



Association of Family and Conciliation Courts Ontario Chapter

NEWSLETTER

Issue 12 Fall 2014

AFCC ONTARIO BOARD:

President:

Justice Debra Paulseth

Past-President: Dena Moyal

President-Elect:

Dr. Rachel Birnbaum

Vice President: Andrea Himel

Secretary: Maggie Hall

Treasurer: Steven Benmor

Directors:

Dr. Dan Ashbourne

Linda Feldman

Anthony Macri

Karla McGrath

Shely Polak

Justice Allan Rowsell

Gerri Wong

PRESIDENT'S MESSAGE:

Dear AFCC Ontario Members:

Over 500 Ontario family court professionals are members of AFCC with 86% of these professionals' members of our Ontario Chapter. As family court matters become more complex in a world of limited resources and challenging global issues, we realize that we need each other more than ever!

It is with great pride that I share that our support for the parent conference this past May 2014, was amongst the highest numbers ever for this annual event. Next year we will head to New Orleans May 27-30, 2015. I urge you all to propose workshops and make your travel plans.

Over the last year, we have made a concerted effort to ensure educational events are held in various places around the province. You will see in our emails and on our web site the amazing results of these efforts. Local groups are working hard to give their members easy access to high quality programs and we are happy to assist and support any of these events.

As well, we are always interested in evidence-based changes to improve the system. To that end, we have modestly supported several research projects and another one is being posted imminently. Ongoing research and evaluation is critical for continuous improvement in both access to justice services and the highest quality outcomes for children and families.

I have been honoured to serve on this Board with so many wonderful and motivated professionals who work hard to improve our system. I look forward to seeing everyone at one or all of our upcoming events!

Justice Debra Paulseth
Chapter President

INSIDE THIS ISSUE:

AFCC-O 6th AGM & Conference –Oct. 16-17, 2014	2-3
AFCC 51st Conference Recap	4
2ND Annual Walsh Family Law Moot	5-6
AFCC-O Membership Benefits	7
AFCC-O Member Spotlight Dr. Noel Semple	8-9
Did You Know? Hamilton High Conflict Forum	10
Book Review: Defending Battered Women on Trial	11
Film Review: A Separation	12
AFCC-O Committee News	13
Feature Article: Immigration Status, Spousal Sponsorship & Spousal Abuse	14-16
Community Corner: Safe Centre of Peel	17
Upcoming AFCC-O Training	18
Advertisements	18-

AFCC-O members are family law judges, lawyers, mental health professionals, social workers, mediators, & other professionals in the family justice system.

We are dedicated to providing an interdisciplinary forum for the exchange of ideas and the development of procedures emphasizing collaborative methods of dispute resolution to assist families in conflict.

We share a strong commitment to education, innovation, and collaboration to benefit communities, empower families and promote a healthy future for our children.

AFCC ONTARIO CHAPTER AGM & 6TH CONFERENCE



**Association of Family and Conciliation Courts,
Ontario Chapter**

6th AGM & ANNUAL CONFERENCE

Marconi Club, 120 Clarke Rd., London, Ontario

"SPECIAL ISSUES FACING FAMILY COURTS"

FRIDAY, OCTOBER 17th, 2014

8:00 a.m. - 4:30 p.m.

EXPLORING THESE RELEVANT ISSUES :



- **SPECIAL NEEDS CHILDREN**
- **MENTAL HEALTH ISSUES**
- **ADDICTION**
- **RUPTURED RELATIONSHIPS**

Welcoming Address:

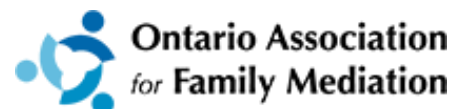
Justice Mary Lou Benotto, Ontario Court of Appeal



**The LSUC has approved
this program for 6 hours,
45 minutes of
Substantive Content,
which includes 1
Professionalism hour, if
the entire day is
attended**

Special Thanks to our Gold Sponsors:

**Mackenzie Lake Lawyers; and
Ontario Association for Family Mediation**



**Special Thanks to our Silver
Sponsor:**

**Kathleen Chapman,
The Family Mediation Centre**

The Family Mediation Centre
Mediation and Information Services
Mediation Training and Internships



www.mediationcentre.com • Tel: 519-673-1219 • Toll Free: 1-888-796-0483

AFCC ONTARIO CHAPTER AGM & 6TH CONFERENCE — continued



Pre-Conference Events held at:
London Chamber of Commerce
 244 Pall Mall St., London, ON N6A 5P6
THURSDAY, OCTOBER 16th, 2014
5:00 p.m. - 6:30 p.m.

