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## Chapter XX

Luke's Place: An innovative program for assisting abused mothers post-separation

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### **INTRODUCTION**

As awareness of men's violence against women has increased, there have been many positive changes in community responses to the violence. Shelters and other services have been developed to meet the emergency needs of abused women and their children. Grassroots feminist organizing focused on the safety and empowerment of survivors has played a key role in these changes. While criminal law and justice practices have changed to better address violence and abuse, the family court has yet to adequately incorporate the lessons learned from three decades of research on woman abuse.

While there is a sizeable literature on child abuse and neglect, most family studies research continues to ignore the impact of violence and abuse by one parent against the other. Indeed, violence against women is often reduced to "conflict" in this literature, and most studies still fail to consider the impact of violence and abuse on what are misleadingly termed

“divorce outcomes.” While many mothers leave their abuser when they realize the abuse is affecting their children, pop psychology indicates that the presence of a father is the essential ingredient in children’s healthy development. Contradictory social norms simultaneously demand that women protect their children from exposure to men’s violence while married or cohabiting, and cooperatively co-parent children with the same men after separation or divorce. The failure of family law and affiliated processes to take violence seriously puts many abused women and their children in danger.

Luke’s Place Support and Resource Centre for Women and Children (Luke’s Place) is an organization that was created to address the unmet needs of abused mothers following separation. It is unique in Canada and we know of no similar organization in the United States. This chapter will introduce readers to Luke’s Place in order to share a much needed and innovative model for assisting survivors of violence and their children in negotiating family law processes.

For many women, separation from a violent partner does not stop the abuse. A growing body of international research has documented women’s continued risk of being physically assaulted, sexually assaulted, stalked, harassed, or killed by male partners following separation.<sup>1</sup> Domestic homicide or fatality reviews and other studies have consistently found that a

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<sup>1</sup> Michael A., Anderson, Paulette Marie Gillig, Marilyn Sitaker, Marilyn McCloskey, Kathleen Malloy and Nancy Grigsby, ““Why Doesn’t She Just Leave?”: A Descriptive Study of Victim Reported Impediments to Her Safety,” 18(3) *Journal of Family Violence* 151 (2003); Walter S. DeKeseredy, McKenzie Rogness and Martin Schwartz, “Separation and Divorce Assault: The Current State of Social Scientific Knowledge,” 9 *Aggression and Violent Behavior* 675 (2004).

disproportionate share of domestic homicides of children, homicide-suicides, and familicides are precipitated by a history of male violence and abuse.<sup>2</sup> While the risks of separation and divorce physical and sexual assault are well known by criminologists who study violence against women, many family studies scholars, custody evaluators, judges, and police officers continue to falsely believe that leaving will solve the problem.<sup>3</sup> Not only is this directly and decisively refuted by the extant research, but the idea that women can stop men's violence (by leaving or otherwise changing their own behavior) is one manifestation of a victim-blaming mindset in which abusers and the people they abuse are equally responsible for violence in relationships. This ideological orientation has contributed to structural and cultural practices that can have devastating effects on abused mothers and their children.

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<sup>2</sup> Ontario Domestic Violence Death Review Committee. *Seventh Annual Report of the Domestic Violence Death Review Committee - 2009*. (Office of the Chief Coroner, Province of Ontario, 2009), available at <http://www.crvawc.ca/documents/DVDRC2010.pdf>

<sup>3</sup> Mike Brigner, "Why Do Judges Do That?" in *Domestic Violence, Abuse, and Child Custody: Legal Strategies and Policy Issues* §13-1 (M.T. Hannah & B. Goldstein, eds., 2010) ; Megan L. Haselschwerdt, Jennifer L. Hardesty and Jason D. Hans, "Custody Evaluators' Beliefs About Domestic Violence Allegations During Divorce: Feminist and Family Violence Perspectives," 26(8) *Journal of Interpersonal Violence* 1694 (2010); Jennifer L. Hardesty and Grace H. Chung, "Intimate Partner Violence, Parental Divorce, and Child Custody: Directions for Intervention and Future Research," 55(2) *Family Relations* 200 (2006); Jennifer L. Hardesty and Lawrence H. Ganong, "How Women Make Custody Decisions and Manage Co-parenting with Abusive Former Husbands," 23(4) *Journal of Social and Personal Relationships* 543 (2006).

There is a disconnection between what we know about the prevalence and impact of men's violence against women and the practices of the family court. While awareness of violence against women is greater than ever before, willingness to act to preserve women's right to live free from violence and abuse frequently runs up against cultural norms idealizing heterosexual nuclear families in general and the presence of fathers in particular. Mothers raising reports of abuse at separation are likely to be penalized by judges and court adjuncts such as mediators and parenting coordinators for "unfriendly" behavior. Sadly, family courts often use custody arrangements to punish mothers who they see as insufficiently cooperative with their former partner despite reports of abuse.

