application for such an order is a critical mechanism that allows survivors to seek immediate protection without notifying the opposing party (typically the abusive partner) in situations where prior notice could increase risk or delay necessary intervention.

However, when judges issue short-term, interim orders—often lasting only one or two weeks—and set hearings shortly thereafter to allow the opposing party to challenge the order, it creates significant risks and undermines the intent of the FLA. Survivors face unnecessary exposure to danger during this interim period, and a systemic loophole allows abusers to exploit the process.

UNDERSTANDING WITHOUT NOTICE ORDERS AND THEIR IMPORTANCE

A without notice order is granted based on the survivor's application and supporting evidence, without requiring prior notification to the opposing party. The FLA provides explicit guidelines for how an opposing party can later challenge these orders, ensuring due process while prioritizing survivor safety.

Without notice orders are intended to:

1. Provide immediate and uninterrupted protection for survivors
2. Prevent situations where notifying the opposing party could escalate violence or harassment
3. Offer survivors the space and stability to plan next steps without immediate interference

THE PROBLEM WITH INTERIM, SHORT-TERM ORDERS

When judges issue short-term, interim without notice orders, requiring survivors to return to court within 1-2 weeks for a hearing,

they inadvertently create a dangerous loophole:

1. **Increased Risk to Survivors:** Survivors may face heightened aggression from abusers during the interim period, especially if the abuser learns of the hearing date or perceives an opportunity to challenge the order
2. **Loophole for Abusers:** Many abusers who would not otherwise challenge a full-length order may exploit the hearing process to intimidate or reassert control over the survivor
3. **Emotional and Logistical Burden:** Requiring survivors to return to court within days adds emotional stress, financial costs, and logistical challenges, often deterring them from fully engaging in the process
4. **Undermining the FLA Framework:** The FLA already provides a clear and structured process for opposing parties to challenge without notice orders. Reverting to short-term orders undermines this framework and weakens the protections the FLA is designed to offer

WHY FULL-LENGTH ORDERS ARE ESSENTIAL

Granting full-length Family Law Protection Orders under a without notice application ensures that survivors receive uninterrupted protection while maintaining fairness for the opposing party:

1. **Enhanced Survivor Safety:** Full-length orders provide survivors with the time and stability they need to focus on their safety, plan their next steps, and access support services without immediate interference or intimidation
2. **Due Process for Opposing Parties:** The FLA sets out a clear mechanism for opposing parties to challenge without notice orders. Full-length orders ensure that the process is followed without forcing survivors into unnecessary interim hearings
3. **Closing the Systemic Loophole:** By eliminating the need for short-term, interim hearings, the risk of abusers exploiting the system to intimidate survivors or delay enforcement is reduced

4. **Reduced Court Burden:** Full-length orders minimize the need for repetitive hearings, allowing courts to focus resources on more complex cases while ensuring that survivors are protected

IMPLEMENTATION RECOMMENDATIONS

1. **Judicial Training:** Judges must receive training on the risks associated with short-term interim orders and the critical importance of full-length without notice orders in IPV and GBV cases
2. **Legislative Clarity:** Amendments to the FLA could emphasize the importance of granting full-length orders on without notice applications, reinforcing the survivor-centric intent of the law
3. **Survivor-Centric Approach:** Courts should prioritize survivor safety in all decisions related to without notice orders, ensuring that survivors are not forced to return to court unnecessarily or placed at increased risk
4. **Streamlined Challenge Process:** Judges and legal professionals should ensure that opposing parties understand and adhere to the existing FLA mechanisms for challenging orders, reducing reliance on short-term interim solutions

IMPACT OF FULL-LENGTH ORDERS

Granting full-length Family Law Protection Orders on without notice applications will:

- **Protect Survivors:** Reduce the immediate and ongoing risks survivors face during the high-risk period following their application
- **Disempower Abusers:** Close the loophole that allows abusers to exploit interim orders and intimidate survivors
- **Enhance Legal Integrity:** Align judicial practices with the FLA's survivor-focused protections and ensure the process is fair and effective for all parties

This simple but vital change could save lives, prevent further harm, and ensure that survivors of IPV and GBV receive the uninterrupted protection they need to rebuild their lives safely.