NEW PROFESSIONALS EVENT

**"What Experienced Professionals Wished They Knew,
 When They Were New"**

Presented by:

- Justice Lynda Templeton, Superior Court of Justice, Unified Family Court, London, ON
- Justice Barry Tobin, Ontario Court of Justice, Windsor, ON
- Dr. Jay McGrory, C. Psych., Schnayer, McGrory and Associates, Windsor, ON, and
- Gerri Lynn Wong, Lawyer & Mediator, Windsor, ON



SOCIAL RECEPTION - Meet & Greet (same location)

6:00 p.m. - 7:30 p.m.

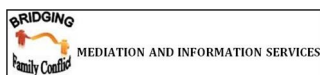
Sponsored by Lene Madsen of Bluewater Mediation

Join your colleagues for Hors d'oeuvres and a cash bar



View a Conference Brochure and Register for these events on our website at:
www.afccontario.ca/conference

Special Thanks to our Bronze Sponsors:



mediate393

A MESSAGE FROM PETER SALEM & ERIN SOMMERFELD ON THE 51st AFCC CONFERENCE



Navigating the Waters of Shared Parenting: Guidance from the Harbour

Held on May 28-31, 2014

At the Westin Harbour Castle, Toronto, ON

The AFCC 51st Annual Conference, *Navigating the Waters of Shared Parenting: Guidance from the Harbour*, held at the Westin Harbour Castle in Toronto on May 28-31, 2014 was a great success! The event brought over 1,100 family law professionals from 17 countries. More than 500 of those in attendance were from Canada, with 400 from Ontario alone.

The AFCC parent organization is thankful for the support of the Ontario Chapter, the assistance from members and chapter leadership in promoting the conference, identifying sponsors, working on the program, building excitement for the event, and of course attending! Your dedication and excitement for AFCC played an important role in the success of the event. Special thanks to everyone who helped out—gracious hosts all around!

Toronto was a fitting location for two members of the Ontario Chapter to be honored with AFCC awards. Awards were presented on opening night, at a standing-room-only ceremony, to Justice Emile R. Kruzick and Dr. Rachel Birnbaum.

The John E. VanDuzer Distinguished Service Award recognizes outstanding contributions and achievements by AFCC members, and is named for the late Justice John E. VanDuzer who served as **the first Canadian president of AFCC in 1983**. John VanDuzer's wife, Joan, presented the award to Justice Kruzick.

The Stanley Cohen Distinguished Research Award, sponsored by the Oregon Family Institute, was presented to Dr. Rachel Birnbaum. The award recognizes outstanding research and/or research achievements in the field of family and divorce.

We hope to see you in New Orleans for the 52nd Annual Conference, *Children in the Court System: Different Doors, Different Responses, Different Outcomes*, May 27-30, 2015. This time, we will focus on the variety of ways children enter the court system and the challenges they, their parents, guardians and professionals face within the court system. AFCC is accepting proposals for 90-minute through to October 1, 2014.

Article provided by: Peter Salem and Erin Sommerfeld of AFCC



International AFCC Stanley Cohen Distinguished Research Award

AFCC-O is proud to announce that AFCCO's President-Elect, Dr. Rachel Birnbaum, was this year's recipient of the **Stanley Cohen Distinguished Research Award**. The award was announced and presented at the International AFCC conference in Toronto this past May 2014. This award was created to recognize outstanding research and research achievements in the field of family and divorce.

On behalf of AFCC-O, Congratulations, Dr. Birnbaum!

SECOND ANNUAL WALSH FAMILY LAW MOOT

On Saturday, March 15, 2014 twenty-seven law students from Ontario's six law schools descended upon Osgoode Hall to showcase their oratory skills at the 2nd Annual Walsh Family Law Moot. patti cross, founder and past president of the Ontario Chapter of AFCC, was crowned the "Mother Moot" for having orchestrated Canada's first every competitive law school moot, in 2013, in the area of family law. On this 2nd, now annual event in 2014, patti assembled a (hard) working group who created a trial decision to be appealed. *



Before announcing the winners, patti introduced the keynote speaker, Lucy McSweeney, Ontario's Children Lawyer. Lucy delivered an inspirational call to action to the next generation of family law advocates by giving them five reasons to choose a career in family law.