Scholars have only recently begun to systematically study the violence and other tactics that abusive fathers use against mothers and children following separation. The studies have documented the continuation of abusive behaviors that contributed to separation in the first place as well as new forms of abuse developing at separation that are centered on child custody, child support, child abuse, and the family courts.<sup>4</sup>

### **Social and Legal Contexts**

Historically, many of the services designed to help abused women have focused on homicide and homelessness prevention in moments of crisis. These foci reflect the experience of battering, in which many abused women have a reasonable fear of being harmed or killed by

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<sup>4</sup> See for example: Jennifer L. Hardesty, "Separation assault in the context of postdivorce parenting: An integrative review of the literature," 8(5) *Violence Against Women* 597 (2002); Susan L. Miller and Nicole L. Smolter, "'Paper Abuse': When All Else Fails, Batterers Use Procedural Stalking," 17(5) *Violence Against Women* 637 (2011).

their abusers, as well as facing the persistent and highly gendered socioeconomic inequalities that place women at further risk at separation. Battered women's shelters focus on the pressing need for safe shelter and assistance in the immediate aftermath of separation.

Custody and support arrangements have serious, long term implications for abused women and their children. Increasingly, abused women are forced into ongoing, regular contact with their abusers through court-imposed joint physical and legal custody and visitation or access arrangements. Even when there is ample documentation of abuse, most men who ask for custody or visitation receive it. Safety measures are rarely imposed. When they are, they are often rudimentary, at best. For example, many supervised visitation centers are housed in churches or community centers that offer no real safety for survivors of abuse. Few of these centers were designed to address woman abuse, and staff, many of whom are volunteers, may have no training on the issue.<sup>5</sup> Staggered drop off and pick up times for the parents not only fail to protect survivors, they provide an ongoing and scheduled opportunity for harassment, abuse, and violence. Despite the fact that there has been very little research on the risks and benefits of supervised visitation and exchange centers, their very existence allows judges to feel good about ordering joint custody and liberal visitation, and may render sole custody awards more difficult to secure even where there is a documented history of abuse.

Private visitation agreements with a "neutral" supervisor chosen by the parents are even more problematic. It may be difficult to find a truly neutral party who is willing to supervise the

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<sup>5</sup> Leslie Tutty, Lynn Barry, Ashley Barlow, Marjolaine Roy, *Supervised Visitation and Exchange Centres for Domestic Violence: An Environmental Scan* (Alberta Ministry of Children's Services, 2006).

visitation. These neutral parties are even less likely to be educated on the dynamics of woman abuse and the risks to children that volunteers or staff at supervised centers. Accordingly, they may be easily manipulated by abusers or underestimate the risk of further violence.

Unsupervised visitation and exchanges place survivors at the highest risk of ongoing abuse for themselves and their children. According to the domestic homicide reviews in many states and provinces, visitation or access in the context of a history of woman abuse and a contested custody case is one of the places that children are most at risk of being killed. Regardless of the arrangements made for visitation or access following separation, danger to abused women and their children needs to be taken seriously.

## **LUKE'S STORY**

Luke's Place is named after Luke Schillings. His story is a high profile illustration of what is at stake when family courts fail to account for the risks to children following separation. Luke's murder served as a powerful catalyst for advancing efforts to address the dangers of business as usual in the family courts. Luke was three years old when he was killed by his father, Paul Schillings, during his first unsupervised access visit.<sup>6</sup> Having received unsupervised visitation despite Kate Schillings' safety concerns and a history of increasingly erratic and abusive behavior, Paul killed Luke and burned his body along with the family's savings. Paul died in the same fire. This horrific crime devastated Kate emotionally and financially. Like the many survivors of violence and abuse who have contributed to the growth of the battered women's

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<sup>6</sup> Tanya Conlin, Jane Chapman and Rita Benson, *After She Leaves: A Training and Resource Manual for Volunteers and Their Staff Supporting Woman Abuse Survivors and Their Children During The Family Law Process* (Luke's Place Support and Resource Centre for Women and Children, 2006).

movement, Kate Schillings sought to build something positive following her horrific experience. As she said, her hope was “That my voice, added to the courageous voices of all the women who have participated in this focus group will be heard, will be listened to, and acted upon to effect some much needed change.”<sup>7</sup> Eventually, she helped to found Luke’s Place with the goal of helping other women who might be faced with the same impossible situation of choosing to permit court-ordered access, protect her child and defy the courts, or risk losing custody of the child to the abuser.<sup>8</sup>

Kate Schillings described the pressure placed upon her by her own lawyer to accommodate the demands of her abuser, noting that she was told he had shown “good faith” in accepting her request for sole custody in response to which she “had better be prepared to cooperate.”<sup>9</sup> It was made clear to her that failing to compromise with her abuser would be frowned upon by the judge. In court, Kate was denied her request for supervised visitation due to Paul’s lack of prior offenses, and he was granted unsupervised access the very next day. Kate wondered, “What happened to relegate my very real concerns over my husband’s mental stability to a place where they carried no weight, where they became secondary to my husband’s right to see his child? How did they also become secondary to the process of getting

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<sup>7</sup> Violence Prevention Coordinating Council of Durham Region (VPCC), *Survival Stories- Testimonies from Participants* (2000) at 3.