4 Prioritize Child Safety in Family Law Act (FLA) Protection Order Applications

The Family Law Act (FLA) recognizes that witnessing or being exposed to intimate partner violence (IPV) is a significant risk to a child's safety and well-being. It explicitly states that such exposure is not in the best interest of the child, a principle that serves as the foundation for all decisions involving parenting arrangements and protection orders. However, this principle must be applied universally and consistently, particularly in cases where the risk of harm to the child from IPV exposure conflicts with the goal of ensuring maximum parenting time with both parents.

This recommendation emphasizes that protecting children from the harms of IPV exposure must take precedence over the presumption of shared parenting time to prioritize the best interests of the child in all decisions.

THE IMPACT OF INTIMATE PARTNER VIOLENCE ON CHILDREN

Children who witness or are exposed to IPV face significant and lasting harm, even if they are not directly targeted by the violence. Research and lived experience show:

1. **Emotional and Psychological Impact:** Exposure to IPV can lead to anxiety, depression, post-traumatic stress (PTSD), and developmental delays. The trauma of witnessing a mother being abused disrupts a child's sense of safety and stability
2. **Behavioural Challenges:** Children exposed to IPV may develop aggression, difficulty forming relationships, and challenges regulating their emotions, impacting their long-term well-being
3. **Increased Risk of Abuse:** A parent who is abusive toward their partner is also more likely to be abusive toward their children. IPV and child abuse often occur together, compounding the harm
4. **Intergenerational Cycles of Violence:** Witnessing IPV normalizes abusive

behaviors, increasing the likelihood that children may become victims or perpetrators of violence in their own adult relationships

CURRENT LEGAL FRAMEWORK IN THE FLA

The Family Law Act already prioritizes the best interests of the child as the paramount consideration in family law cases. It explicitly identifies witnessing or being exposed to family violence as a serious risk factor to the child's safety and well-being. The FLA also includes provisions that allow courts to issue protection orders to safeguard children from such harm.

However, despite these legal safeguards, the application of this principle is not always consistent or universal in practice. The presumption of maximum parenting time with both parents often takes precedence, even in cases where there is evidence of IPV. This creates:

1. **Conflict Between Principles:** The best interests of the child can become secondary to the goal of maximizing time with both parents, undermining the child's safety
2. **Inconsistent Application:** Courts may overlook the risks of IPV exposure when making protection order or parenting time decisions, particularly in cases where IPV is framed as a conflict between parents rather than abuse
3. **Unintended Risks:** Allowing abusive parents access to children without sufficient safeguards can perpetuate cycles of violence and place children and the non-abusive parent at ongoing risk

THE NEED FOR UNIVERSAL APPLICATION

To truly centre the best interests of the child in FLA protection order applications, the following principles must be universally applied:

1. **Child Safety as the Paramount Concern:** Courts must always prioritize the child's safety over the goal of shared parenting time. Any evidence of IPV exposure should lead to immediate protective measures

2. **No Presumption of Equal Parenting Time:** When IPV is present, the presumption of maximum parenting time with both parents must be secondary to the child's need for safety and stability
3. **Comprehensive Risk Assessments:** Courts should require detailed assessments of the risks associated with IPV exposure before making decisions about parenting time or access
4. **Protection Orders to Address Child Safety:** Protection orders under the FLA should explicitly include provisions to limit or condition the abusive parent's access to the child, ensuring supervised or restricted visitation when necessary

3. **Supportive Resources:** Survivors and their children must have access to trauma-informed services, including counselling, advocacy, and supervised visitation programs
4. **Accountability in Enforcement:** Courts and enforcement agencies must ensure that protection orders addressing IPV exposure are rigorously upheld, with consequences for violations

By universally applying the principle that witnessing or being exposed to IPV is not in the best interest of the child, we can create a family law system that truly prioritizes safety, stability, and long-term well-being for children and survivors. This approach reflects the reality of IPV's devastating impact and ensures that legal decisions protect the most vulnerable members of our communities.