Below is a brief excerpt from Lucy McSweeney's keynote address:

I am hopeful that the establishment of this moot will assist in the recognition of family law, and children's law, as fundamental, foundational courses in a complete Canadian legal education. In my view, there has never been a more important time to equip our law school graduates with family law knowledge and experience, as you will be called to the bar at a time when access to timely affordable justice is viewed by many as increasingly difficult to achieve. This calls on all of us to be collaborative and work together to help families get the help they need at times of

**WALSH
MOOT**

**SAVE
THE
DATE!**

**March 14th,
2015**

So why is family law so important? And just as importantly, why should new lawyers consider building a practice that includes family and children's law? I offer five reasons for your consideration:

1. YOU CAN MAKE A DIFFERENCE

Lawyers in family and child protection law encounter parents and children at their most vulnerable – when their familiar home world comes apart, and their dreams for the future have all but evaporated. Lawyers who bring their whole selves to the challenge of helping such families, whether as counsel to a parent or a child, or perhaps by mediating with the couple, have the opportunity to make a huge difference.

Lawyers can help the family move forward toward function and communication, seeing a way to move on with their lives, or backwards towards cycles of re-living and rehashing the blame and pain of a relationship breakdown. One of our primary-school age clients, whose parents were in a high conflict divorce and custody battle, expressed himself powerfully but simply. When his class was asked to name their "difference maker", while other kids named their mom or dad, or maybe their coach, this little guy wrote "my children's lawyer is my difference maker". [This work makes a difference!](#)

2. YOUR WHOLE SELF WILL BE ENGAGED IN THIS WORK

When you work with families coming apart, everything you are good at can help you to connect with and help others. Perhaps you are a really good listener, or you speak another language, or are familiar

***See Steven Benmor's article on AFCC-O's "Second Annual Walsh Family Law Moot: History is Made.. Again!" on our website at:**

http://www.afccontario.ca/walsh_family_moot.html

SECOND ANNUAL WALSH FAMILY LAW MOOT—continued

with resources in your community where you can connect people; or maybe you are good at explaining complex things simply: just about everything you know can help.

Everything you *are* can help too! We all have facets of difference – we have each been raised in a specific place, culture, religion, or country; we have a specific sexual orientation or gender identity; we have experiences of ability and disability. Well, guess what? So do our clients! Being open to sharing your whole self allows you to earn the trust of your clients so that you can help them, and in doing this you will feel that you are making a difference.

3. IS THERE A FLIP SIDE TO “LIVING THE WORK”?

Well, not a flip side exactly, but reason #3 for doing this work is that YOU WILL HAVE TO FACE YOUR FEARS. By this I mean that in family law work, chances are good that everything you are scared of will show up in your practice sooner or later! You will see similarities to your own divorce, or to the dynamics in your own current partnership and marriage; you will be reminded of hard parts of your own childhood, or perhaps of mistakes you have made, or are currently making in your own parenting of your children.

When people say that family law adjudication is an intrusive process, they usually mean that litigants are required to share what was formerly private information with others. Less often said is that the work also intrudes into the lives of the practitioners. So, how can I see this as a good thing and as a reason to practice family law? Well, doing this work will give you opportunities to evaluate your own behaviour, values, and appreciate what is good and what could be better in your own life.

Many children’s lawyers have told me that representing young people has made them better parents and it is my observation that if you are open to changing and growing, as you do this work you will become stronger and more aware of who you are, and thus where you are going.

4. IT IS NEVER BORING

Practicing law is hard! It is a decent living, but it is hard. It is my observation that the people who go to law school are those who are restless – if you could have been satisfied with less complex, less challenging, and possibly more remunerative work, you would have done that instead! In other words, **by choosing to become a lawyer you have signalled that you are up for a challenge and don’t want to be bored.** Family law is many things, but it is never boring. Every family you have the privilege to work with is unique; every one of them has something to teach you. In every case, you will do something really right, and something you would in retrospect have done differently.