<sup>8</sup> Kate Schillings, *Luke’s Place Report* (Violence Prevention Coordinating Council, 2000).

<sup>9</sup> Violence Prevention Coordinating Council *supra* note 7 at 5.

interim custody established?”<sup>10</sup> These and similar questions from other survivors provided the foundation for establishing a new type of service for abused mothers.

## **ABOUT LUKE’S PLACE**

Located in Ontario, Canada, Luke’s Place Support and Resource Centre for Women and Children “supports abused women and their children throughout the family law process and provides them and the Durham community with specialized resources and information about family law and woman abuse.”<sup>11</sup> This specialized mission sets Luke’s Place apart from other service providers in Canada and the United States. Durham Region, located east of Toronto, has been ahead of the curve in seeking to understand and promote solutions to the problems faced by abused mothers post-separation. In addition to providing direct service, Luke’s Place has played a central role in research and dissemination of information and resources.<sup>12</sup>

The idea to create a new type of service that could assist abused mothers, many of whom are without legal representation in the family court, grew out of collaborative regional efforts to improve systemic responses to woman abuse. In March 1999, the Custody and Access Issues Affecting Woman Abuse Survivors and their Children Community Coalition of Durham Region hosted a conference called Steps for Change.<sup>13</sup> More than 200 professionals,

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<sup>10</sup> *Ibid.*

<sup>11</sup> <http://www.lukesplace.ca/>

<sup>12</sup> Conlin et al., *supra* note 4.

<sup>13</sup> Deborah Sinclair, *Steps for Change: A Brief Overview of Conference Highlights, Activities and Recommendations* (Custody and Access Issues Affecting Woman Abuse Survivors and their Children Community Coalition of Durham Region Steering committee, 2000).



survivors, and community members gathered at the two day meeting to explore solutions to the problems experienced by woman abuse survivors and their children. At the conference, executive directors of existing organizations and politicians recommended developing a resource tailored to address custody and access issues. The group unanimously decided to name this center Luke's Place after Luke Schillings. Luke's Place Support and Resource Centre for Women and Children was officially incorporated as a non-profit organization in 2000 and began service delivery in 2003.<sup>14</sup>

It is important to note that Luke's Place was only one part of the Steps for Change conference's recommendations. Conference participants explicitly recommended establishing this resource as part of a coordinated community response wherein safety was the paramount concern for policymakers and service providers, community education would be utilized to promote zero tolerance for abuse, and coordinated, informed, comprehensive and safe intervention would be developed.<sup>15</sup> Luke's Place would be one part of ongoing efforts to systematically address violence and abuse in the many institutions with which abused mothers come into contact.

### ***The Vision for Luke's Place***

Following the Steps for Change conference, a working group met to further develop the model for Luke's Place. The resulting vision statement read:

“Luke's Place will provide a central resource for woman abuse survivors seeking answers, assistance, guidance, and support as they face pending custody and access proceedings; as a single point of access to the wide range of services available in the community. Luke's

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<sup>14</sup> *Supra* note 11.

<sup>15</sup> *Ibid.*

Place will radiate a comfortable and secure atmosphere for women and children while they learn of the multitude of community resources available to assist them with their many and varied needs during one of the most crucial transition periods. The services and materials will also be sensitive to the challenge of cultural diversity.”<sup>16</sup>

The preliminary vision articulated a three part mission that included:

- serving as a central clearinghouse for information on community services and organizations, the effects of violence on women and children, and information about legal and court processes;
- providing support to women and their children; and
- providing grassroots education to various constituencies from community members to judges.<sup>17</sup>

**Delivery Model.** From the beginning, the working group envisioned Luke’s Place as a welcoming and comfortable environment, more like a home than a suite of rooms in an office building. An accessible location was chosen close to public transportation. Office hours are held during the work day as well as evening hours. Although Luke’s Place is not a shelter and does not itself provide housing, the quiet, homelike environment includes a library with reading materials, offices for meeting and discussion, space for children to play and rest, and a kitchen stocked with basic necessities.<sup>18</sup>

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<sup>16</sup> *Supra* note 8 at 1.

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

Luke's Place was initially staffed by a Resource and Volunteer Coordinator. In 2003, the Executive Director was hired. Additional staff have been added over time, now numbering 6 full time and 2 part time staff and 30 volunteers. Luke's Place also provides a place for representatives from other organizations to come and share information and meet with survivors. In addition, the organization frequently contracts with legal consultants.