WHY THIS CHANGE IS ESSENTIAL

1. **Alignment with the FLA's Core Principles:** The best interests of the child must guide all decisions, and child safety must always take precedence over parental access in cases involving IPV
2. **Preventing Harm:** Recognizing and addressing the risks of IPV exposure protects children from immediate harm and long-term developmental consequences
3. **Empowering Survivors:** Consistently prioritizing child safety strengthens the protective measures available to survivors of IPV, enabling them to advocate for their children without fear of retaliation or systemic dismissal
4. **Breaking the Cycle of Violence:** Prioritizing the safety of children exposed to IPV helps disrupt intergenerational cycles of abuse, promoting healthier futures for affected families

IMPLEMENTATION RECOMMENDATIONS

1. **Judicial Training:** Judges, family law professionals, and mediators must receive training on the impacts of IPV exposure on children and the need to prioritize safety in all decisions
2. **Clear Legal Guidance:** Amendments to the FLA could further clarify that the best interests of the child, including protection from IPV exposure, override any presumption of shared parenting time



5 Universal, Cross-Jurisdictional Police Response to Breaches of Family Law Act Protection Orders and Peace Bonds, Including a Mandatory Arrest Policy

The enforcement of Family Law Act Protection Orders and Peace Bonds is critical to ensuring the safety of survivors of intimate partner violence and gender-based violence. However, inconsistent police responses to breaches of these legal protections undermine their effectiveness, leaving survivors vulnerable and perpetrators unaccountable. A universal, cross-jurisdictional police response, including a mandatory arrest policy, is essential to ensuring that these orders serve their intended purpose: to protect survivors from harm and hold offenders accountable.

THE CURRENT CHALLENGE

1. **Inconsistent Enforcement Across Jurisdictions:** Police responses to breaches of FLA protection orders and Peace Bonds vary significantly between jurisdictions and is largely based on police discretion, sometimes police prioritize swift and decisive action, while others fail to follow standardized protocols, resulting in delayed or inadequate responses
2. **Survivors Left Unprotected:** Inconsistent enforcement leaves survivors at increased risk, eroding their trust in the legal system and law enforcement. This can discourage survivors from reporting breaches or seeking further protection
3. **Perpetrators Exploiting the System:** Perpetrators may feel emboldened to breach orders when they perceive little or no consequence for their actions, perpetuating cycles of abuse and escalating risks to survivors
4. **Limited Accountability:** Without mandatory arrest policies, breaches of FLA protection orders and Peace Bonds are not always treated with the urgency they demand, sending a message that these legal protections are not taken seriously

THE IMPORTANCE OF UNIVERSAL POLICE RESPONSE AND MANDATORY ARREST

A universal, cross-jurisdictional police response, coupled with a mandatory arrest policy, ensures that breaches of FLA protection orders and Peace Bonds are consistently and effectively addressed.

1. **Enhancing Survivor Safety:** Immediate and uniform enforcement sends a clear message that breaches will not be tolerated, providing survivors with the protection and peace of mind they need to rebuild their lives
2. **Deterring Perpetrators:** Mandatory arrest policies create clear consequences for breaching orders, discouraging perpetrators from violating protective measures
3. **Strengthening Accountability:** A standardized police response ensures that breaches are treated as serious offences, reinforcing the integrity of the legal system and demonstrating a commitment to upholding survivors' rights
4. **Consistency Across Jurisdictions:** Universal protocols eliminate discrepancies between regions, ensuring that survivors receive the same level of protection and response, regardless of location

WHAT A UNIVERSAL, MANDATORY ARREST POLICY ENTAILS

1. **Immediate Action on Breaches:** Police must respond promptly to all reported breaches of FLA protection orders and Peace Bonds, treating each breach as a serious offense
2. **Mandatory Arrest Protocol:** Police are required to arrest individuals who breach protection orders or Peace Bonds, regardless of circumstances, ensuring immediate consequences for violations
3. **Training and Awareness:** Law enforcement officers must receive specialized training on IPV, GBV, and the importance of enforcing protection orders to ensure they understand the gravity of these cases

