

March 16, 2022

Attn: Status of Women Committee
Response to request for Public Briefs re: Intimate Partner & Domestic Violence

Hello,

My name is Shannon Knight-Jones. I am a Canadian woman living with disabling illness; am a single-mother to 3 daughters with complex medical needs; and we are all living with the impacts of significant trauma from being victimized by Intimate Partner & Domestic Violence (IP&DV) over a span of 22 years. The violence evolved & escalated throughout the years, impacting my girls & I, and encompassing: coercive; manipulative; controlling; financial; psychological; verbal; sexual and physical assaults; severe breaches of trust; and direct threats whenever I tried to end the marriage. On my 5th attempt, I succeeded at escaping it, only to discover the viciousness of Post-Separation Violence including: harassment; punitive financial abuse; counter-parenting; legal system abuse; chronic refusal to abide court orders; threats, & attempts to weaponize the children.

I was devastated to find that escaping was not enough - that the violence morphed and became more terrifying - and that the family law system was not focused on justice or proactive protection from these further harms - but instead focused on not wasting the court's time; pushing for quick division of assets; and treating children as if they are just property, incompetent to communicate their own experiences and feelings. I sat in a hearing [on the matter of my child reporting to her counsellor and the MCFD that she had been physically assaulted - yet again - during a parenting visit with her father] and listened to a lawyer declare to the court that: "*She is a liar. All children are liars*". And worse than his degrading statement, was the experience of having the Master accept this commentary rather than retain focus on the child's own best interest of not continuing to be physically assaulted.

Women & their children deserve to live free from all violence and abuse, and we deserve to have court processes that meaningfully allow for us to expose the Violence, and that are required to prioritize our right to safety as we proceed through the divorce process.

I am grateful that the new Divorce Act provides better laws and standards, but recognizing the long gap between changes in law, and meaningful shifts in court judgements is important. There are thousands of us who are in the trenches of the family court system - we can't wait for new precedents, or for the internal bias of current court officers to change - we need help now, and our kids need help now.

I share my uncomfortable details with you in order to illustrate that my submission is coming from a profound lived experience as a victim, and mother of child-victims, of Intimate Partner & Domestic Violence; and as a person who has recently discovered the many "cracks in the system" which are causing it all to be so much harder than it should be for women like me once we find the courage to escape the Perpetrator of the violence being used to harm us.

If you provide processes and set expectations that police, crown prosecutors, lawyers, courts, etc all must take victims accounts seriously, and prioritize the victim's right to proactive safety measures, then women might start to believe that we can step to freedom from violence.

The Committee question i would like to respond to is: Identify ways to eliminate barriers facing women and girls seeking to leave unsafe environments, such as the financial, social, and other factors preventing them from leaving:

1. I would ask that you please create a seat on this committee to include in your work the knowledge & expertise of women with lived experience. Invite us to participate going forward. Our voices can add meaningful insights into which systemic cracks we are falling into, and so we may have fresh remedies to propose.

2. Establish that at the outset of all divorce files, that when any assertion of Violence (IP&DV) has been raised by a party, the file should receive mandatory triage in a separate manner from non-violent files. It should be flagged, and treated in the same manner that criminal courts triage “K files” with special care. If a party discloses violence later in the process, the mandatory triage should occur at that time. This triage should create a mandatory rule that only court officers, Judges, and 3rd parties with the highest standard of trauma-informed family violence training can be involved in the file as it proceeds - including the lawyers representing both sides (as frequently the perpetrator hires a lawyer who is willing to enable and vicariously inflict abuse throughout the legal process).

3. The next step in these triaged family violence files should be to automate all possible aspects known to be used as typical tools of post-separation abuse, (harassment/surveillance; punitive financial behaviour; frustration of legal process; refusal to abide court orders) by co-ordinating the many government agencies which are already in place.

For example: The initial Court Registry filing process could be modified to :

a) Automate a protection order to be in place pro-actively based on her assertion of IP&DV.

b) Automate filing directly to CRA identifying that the parties tax files must be flagged and updated for the change in circumstances. **This would reduce barriers for women:** in accessing their benefits & filing taxes, which can help to access social supports; & would also proactively block opportunities for the perpetrator to engage in financial abuse often exerted through CRA.

c) Automate direction to CRA to distribute back to the Court Registry both parties’ last 3 years Tax Returns & NOA’s, future tax returns & NOA’s; and ideally task CRA with prioritizing enforcement of on-time filing of both parties tax returns going forward. **This would reduce barriers for women by:** stopping the common practice of perpetrators refusing to files their yearly taxes in order to avoid their child support responsibilities.