With funding from the Law Foundation of Ontario, Luke's Place recently hired a Clinic Legal Director who provides leadership in the development and delivery of new resources, tools and workshops and provides continuous feedback and advice about Clinic operational processes. The Clinic Legal Director ensures that the Rules of Professional Conduct are adhered to and that the clinic maintains a lawyer-friendly operational style. The Clinic Legal Director also acts as liaison to the local family law bar and court-based services; conducts outreach, recruitment and orientation of new pro bono clinic lawyers; coordinates the Lawyer Advisory Group; and tracks trends in client needs and family law. The Clinic Legal Director conducts legal research as necessary. In addition, additional Legal Consultants assist with educational workshops, the development of training materials, and research.

### **Funding Sources**

Funding for Luke's Place is derived from a variety of locations and is to some extent specific to the Ontario and Canadian contexts. However, the unique nature of the service provides both opportunities and challenges for developing sources of financial support. The planning group developed this list of items to consider during the initial budget planning and fundraising effort:

- Purchase of a property or portion thereof
- Incorporation & charitable status

- Building and liability insurance or portion thereof
- Lawyer's fees for the incorporation process
- Salaries and benefits for paid staff
- Office supplies
- Office equipment: photo copier, fax, telephone, local & toll free numbers, laser printer, computer(s) and software, pkg(s), furniture for library, kitchen, and tea room, quiet rooms, children's play room and quiet room, and reception area
- Technical support for office equipment
- Client expenses (taxi/bus fare)
- Utilities or portion thereof
- Groceries
- Travel expenses for volunteers/staff
- Lawyers' consultation fee on a fee for service basis (e.g. weekly consultation)
- Initial decorating of Luke's Place.<sup>19</sup>

This list includes a number of initial capital requirements that could be secured with the help of government, foundation, corporate and community funders. Later program-related expenses, such as funding to provide direct service to women and children, develop new resources, and complete evaluation research, can also be drawn from a variety of sources earmarked for different purposes from pilot programs to the creation of toolkits to develop and share resources with the broader community. The collaborative relationships that Luke's Place has

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<sup>19</sup> *Supra* note 8 at 5.

built and maintained over the years have proved helpful to fundraising efforts through a number of jointly sponsored initiatives.

## **Services Offered**

**Individual Support.** Luke's Place supports "women who are dealing with the family law process and the effects of abuse. Abuse does not end at separation and the family law process adds a new element of abuse and fear. We hope to help women become more effective in this process by;

- Providing her with an opportunity to discuss her situation, needs and goals;
- Providing her with an overview of the family law process;
- Helping her to set realistic goals;
- Helping her to set priorities;
- Helping her to prepare for lawyers appointments and court appointments;
- Providing accompaniment to lawyer appointments and court appointments within the Durham Region and to provide an opportunity to debrief afterwards;
- Providing information about safety planning and community referrals;
- Providing information and support with regard to trauma and abuse recovery."<sup>20</sup>

Two of the most important ways that individual support services are delivered are through Legal Support Workers and volunteers.

Legal support workers work with women to record the history of abuse, determine the case status, identify priorities and needs, make safety plans and referrals to community resources as needed, and provide ongoing support throughout the family law process. Ongoing

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<sup>20</sup> *Supra* note 11.

support includes educating women about family law/court process and options, assisting women in following through with lawyers' recommendations, accompaniment to court and legal appointments, debriefing/discussing recommendations afterward, emotional support and ongoing safety planning.

Volunteers are essential to the day to day functioning of Luke's Place. They receive extensive training on the dynamics and impact of violence and abuse as well as the family law system. Volunteers provide many of the core services and support roles at Luke's Place, including direct support to survivors such as accompaniment to court, lawyers' appointments, the Family Law Information Centre, and the family court filing counter. Volunteers also assist women in accessing the resource library and using online documentation tools. They also make follow up calls to women to check in after service utilization. In addition, volunteers serve on the Board and other committees. Legal Advisory Group and Women's Advisory Group members also serve on a volunteer basis. Technological assistance, web design and hosting are provided by volunteers as well. Finally, lawyers provide Pro bono service and advice to survivors and to Luke's Place.

Each of these types of support can be adapted to individual women's situations and applied in other locations. The combination of education, support and empowerment that is specific to the family law process can help survivors to navigate this very complex system in a way that is safer and less confusing. Survivors' improved preparation is also helpful to family court personnel and judges, since it can ensure that all parties share the pertinent information in the most appropriate and effective way.

**Pro Bono Summary Advice Clinic.** Luke's Place also offers a Pro Bono Summary Advice Clinic. The pilot project for the clinic was jointly funded by the Law Foundation of

Ontario and The Ontario Trillium Foundation. The Law Foundation of Ontario is an organization that uses the interest from trust accounts held by lawyers and paralegals to support projects which “make the justice system more understandable and accessible”. This includes funding for Legal Aid Ontario as well as awarding grants to other organizations.<sup>21</sup> The Ontario Trillium Foundation is an Ontario agency that awards grants to projects in the interest of “Building healthy and vibrant communities throughout Ontario by strengthening the capacity of the voluntary sector, through investments in community-based initiatives”.<sup>22</sup>