5. THERE IS ALWAYS WORK

And last but not least, in family law, there will never be a lack of work - You will always be needed. Where there is love, marriage and hope today, statistics assure us that down the road, for many families, there will be separation, divorce, and rebuilding of lives. Family lawyers are the advocates for those whose hearts have been broken and are under re-construction. You will always be needed. And, really - what could be better than always being needed?

© Lucy McSweeney. The views expressed by the author are her own, and do not represent the views or position of the Ministry of the Attorney General



Visit our website to learn more about our Board Member’s and to view a list of our Committees and Working Groups. New committee members are always welcome and encouraged! www.afccontario.ca

AFCC MEMBERSHIP BENEFITS

AFCC membership includes:

A Subscription to the **Family Court Review**, quarterly journal with full access to archives dating back to 1963!

Access to an on-line membership directory of over 4,800 colleagues worldwide (don't forget to login to the members section of the AFCC website at www.afccnet.org to update your member profile!)

AFCC eNews monthly electronic newsletter.

Parenting Coordination listserv of AFCC members.

Special member discounts to attend AFCC Conferences, training programs and publications.

"AFCC-O" members are eligible to receive discount pricing to attend our annual conference, seminars & special events. Check our webpage Training Seminars & Workshops at this link:

[www.afccontario.ca/seminars & workshops](http://www.afccontario.ca/seminars_and_workshops)



**Are you a member of
AFCC and would like
to join the Ontario
Chapter?**

[www.afccnet.org/
Chapters/
JoinaChapter](http://www.afccnet.org/Chapters/JoinaChapter)

WE ARE GROWING!!

**As of Oct. 1/14 we have 521 AFCC members in Ontario
448 are AFCC-O Members! welcome these 74 new Chapter
Members since our March 2014 Newsletter!**

NEW AFCC-O MEMBERS:

Shelley Quinn
Angela Pickard
Louis Vandenbosch
Sandy Holmes
Victoria Starr
Sabrina Tripolitano
Debra Taylor
Sheilagh O'Connell
Jane Huh
Shannon O'Neill
Luke Carty
Lynda Evans
Jacqueline Peeters
Pushpa Kanagaratnam
Herman Paul Gill
Kathryn Owens
Mike MacConnell
Heather Katarynych
Henry Vogelsang

Mary Kay Arundel
Betty Predinchuk
Rachel Eynon
Karen Bridgman-Acker
Catherine Pal
Barb Bailey
Murielle Montreuil
Kelly Spear
Carolyn Cahen
R. Son Jain
Paul Nicholson
Deborah Perkins-Leitman
Patricia Bidgood
Esra Samli
Julia Tremain
Todd Moore
Nicola Crow
Andrea Kim
Jessica Barnes

Richard Diamond
Margaretta Hanna
Shelley Kierstead
Daniel Lanoue
Cherly Lean
Morrison Reid
Nicole Stewart-Kamanga
Ricardo Theoduloz
Judy Walsh
Cheryl Williams
Trent Zimmerman
Christine Lee
James Marks
Simonetta Lanzi
Elizabeth Abraham
Theodora Oprea
Jody Bridgewater
Faith Feldman
Stephen Nsitem

Mary Kay Morand
John Butt
Paula McGirr
Christine Glogovic
Eva Chan
Robert Shawyer
Nancy Charbonneau
Krista Konrad
Mark Jones
Brenda McCrea
Claudette Riley
Bonnie Ostroski
Leighann Ranney
Lawrence Blokker
Chris Calley Jones
Christina Ninham
Robert Ninham

AFCC-O MEMBER SPOTLIGHT

Our Spotlight Section Enhances our Recognition of AFCC-O Members Throughout Ontario

Dr. Noel Semple, J.D., Ph.D.

Assistant Professor, University of Windsor Faculty of Law

2014-15 OBA Foundation Chief Justice of Ontario Fellow in Legal Ethics and Professionalism Research



Who is Dr. Noel Semple?

Noel is an Assistant Professor at the University of Windsor, Faculty of Law. Noel writes and teaches in the fields of family law, dispute resolution, access to justice, and legal professionalism. Noel's work has appeared in the *Family Court Review*, the *International Journal of the Legal Profession*, the *Canadian Journal of Women and the Law*, and the *Canadian Family Law Quarterly* among other journals. He is teaching Access to Justice and Civil Procedure at Windsor Law this year, and has taught Children and the Law and Legal Process in the past. He was previously a visiting Research Fellow at Columbia Law School in New York.