d) Automate filing directly to provincial Maintenance Enforcement Programs and Child Support Recalculation Programs, to quickly establishing child support as calculated by the Federal Child Support Guidelines Calculator based on parties CRA tax filings, and establishing

immediate enforcement of this financial responsibility. **This would reduce barriers for women by:** ensuring continuity in resources to provide for the children, and also by establishing it without the significant burden of legal expenses. The laws are already in place to establish fair standards for determining incomes and calculating child support & proportional share of children's expenses - it is not reasonable that a mother needs to find \$20-30,000 for legal fees each time she needs to negotiate a consent order with the perpetrator in order to actually collect the amounts provided for in the Child Support Guidelines. The nature of the power imbalance caused by his violence makes this process dysfunctional and punitive to the mother, while the perpetrator uses his position to avoid proper payment of child support. It should not be necessary to ever have to negotiate for the perpetrator's consent to abide laws that are already in place. **An automatic process could profoundly reduce this recurring harm which occurs yearly in these files.**

e) Create an enforcement office within provincial Maintenance Enforcement Programs with authority to apply & enforce fines for matters of very simple and clear contempt of court orders (ex: refusal to comply with simple orders which have specific deadlines, like: exchange of tax returns, documents, insurance information, completion of parenting course certificates etc.) Fines for simple matters of whether an order was met by the date or not should be enforceable without the impossible expense of a court application; and the fines imposed should be payable as damages to the victim harmed by the perpetrators' act of contempt, rather than to the court itself. It is not meaningful access to justice when a victim must bear a \$20,000 legal expense to bring a court application to enforce compliance with a valid court order, only to have the court issue a further order which will continue to be ignored by perpetrator.

Automating the above initial processes to align with the established laws, and relying on co-ordination of government agencies already in place, would profoundly reduce barriers for women & children trying to escape from violent perpetrators. Steps like these would save women tens of thousands of dollars throughout the court file; would provide certainty that child support will be established quickly, fairly, and enforced by government; would ultimately improve access to justice & would hopefully reduce some of the risk of escalating violence by diffusing the arguments that surround establishment of child support orders. A woman in these circumstances should not ever have to face bankruptcy due to legal fees, and a perpetrator should not be able to keep her hostage in the legal process by continually refusing to agree to the child support guidelines.

If women had certainty that the above first steps would be automatically put in place, they would feel more secure in trying to escape from violent partners, and they would be less likely to return out of desperation and fear once they realize - as I did - that post-separation abuse is actually much higher-risk, and far more terrorizing than they could have imagined.

An important aspect of Intimate Partner & Domestic Violence that seems to be inexplicably lost on many officers of the family court system, is that perpetrators do not cease their patterns of behaviour at separation - in fact they escalate and become more vicious toward the woman & children who are now reaching for help and exposing the reality of their circumstances. As

perpetrators come to realize that their usual methods of exerting power & control are no longer available to them - they find new ways to create power imbalance through the court system itself. Women & children need new methods for the court system to implement the Divorce Act so that these power imbalances are stopped in their tracks, and prevented from recurring.

I have read that it takes women in Canada an average of 7 serious attempts to escape from a violent marriage. It took me 5 attempts, and 2.5 years of actively trying, every single day, to figure out how I could get myself & my 3 daughters safely away from his violence when I had become so isolated that I believed that I had nowhere to run to, and no money to get there with. Every time that I tried to end my marriage, I received from my ex-husband a terrifying mix of rage, mockery, degradation, & was repeatedly terrorized with the following very specific threat:

“If you go through with doing this TO ME [filing for divorce] I will take everything from those f---ing kids! I’ll pull her out of that school, No more gymnastics, No more Autism Therapy for that one, Nothing! They will lose everything, and they will know that it is YOUR fault, and they will f---ing hate YOU for it! If you do this to ME - You and those f---ing kids will starve in a ditch!”

Every aspect of the last 2.5 years trapped in this dysfunctional family court system has resulted in him attempting to punish me for escaping, exert power & control over me & the children, and constant efforts by him to follow through on each aspect of that very specific repeated threat.

I’m sharing my experiences to hopefully illustrate the high need for changes to the way the family court system processes files which involve assertions by the victims of Violence, and also to illustrate the profound difference that can be made with fairly simple automation of these processes. It would have altered my experience, my children’s experiences, and our entire financial future, if automation & enforcements like these had been in place back in 2019.

It could still profoundly improve our lives if these could please be considered for implementation going forward. As it stands now, we are falling into massive cracks in the system and we need those cracks filled in order to help us survive the legal process, and recover so we can re-build our lives.

Thank you for requesting public input into this critical issue & for your efforts to improve the system for those of us trying to survive Intimate Partner & Domestic Violence.

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