With additional funding from The Law Foundation, the Pro Bono Summary Advice Clinic provides Luke’s Place clients who do not have lawyers and cannot afford them with an opportunity to receive summary advice specific to their case from family law lawyers with the support and accompaniment of a Legal Support Worker from Luke’s Place. Through the Clinic, family lawyers knowledgeable in the field volunteer to meet with individual women. Although the clinic does not provide legal representation, it does provide summary advice, assistance with legal documentation, and preparation for court. For example, lawyers at the clinic provide pertinent information about family law rules and procedures to follow in filing paperwork.<sup>23</sup>

**Family Law Networking Group.** The Family Law Networking Group (FLNG) provides an empowering environment in which women can receive information and share experiences with other survivors in a facilitated peer support group. This innovative format combines the benefits of specific information and expertise about family law with a peer group

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<sup>21</sup> <http://www.lawfoundation.on.ca/mandate.php>

<sup>22</sup> [http://www.trilliumfoundation.org/cms/en/mission\\_statement.aspx?menuid=326](http://www.trilliumfoundation.org/cms/en/mission_statement.aspx?menuid=326)

<sup>23</sup> *Supra* note 11.

process. FLNG meetings are scheduled periodically and meet once a week for a ten week series. Each meeting is approximately one and a half hours long and is focused on a different topic. Guest speakers provide information about community resources and family law processes, and survivors share their experiences. In addition to learning about family law issues, the group addresses recovery from abuse. An experienced facilitator guides the group process.<sup>24</sup>

**Early Information Sessions.** Developed in 2010, these group sessions provide an opportunity for survivors to gain essential information that they need at the very beginning of the family law process. Development of the Early Information Sessions program was funded by the Ministry of the Attorney General Ontario Victim Services Secretariat and continues as an ongoing Luke's Place program.

**Legal Information Workshops.** Luke's Place developed and conducted a series of Legal Education Workshops in 2010 and 2011. Topics included: working with your lawyer; applying for custody; applying for restraining orders; and financial statements. Legal support workers and family lawyers co-authored the curriculum and co-facilitated the workshops. These workshops were funded by the Canadian Women's Foundation and the Law Foundation of Ontario. A pre- and post-test evaluation process tailored to each session and was built in to assess the efficacy of the workshops. These workshops continue within the Pro Bono Clinic Program.

**Resource Library.** The resource library includes materials maintained in-house as well as those made available through the Luke's Place website and other web resources. The

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<sup>24</sup> *Ibid.*



resource library includes over five hundred different resources including print, audio and video resources. Most items may be checked out for three weeks, but some are for in-house use as reference materials. The library collection covers a variety of topics focused on family law, parenting after separation, and the effects of abuse on children. Library materials can be checked out by survivors as well as advocates, lawyers, and other professionals who work with abused women.<sup>25</sup>

**Community Education.** Luke's Place offers training to staff and volunteers from other organizations with regard to the specific issues woman abuse survivors face within the family law process. The demand for training is greater than the founders of Luke's Place had originally anticipated, and training comprises a substantial portion of the organization's activities. Training activities are a very important part of the coordinated community response to violence against women of which Luke's Place is part. Educating the community, including the professionals and volunteers who come into contact with abused women, is an essential part of the organization's mission. To date, Luke's Place has provided training and education at provincial and international conferences, as well as to shelter workers, transitional support workers, probation and parole staff, legal aid workers, supervised access centre staff, Victim Witness Assistance Program personnel, Victim Services advocates and many volunteers. Trainings are individualized to meet the needs of participants and materials are updated regularly to reflect changes in the law and community.<sup>26</sup>

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<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

In response to the need for enhanced capacity for legal advocacy, four local shelters partnered with Luke's Place to develop a collaborative training model. The idea was to train paid and volunteer advocates in order to increase expertise and consistency in the delivery of legal advocacy amongst all partners. With financial assistance from the Ontario Victim Services Secretariat of the Ministry of the Attorney General, Luke's Place produced a comprehensive training resource called *After She Leaves: A Resource Manual for Volunteers & Staff Supporting Woman Abuse Survivors and their Children during the Family Law Process* in 2006.<sup>27</sup>

*After She Leaves* includes sections on: the dynamics of woman abuse; risk assessment and safety planning; criminal court issues; issues that arise for woman abuse survivors and their children during the family court process; detailed information about the family law process; and the role of advocates in assisting women in the family court. The manual also includes a number of appendices including tools that can be used for risk assessment and safety planning as well as copies of pertinent laws and policies.