4. Cross-Jurisdictional Collaboration: Police forces across provinces and territories must adopt consistent enforcement protocols, supported by shared databases and communication systems to track and respond to breaches effectively
5. Support for Survivors: Alongside enforcement, police must connect survivors with community-based victim support services, including counselling, legal advocacy, and safety planning, to address the ongoing risks they face
3. Integrated Databases: Create a database to track protection orders, Peace Bonds, and breaches, ensuring that law enforcement across jurisdictions can access and act on critical information
4. Public Awareness Campaigns: Inform survivors and the public about their rights under FLA protection orders and Peace Bonds, as well as the consequences for breaching these orders
5. Regular Monitoring and Evaluation: Implement mechanisms to monitor police responses to breaches, ensuring accountability and identifying areas for improvement

BENEFITS OF A UNIVERSAL, CROSS-JURISDICTIONAL APPROACH

1. Uniform Protection for Survivors: A standardized police response ensures that survivors receive equal protection, regardless of where they live or where the breach occurs
2. Fewer Gaps in Enforcement: Cross-jurisdictional collaboration prevents perpetrators from exploiting inconsistencies between regions, ensuring breaches are addressed no matter where they occur
3. Improved Survivor Confidence: Knowing that breaches will be taken seriously and responded to uniformly empowers survivors to report violations and seek the protection they need
4. Greater Perpetrator Accountability: Mandatory arrest protocols ensure that perpetrators face immediate consequences, reinforcing the seriousness of protection orders and Peace Bonds
5. Reduction in Violence Escalation: Prompt action on breaches reduces the risk of further harm to survivors, preventing violence from escalating

IMPLEMENTATION RECOMMENDATIONS

1. Provincial Enforcement Standards: Establish province-wide guidelines for responding to breaches of FLA protection orders and Peace Bonds, including mandatory arrest protocols
2. Enhanced Police Training: Develop comprehensive training programs for law enforcement on IPV and GBV dynamics, focusing on the importance of enforcing protection orders consistently

IMPACT OF UNIVERSAL ENFORCEMENT

Adopting a universal, cross-jurisdictional police response with mandatory arrest policies will:

- Ensure consistent and effective protection for survivors
- Deter perpetrators from violating orders.
- Build trust in the legal and law enforcement systems
- Reduce the risk of violence escalation and harm to survivors

This approach aligns with the fundamental purpose of FLA protection orders and Peace Bonds: to provide a robust legal framework for protecting survivors and preventing further violence. By treating breaches with the seriousness they deserve, we can create a safer and more just system for all survivors of IPV and GBV.

The enforcement of Family Law Act Protection Orders and Peace Bonds is critical to ensuring the safety of survivors of intimate partner violence and gender-based violence .

SECONDARY RECOMMENDATIONS

1 Creation and distribution of user-friendly guides for obtaining Family Law Protection Orders for self-represented survivors of family violence

It is clear from our research that there is a high level of misinformation regarding Family Law Protection Orders. Since they do not involve the police in obtaining one, survivors often feel unsupported or completely lost without support. Where a survivor has access to a legal advocate, or another community worker with protection order experience, they are more likely to understand their options for protection and receive assistance when applying for one. However, these resources are limited and stretched thin by the demand.

Therefore, if a survivor had access to a guide – outlining not only the features of a Family Law Protection Order, but also the process of filing an application for one – she will be better equipped in her journey to safety and healing. These guides are not intended to be a fix-all solution – rather they would be supplementary to other safety planning measures. After all, a protection order is most effective when supported by an ongoing safety plan that accounts for breaches.

These guides would need to be user-friendly; they must be trauma informed and appreciate the level of fear experienced by survivors of violence that continues to dictate their choices after fleeing violence.

2 The implementation of training for community-based support workers, specifically focused on obtaining protective orders for survivors of family violence

Our study revealed that there is also a substantial degree of misunderstanding regarding protective orders amongst community-based support workers. Training is required to clarify these misunderstandings.

3 Creation of updated policing policies, for which there are consequences of not following.

Undermining the value of both Peace Bonds and Family Law Protection Orders is the inconsistency in enforcement of the orders by police. There is a lack of consistency in police responses when a survivor reports a breach of an order. When police fail to take protective orders seriously, the door is left open for abusive partners to inflict family violence – thus making a mockery of a system that is supposed to protect the vulnerable.