Noel completed his Ph.D. at Osgoode Hall in 2011, after receiving an LL.M. in 2009. He was called to the Ontario bar in 2008 after completing articles at Borden Ladner Gervais LLP in Toronto. He received his Juris Doctor from the University of Toronto in 2007. Noel's doctoral focus was on custody and access arrangements made for children following the breakdown of their parents' relationships. His dissertation critically analyzed the litigation and settlement mechanisms used to resolve these disputes, and the costs and benefits for the children involved. The severe lack of affordable and professional legal assistance in the family law field became obvious during this research, and inspired Noel's postdoctoral research agenda.

AFCC-O Involvement

Noel first became involved with the Association of Family and Conciliation Courts, Ontario Chapter (AFCC-O) during his doctoral studies, which were greatly assisted by AFCC-O members, events, and resources. Most recently, he collaborated with Professor Nicholas Bala on an AFCC-O Commissioned Report. The Report titled [Reforming Ontario Family Justice System: An Evidence Based Approach](#) examined the measures that Ontario governments should be undertaking to improve access to family justice and the functioning of the family justice system. Noel is grateful to AFCC-O for supporting the research and commissioning the report.

www.NoelSemple.ca
<https://twitter.com/NoelSemple>

AFCC-O MEMBER SPOTLIGHT—continued

What does he do?

Teaching the Next Generation of Legal Minds

Noel is teaching a course on Access to Justice at the University of Windsor. This unique mandatory first-year course introduces law students to access to justice as a policy issue and as a professional obligation. Students are taught how the rule of law and the rule of procedure will be reconciled with cost concerns in accessing legal services. Students are encouraged to reflect on how they can make individual contributions to facilitate access.

Q: Will you be teaching any content on access to family justice?

"Family law is an important part of my course, because it is one of the front lines in Canada's struggle for access to justice. Course topics include family law mediation and arbitration as well as self-represented family court litigants."

Book Writing

In early 2015, Noel will be releasing a book titled *Legal Services Regulation at The Crossroads: Justitia's Legions*. The book compares how legal services are regulated in North America, the United Kingdom and Australia through an access to justice framework. The regulation of lawyers in the United Kingdom and Australia assumes that legal services are a market. Legal service providers are then regulated to protect consumer rights and to increase competition in the market.

In contrast, the regulation of lawyers in Ontario and other North American jurisdictions is based on traditions of professionalism and the legal profession's independence from the state and clients. Noel argues that North America's approach to legal service regulation has important strengths, but could be reformed to be more client-centric and less of an impediment to access. His book plots a roadmap to increasing access to justice by addressing the regulatory impediments.

Q: How does the regulation of lawyers based on traditions of professionalism impede access to family justice? What can be done to remove the impediments? "There are two elements of our regulatory regime that seem to be impeding access: (i) the prohibition of non-lawyer investment or management, and (ii) the near-total exclusion of paralegals from fields like family law. (Read more in my article [here](#)) On the other hand, legal services regulatory reform is not a silver bullet for accessibility and regulators must protect quality and professionalism at the same time that they encourage access to justice. I am encouraged by recent focus on these issues at the [Law Society of Upper Canada](#)."

Future Research

Noel's next research project is entitled *Accessible Professionalism*. His focus will be on private sector delivery of "personal plight" legal services in fields such as family law and personal injury law. Noel hypothesizes that there is a growing disconnect between what litigants need and are prepared to pay for, and the legal services that are being delivered by lawyers today. He will embark on empirical research by surveying and interviewing various legal practitioners, including family lawyers on matters of substantive professionalism, best practices, and new ways of practicing with technology and other family professionals.

Article provided by: Jason Zhong, J.D.

DID YOU KNOW?

On September 4, 2014 Hamilton held its first High Conflict Forum symposium entitled:

“Turning Down the Heat: A Collaborative Approach to Working with High Conflict Families.”

The forum featured Dr. Jean Clinton as the keynote speaker and Justice James W.R. Turnbull (SCJ) as guest speaker. Ms. Michelle Hayes, Chair of the Hamilton High Conflict Forum is proud to share that the inaugural event brought 140 attendees!