The section on the dynamics of woman abuse contains background information on abuse and its effects on children. An historical overview of the problem and changes in law and policy in Canada is provided, and the issues reported by abused women in the family court

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<sup>27</sup> *Supra* note 6. *After She Leaves* was completely revised in 2010 by Pamela Cross and Tanya Conlin. With funding from the Ontario Trillium Foundation, the second edition was used to create online training available through Springtide Resources. The second edition was produced in collaboration with Action Ontarienne Contre la Violence Faite aux Femmes (AOcVF) so that it has been translated into French. AOcVF distributes the francophone version and also provides training on the manual in French.

system are introduced. Information is included on the stages of change and barriers to leaving abusive relationships in order to acknowledge that leaving is a process and ameliorate frustration that advocates might experience working with survivors of violence in this capacity. Special attention is devoted to the resources available in the community and options that are available for women who are trying to leave an abuser. Effective advocacy skills are also stressed in this section. As the manual says, “Information on the dynamics of woman abuse is the foundation of an effective response. It is essential that any family law support is provided by people with a deep understanding of this issue and an attitudinal perspective that will understand, support and empower the survivor.”<sup>28</sup>

Luke’s Place also developed a specialized resource called the *Emergency Motions Toolkit* in 2007.<sup>29</sup> This toolkit is a resource specifically designed to help women in the first stages of the family law process when stress and uncertainty are at their greatest yet key documentation needs to be prepared correctly in order to ensure that relevant factors are considered in family court. The *Emergency Motions Toolkit* includes the relevant forms that need to be filled out in order to apply for an emergency motion. It also includes commentary that guides women and their lawyers or other advocates in understanding and completing the forms effectively. Luke’s Place staff provides training about how to apply for emergency motions and how to use the toolkit for staff from other agencies, attorneys who work with abused mothers, and volunteers. Both of these toolkits provide models which can be adapted to other locations.

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<sup>28</sup> *Supra* note 3 at 5.

<sup>29</sup> *Supra* note 11. The *Emergency Motions Toolkit* was also revised in 2010 by Clayton Spencer and Tanya Conlin. This edition is also available in French via AOcVF.

**Systemic Advocacy.** Family law and the family court system have been the focus of scrutiny over the past decade. Many stakeholders have called for reform. To this end, Luke's Place initiates and participates in systemic advocacy to address the needs and issues of women survivors in the family law system. In addition to conducting its own consultations, surveys and research, Luke's Place has supported advocacy activities initiated by a variety of stakeholders in the woman abuse and family law systems. For example, Luke's Place staff, volunteers, and clients have participated in focus groups, surveys, hosting consultations, and collaborating on position papers. This type of systemic advocacy has contributed to the creation of a provincial Family Court Support Worker program funded by the Ministry of the Attorney General. The new program provides "assistance to victims, most of whom are women and children, at a time when they are at the greatest risk of further violence" by providing victims with information about the family court process; document the history of abuse for the court; referring victims to specialized services and supports in the community; helping with safety planning related to court appearances; and accompany survivors to court proceedings, where appropriate.<sup>30</sup> The program is delivered by community organizations in each court jurisdiction across Ontario.

## **RESEARCH FINDINGS FROM LUKE'S PLACE**

Part of supporting abused mothers through the family law process is raising awareness about how abuse affects the process of separation and custody determination. While abuse is often raised in the context of family court, it is also often dismissed by court personnel as

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<sup>30</sup> See for example <http://www.attorneygeneral.jus.gov.on.ca/english/news/2011/20110311-dv-nr.asp> Luke's Place, with its provincial partners, will be delivering the Training Initiative for the new Family Court Support Worker program beginning in 2011.

irrelevant, and reports of abuse are frequently presumed to be false. Luke's Place has taken an active role in promoting and producing research on the issues faced by abused mothers in family court. As any advocate or scholar who works with abused mothers knows, concerns about child custody are central for these women, yet very little research has been devoted to understanding or empirically documenting the problem.

Luke's Place has worked collaboratively with community and government funders and local researchers to produce two large original studies about the needs and experiences of abused women in the family court.<sup>31</sup> Luke's Place published *Through the Looking Glass: The Experiences of Unrepresented Abused Women in Family Court* in 2008.<sup>32</sup> This report included background information on the extent of woman abuse, the risks to women and children following separation, and recent legal and program developments in Ontario and Canada. *Through the Looking Glass* was largely based on the empirical study *A Needs Gap Assessment Report on Abused Women without Legal Representation in the Family Courts*.<sup>33</sup> The mixed-methods study used multiple sources of information including:

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<sup>31</sup> These reports as well as the earlier report *In The Centre of the Storm - Durham Speaks Out; A Community Response to Custody and Access Issues Affecting Woman About Survivors and Their Children* are available at <http://www.lukesplace.ca/research.htm>

<sup>32</sup> Pamela Cross, *Through the Looking Glass* (Luke's Place Support and Resource Centre and The Denise House, 2008). The project was funded by the Ontario Victim Services Secretariat, Ministry of the Attorney General.