New policies may go some way in reassuring public and minimizing some of the deep-rooted distrust survivors of abuse have in the policing system.

4 Mandatory training for all judges in BC

Bill C-233, known as ‘Keira’s Law’, became law on May 27, 2023. It brought amendments to the Judges Act that the Canadian Judicial Council is to further the continuing education of judges on matters related (inter alia) to “intimate partner violence, coercive control in intimate partner and family relationships” and produce annual reports on these seminars.

Keira Kagan was four years old when her body was found alongside her father’s body at the bottom of a cliff outside of Toronto in 2020.

In what is thought to have been a murder suicide, Keira's death sparked outrage. Prior to her death, Keira's mother had sought court protection for Keira against her violent and coercive ex-husband (Keira's father).¹

'Keira's Law' applies to federal judges, however organisations in Saskatchewan and politicians in Ontario are advocating for action that would see similar judicial education provincially.²

Most Family Law Protection Orders are applied for in Provincial Court where there are no fees, and the Court is easier to navigate self-represented than Supreme Court; Provincial Court is more accessible. Therefore, British Columbia must implement Keira's Law – provincial judges must be fully educated on family violence when making decisions on protective orders. In particular, this education may avoid survivors being re-traumatized by a system that is reluctant to provide *ex parte* Family Law Protection Orders.

5 Adoption and Implementation of Clare's Law

Participants to our study, in both the survivors and workers categories, indicated the need for a way to warn others, or for women to be able to find out, if a partner has a history of family violence:

"There should be a way to anonymously report abusive men and a better system to warn people and keep them safe. I am still scared for his future partners."

"Someone in the system (if it has to be the police, then so be it, but I think there are better service providers who can deliver this) should be able to tell survivors if their abusive partner has had previous Protection Orders or Peace Bonds against other people for IPV."

The answer to this, is for BC to implement 'Clare's Law.' The Domestic Violence Disclosure Scheme, also known as 'Clare's Law', is a policy in England and Wales whereby the police can disclose information to a victim or potential victim of domestic abuse about their partner's or ex-partner's previous abusive or violent offending.³ Clare Wood was killed in England in 2009 by her former partner who, unbeknownst to Clare, had a record of violence against women. In Canada, several provinces have adopted 'Clare's Law' in the form of provincial legislation, 'authorizing a police service to disclose certain risk-related information to a current or former intimate partner where such information could assist the current or former partner in making informed decisions about their safety and the relationship.'⁴ These Provinces are Saskatchewan, Alberta, Manitoba, and Newfoundland & Labrador. BC must implement similar legislation as a mechanism for prevention of IPV and, in particular, it ought to include the ability for individuals to know if a partner has previously had either a Family Law Protection Order or a Peace Bond (for FV) against them.



¹ A. Benson, "'Keira's Law' set to educate judges on domestic violence, coercive control" Global News (23 April 2023) ['Keira's Law' set to educate judges on domestic violence, coercive control | Globalnews.ca](https://www.globalnews.ca/story/keira-law-2023-04-23).

² "Ontario legislature approves Oakville North–Burlington MPP's Keira's Law motion" Oakville The Beaver (6 December 2023) [Ontario legislature approves Oakville North–Burlington MPP's Keira's Law motion \(insidehalton.com\)](https://www.insidehalton.com/news/2023/12/06/ontario-legislature-approves-oakville-north-burlington-mpps-keiras-law-motion/).

³ United Kingdom, Home Office, Domestic Violence Disclosure Scheme factsheet, Policy Paper (3 January 2024) [Domestic Violence Disclosure Scheme factsheet - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/114144/DVDS_Factsheet.pdf).

⁴ RCMP, "Interpersonal Violence Disclosure Protocol (Clare's Law) Act" (9 May 2024) [Interpersonal Violence Disclosure Protocol \(Clare's Law\) Act | Royal Canadian Mounted Police \(rcmp-grc.gc.ca\)](https://www.rcmp-grc.gc.ca/interpersonal-violence-disclosure-protocol-clares-law-act).



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