Key objectives included:

- To learn strategies from each sector on how they work to reduce conflict and produce better outcomes;
- To learn from child experts on the impact of high conflict on families;
- To participate in expert discussions and learn new strategies to work collaboratively; and
- To learn risk assessment and risk reduction methods when domestic violence has been present.

The genesis of the Hamilton High Conflict Forum emerged out of the **“Caught in the Crossfire”** training, developed by the Toronto High Conflict Forum. It was at this training, that the words of Howard Hurwitz, Chair of The Toronto High Conflict Forum sparked a desire for our own community of professionals to initiate the creation of a similar Forum in Hamilton. The invitation to present this training in Hamilton was extended by the Children's Aid Society of Hamilton and the Catholic Children's Aid Society of Hamilton as a result of the growing challenges of working with high conflict families.

The Hamilton High Conflict Forum has benefited from the experiences of other groups and communities that have started a forum, especially from Toronto, who pioneered the idea. The Hamilton High Conflict Forum aims to encourage the same synergy throughout the Hamilton community and the surrounding communities of Haldimand, Norfolk, Brant, Niagara, Halton, Kitchener, Cambridge and Guelph.

This inaugural symposium demonstrated a desire to receive more training to better identify and assess high conflict families more effectively, to identify best practice approaches in order to reduce conflict, and to prevent high conflict parenting relationships from creating a toxic and emotionally damaging situation for children. Hamilton High Conflict Forum is looking forward to continuing to develop the program and future symposia.

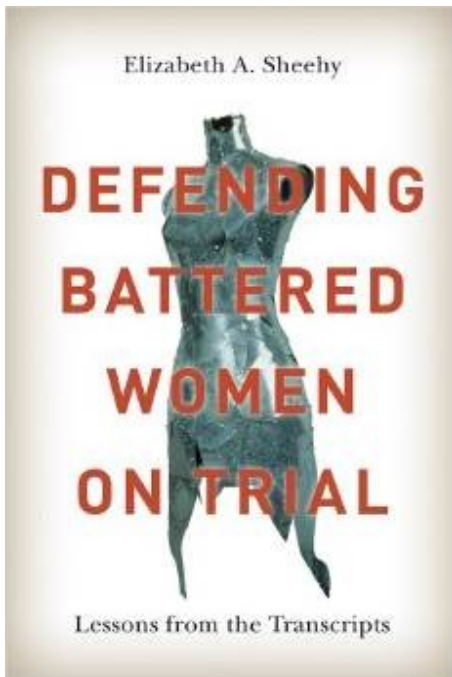
Article provided by: Ricardo Theoduloz, MSW, RSW

**The High Conflict Forum welcomes new members!
The Forum has also been instrumental in assisting other communities in
starting up similar community development initiatives.**

**For more information please contact Ricardo Theoduloz, Community
Development Coordinator: ricardo@highconflictforum.ca**

BOOK REVIEW

Defending Battered Women on Trial
Lessons from the Transcripts
Author: Elizabeth A. Sheehy (2013)



Elizabeth A. Sheehy is a law professor at the University of Ottawa. Since this book's publication, it has been widely discussed in media and debates among the profession.

In the landmark *Lavallee* decision of 1990, the Supreme Court of Canada ruled that evidence of "Battered Woman Syndrome" was admissible in establishing self-defence for women accused of killing their abusive partners. The author looks at the evidence produced at the trials of eleven battered women and the way in which self-defence was argued. By illuminating these cases, this book uncovers the practical and legal dilemmas faced by battered women on trial for murder (Sheehy, 2013).

The author statistically analyzed 141 women's homicide criminal trial records from the years 1990 to 2005 to gain an understanding of how these cases were treated in the criminal justice system. It was revealed that women in abusive relationships have a nine times greater chance of being murdered.

Through the chapters in this book, readers get an overview of the history as to the groundwork of feminist activists and lawyers in creating such defence argument. The book touches on the interesting topic of the role played by Justice Bertha Wilson in the *Lavallee* decision, the systemic issues of the criminal justice system in responding to such cases, and the barriers identified for women to have access to a fair trial. Further, there are chapters devoted to discussions of battered aboriginal women and the current responses. The discussion of self-defence and other evidentiary issues related to abuse is looked at using a new theoretical and legal lens. The legal analysis of the new provisions of criminal code with regards to the self-defence passed in June 2012 raises important questions.