<sup>33</sup> Molly Dragiewicz and Walter S. DeKeseredy, *A Needs Gap Assessment Report on Abused Women Without Legal Representation in the Family Courts* (Luke's Place Support and Resource

- Focus groups with 18 survivors
- Focus group with 8 community advocates
- Focus group with 6 legal support workers
- Focus group with 8 lawyers
- A survey of 66 women survivors, community advocates, community legal workers, and lawyers
- Two interviews with mothers who are survivors of woman abuse
- Two interviews with specialist family court judges
- Interview with one judge who cycles in and out of Durham family court.<sup>34</sup>

A total of 68 respondents participated in this study.<sup>35</sup> *A Needs Gap Assessment Report on Abused Women Without Legal Representation in the Family Courts* was designed to contribute to building an empirical foundation for policy and programs that serve abused mothers in Ontario. Three key themes were recurring in the study findings: safety for abused women and their children; access and accountability for abused women in the family court system; and financial independence.

A subsequent study was completed later that year with funding from the Ontario Women's Directorate. *The Study on the Experiences of Abused Women in the Family Courts in Eight*

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Centre for Women and Children, 2008). Available at: <http://www.lukesplace.ca/pdf/Molly-Appendix%201.pdf>

<sup>34</sup> The published report includes full information about the methodology and findings of the study, including questionnaires, focus group questions and other tools.

<sup>35</sup> Focus group participants and interviewees also completed surveys.

*Regions in Ontario* was a quantitative study of 230 survivors of woman abuse and the advocates who work with them.<sup>36</sup> This study of the experiences of abused mothers in eight regions in Ontario and the community advocates who work with them found persistent themes involving:

- Extremely high levels of psychological harm due to abuse
- Financial instability for mothers following separation from an abuser
- Victimization by multiple severe forms of abuse, violence, and coercive control
- Persistence of abuse following separation
- Involvement with multiple systems
- Problems with custody and access
- Dissatisfaction with mediation
- Ongoing coerced/forced contact with the abused following separation
- Unmet resource needs for abused mothers following separation.<sup>37</sup>

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<sup>36</sup> Molly Dragiewicz and Walter S. DeKeseredy, *Study on the Experiences of Abused Women in the Family Courts in Eight Regions in Ontario* (Queen's Printer for Ontario, 2008). Available at: <http://www.lukesplace.ca/pdf/Study-on-the-Experiences-of-Abused-Women.pdf>. The regions in the study were: Hamilton/Niagara, Kitchener/Waterloo/Wellington (Guelph), Ottawa/Kingston and Perth (Lanark County), Peel Region and Dufferin County, (Orangeville), Simcoe County, Sudbury and Cochrane district (Timmins), Thunder Bay and Kenora (Red Lake), and York Region.<sup>36</sup>

<sup>37</sup> *Supra* note 36 at 56.

In addition, regional variations were identified that suggest the need for local studies to better understand the dynamics of family court issues in different locations. A number of policy recommendations emerged from the follow up study, including:

- Rethinking joint custody and access in family law cases involving abuse
- Improved coordination and communication across systems
- Improved safety for abused mothers in court facilities
- Providing income and housing security for survivors of abuse
- Improved transportation
- Increased provision of counselling and support to survivors
- Increased provision of legal services and assistance
- Tracking abuse cases away from mediation.<sup>38</sup>

These two exploratory studies represent first efforts to empirically document the issues faced by abused mothers in the family court system in Ontario. The combination of quantitative and qualitative approaches has provided preliminary data on the extent of problems as well as richly detailed information about the experiences of abused women and those who work with them.

Much more research is needed to fill out the picture. These early findings point to the need for both in-depth local studies and larger, representative studies in order to improve our understanding of the problem. Luke's Place is currently conducting environmental scans via electronic survey with service providers across the province. These surveys explore the effects of legislative and policy changes across legal systems and their intersections with family law for

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<sup>38</sup> *Supra* note 36 at 58.



women survivors of abuse. The surveys also include questions about extant service responses and the needs of service providers to address the effects of law and policy reform.

## **LESSONS LEARNED**

Eight years have elapsed since Luke's Place opened its doors. It has been even longer since the community organizations and individuals that developed the organization began to outline its contours. Program staff have gleaned several lessons from work over this time period, and the organization has grown and developed in a number of ways. Some key lessons learned so far include: having your work informed by survivors; be true to your mission; use a gender-based analysis; and build partnerships and collaborate. In many ways, these lessons reflect the coordinated community response to violence against women that has been developed in Durham Region over the past several years while also focusing specifically on the needs of abused women dealing with the family court system and their children. Indeed, the lessons reinforce the voices of the survivors whose experiences were the starting point for the organization.

**Listen to Survivors.** The mission for Luke's Place grew out of an ongoing collaboration between antiviolence organizations and survivors that puts the voices of survivors at the center. From the beginning, the goal has been "providing excellent support to woman abuse survivors throughout the family law process in a way that honours and privileges their voices and their personal experience."<sup>39</sup> One way that Luke's Place ensures that survivors play a central role in the organization's activities is through the Women's Advisory Group. This group is comprised of women who have left an abusive relationship and have experience with the

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<sup>39</sup> *Supra* note 3 at 7.

family law process. The group consults with for Luke's Place about the service provision and community education dimensions of their work. Members advise Luke's Place to develop short and long term objectives for improving direct services to women. The group also plays a key role in identifying shortcomings in service provision and the legal system in order to ameliorate them.