Its inter-disciplinary analysis of law and gender studies, feminist theory, history, sociology, welfare policies and politics, makes it an interesting read irrespective of whether the reader agrees with the conclusions and recommendations of the book.

Book Review provided by: Archana Medhekar, Barrister and Solicitor

(e-mail: amlaw@amlaw.ca)

**Please let us know of any new books that we can feature for upcoming
Newsletters by emailing us at: afccontario@gmail.com**

FILM REVIEW



A Separation (2011)

The highly acclaimed and award winning Iranian film, "*A Separation*", provides insight into Iranian society, culture, family life, and family conflict. The film illustrates the complex interplay between customs, culture, individual needs, and relational expectations, which contribute to interpersonal conflict and eventual family breakdown. The film presents a gritty, and at times uncomfortable, realistic view into the relational turmoil of a family that disintegrates as result of a series of events and

choices both within and out of the families' control.

The story focuses on parents, *Nader* (father) and *Simin* (mother), along with their eleven-year-old daughter *Termeh*. Simin wishes to leave Iran with her husband and daughter, but Nader refuses. Nader is also responsible for the care of his elderly father who suffers from **Alzheimer's disease**. Though the couple ultimately wants to stay a family and preserve their marriage, the divide over what is best for the family and their daughter proves insurmountable. Simin, undeterred, files for divorce, which is ultimately denied. In response, she leaves the family home and resides with her parents, while Termeh remains in the matrimonial home with her father.

Since Simin no longer resides in the home, Nader is forced to find alternate care for his ill father. He hires a local woman, *Razieh*, to come to the home and care for his father while he is at work. What ensues is a chain reaction of events that impacts the lives of multiple families, most notably Termeh who is placed in the unfortunate position of having to choose between her two parents.

'*A Separation*' is a highly suspenseful and thought provoking film. It examines issues related to **gender, power, religion, while challenging notions of "right" and "wrong."** The film makes viewers question their beliefs of individual and family obligation and draws one in as if a party to the unfolding drama.

The film provides an opportunity to not only examine the process of separation and divorce in Iran, but the larger systemic system, including the court system, that operates in present day Iran. It challenges viewers to acknowledge how systems, be it the court, the legal system, or otherwise, impact individuals and families; in many ways these **systems serve as contributors to one's individual choices and behaviours**, producing outcomes that are in some ways contra-indicated considering the nature, desires, and history of the characters involved.

Article provided by: Jared Norton



AFCC-O COMMITTEE EVENTS INFORMATION



First Nations Conference

A one day workshop designed for multi-disciplinary professionals working with First Nations.

Date: TBD, Spring 2015 in Thunder Bay, Ontario. Watch for further details.

Other Programs

The Provincial Planning committee has been hard at work developing programs to facilitate networking and learning in innovative ways. The purpose of these programs is to provide local communities with a creative way to network and learn with colleagues in a fresh and informative manner. Addressing a wide array of topics, we extend an invitation to host an event for AFCC Ontario members, and other family justice professionals in your community. Participation is stress free and easy. **All you have to do is contact AFCC with your interest in hosting an event, and we'll work with you to take care of the smallest of details.**

Choose from any of the following programs:

1. How to Build a Thriving Practice, Prevent Complaints and Feel Rewarded

Learn from our panel of seasoned professionals on how to screen potential new clients early, establish the rules, boundaries and expectations at the outset and in the retainer agreement, prevent, prepare for and manage formal complaints and build a thriving practice by maximizing profit and minimizing client dissatisfaction.

2. Family Law Dilemmas: Learning from Film and Discussion

Learn and debate about issues confronting our clients on a daily basis from topics such as: Parent Alienation, The Role of Parenting Coordinators, How to Tell the Children About Divorce, The Voice of the Child....and more!

These issues are supported and presented by an entertaining DVD showcasing the topics creatively from pop culture through the use of movies and TV shows. How do we as professionals help better guide our clients, while remaining true to our professional ethics?