**Keep an Open Mind.** In addition to seeking expertise and advice from survivors, Luke's Place staff advise that those who would start a similar organization keep an open mind about what it will eventually grow to look like. The organization and its programs may develop in ways that had not been initially envisioned, but that is OK. In fact, development in areas that had not originally been envisioned is a sign of a vibrant organization that is meeting the needs of the community rather than fulfilling a pre-conceived or static role.

**Be True to Your Mission.** While Luke's Place staff have learned to keep an open mind about how the activities of the organization may develop, it is important to maintain a focus on your mission and goals. The availability of grant funding for issues that are of the moment may be tempting, but it is wise to maintain a focus on key areas of the organizational mission and vision.

**Keep a Gender Analysis at the Center.** Since the beginning of the battered women's movement, women's organizations have been pressured to water down their message to appease the men and women who are made uncomfortable by discussions about the realities of men's violence against women. The imperative to approach violence from a putatively "gender neutral" perspective has been pushed upon shelters and other services that serve

abused women.<sup>40</sup> However, these services exist precisely because the degendered laws and social services that existed prior to the battered women's movement had utterly failed to address the specific and complex problems faced by women facing abuse by men in a highly gendered social context. Remarkable sex differences in the risks to women and men from abusive partners, heightened at separation, justify a gender-conscious approach to research and service. In addition, the disparate social and economic realities of motherhood and fatherhood demand that attention to gender remains a central factor.

**Seek out Partnerships and Collaboration.** Partnerships have been key to Luke's Place from the start and will be a valuable resource to others looking to start a similar project or organization. In the beginning, Luke's Place grew out of a meeting of a coalition of community groups and survivors who were concerned about the safety of abused mothers and their children following separation. The initial planning and vision for Luke's Place grew out of this collective process. Seeking input from survivors in order to learn about their experiences is essential to develop a service that helps fill the gaps in existing services and programs. To this end, it is essential to see who knows the work that is already going on and what is being done.

Connect with all of the pertinent constituencies early in the process. It is important to talk with those working in family law, criminal justice, and organizations like legal aid to find out how the multiple systems and organizations perceive the current situation, including reflection

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<sup>40</sup> See for example Molly Dragiewicz, "Patriarchy reasserted: Fathers' rights and anti-VAWA activism," 3(2) *Feminist Criminology* 121 (April 2008); Walter S. DeKeseredy and Molly Dragiewicz, "Understanding the Complexities of Feminist Perspectives on Woman Abuse," 13(8) *Violence Against Women* 874 (2007).

on strengths such as established resources as well as weaknesses. It is important to learn and use the language of various constituencies to ensure that efforts reflect the actual needs in the community in an effective way.

One key partnership is with the Legal Advisory Group. This group is made up family lawyers who provide consultation and information for Luke's Place about the legal dimension of their work on a volunteer basis. Members assist the executive director of Luke's Place in developing short and long term objectives for partnership with the legal community to assist in providing optimal service to abused women and their children. Among other activities, the Legal Advocacy Group has developed training and educational events for family lawyers and judges.

**Leverage Existing Services.** It is essential to maintain good working relationships with the other services and organizations that work with survivors of woman abuse. These practices can help build the most useful set of services while avoiding service replication, facilitate funding opportunities, promote strong and ongoing relationships with allies, and promote referrals to and from the organization. Luke's Place grew out of a strong collaboration with one shelter in particular. This relationship has developed into a formal collaboration with all four of the Durham shelters and a large counselling agency, Catholic Family Services of Durham. Luke's Place has coordinated the group's efforts to develop more seamless service interaction for women, cross training and resource development, and research. The group continues to explore joint programming and shared space in underserved areas of the Durham Region. Rather than replacing or competing with existing resources, new services can potentially lighten the load by assisting the more established organizations with tasks that will allow them to focus on their respective core missions.

**Utilize Diverse Funding Sources.** Any non-profit organization needs to build a sustainable funding base. This requires use of multiple resources that can support short and long term goals and needs. The unique nature of an organization focused on family law issues can offer benefits as well as challenges. Dedicated funding streams do not exist to support this kind of service, however, existing funding sources dedicated to promoting health and safety, access to legal information, addressing violence against women, and child protection may all provide possible sources of revenue. Non-profit status is essential to facilitating multiple funding opportunities.

## **CONCLUSION**

Luke's Place is an innovative organization that brings together a number of compelling activities under one roof. Although it is currently one of a kind, a similar model would undoubtedly be feasible and helpful in communities throughout Canada and the United States. The combination of survivor centered services, education and research is a powerful one that is key to any sort of sustainable social advocacy and change. It is our hope that Luke's Place will serve as a model and resource for other organizations in the future. Certainly, improving the safety of abused mothers and their children is one of the most the pressing issues of our time.