3. Adult Children of Divorce Have Their Say

The committee is working to finalize a video program which provides the unique opportunity to hear, first-hand, from adult children of divorce about the impact their parents' separation had on their lives, from childhood through to marriage and parenthood. We explore what happens to the children of divorce when the file is closed, and the family moves on to transition and rebuild. What really transpires in these new family dynamics and how it affects children perspectives on their own relationships? Further details on availability to be provided.

For more information and to host an event contact:

Gerri Wong via email to: afccontario@gmail.com

ALSO SEE, "UPCOMING AFCC-O TRAINING EVENTS" on page 18

AFCC-O FEATURE ARTICLE:**Immigration Status, Spousal Sponsorship & Spousal Abuse****Written by:** Leslie H. Morley, LL.B., AccFM

Spousal abuse thrives in isolated spaces. Knowing this, abusers generally understand that the more effectively they are able to separate their victims from family and community supports, the greater the opportunity for control. Sometimes isolation is achieved when the victim is moved to another city or province, but where the move crosses national, cultural and linguistic boundaries, inaccessibility may be far more profound with the potential for nearly complete domination of the victim by the abuser.

It has been noted that there is reluctance among newcomers to Canada to report domestic violence. Statistics Canada notes the "limitations of statistical indicators, including the undercounting of victims due to the very personal nature of these experiences" and note "some may not have been able to participate in the survey". The concern is that some immigrant victims may not report abuse not just because it is personal, but because they are unable to do so in one of Canada's official languages, because they may fear or mistrust the police due to their experiences abroad, or because they fear removal from Canada and separation from their children.

For this reason trustworthy figures can be hard to find, and so, reporting on domestic violence amongst immigrants, interviews and case studies are often cited rather than across-the-board statistics. Statistics Canada has actually reported that domestic abuse is lower amongst immigrant communities than the population at large, but with the caution that victims may not have disclosed their experiences.

Still, there is a widely held view that domestic abuse amongst immigrants is a particularly serious issue. In its report on the subject, British Columbia's Immigrant Women's Project concludes that "immigrant, refugee and non-status women are disproportionately affected by violence", and cites records from the provincial coroner to the effect that, while immigrants and refugees make up 25% of the overall population of British Columbia, their share of the deaths as a result of domestic violence in a recent 15-year period was 40%. Domestic violence among newcomers is said to be up.

A PROCESS THAT CAN ENABLE ABUSERS

The potential for abuse where there is an immigrant spouse is boosted by the nature of the spousal sponsorship process, which creates a power imbalance between spouses, or exacerbates an existing power imbalance. Up until the time when a sponsored spouse is granted permanent residency, the sponsor holds all the cards, as he or she can unilaterally terminate the process at any time without need for an explanation, and the foreign spouse's application then fails. Further, the sponsor has a sort of home court advantage, as generally he alone lives in Canada, is familiar with its customs and laws, and has ready access to its institutions and resources.

Leslie H. Morley is an accredited family mediator and practicing immigration lawyer in Kingston, Ontario

He may be reached at: les@lesmorley.com

Immigration Status, Spousal Sponsorship & Spousal Abuse—continued

Once permanent resident status has been conferred, however, the sponsor's obligations to indemnify the government for social service expenses incurred on the part of the foreign spouse become enforceable, and the spouse who has acquired permanent residency may, with certain substantial limitations, terminate the relationship, leaving the sponsor with no spouse but with the on-going requirement to fulfill the terms of the undertaking.

In Canada a sponsor must be either a citizen or a permanent resident to sponsor a spouse. The sponsor, who can be a man or woman, can sponsor a married, common-law or conjugal partner, either of the same or the opposite sex. The process can take place while the spouses live apart each in their own country; while they live together in Canada; or, if the sponsor is a citizen, while they live together abroad. The sponsor files an application to sponsor, and the foreign spouse files an application for permanent residency. They are filed and reviewed together, although generally sequentially.

The sponsorship process requires the completion of a substantial sheaf of perplexing and ever-changing **forms and their submission with enough supporting documentary evidence to satisfy the applicant's onus** to establish that the spousal relationship is genuine, and so it can take a few months of dedicated effort before a couple is in a position to file the paperwork. Processing of the applications generally takes a year or more after that, and the need for those who are self-represented to respond to the immigration **authorities' queries and requests for more information can prolong the process further. There is much** opportunity for mischief and mishap during the period that the applications are being processed.

THE SPONSOR AS ABUSER

Until permanent resident status is granted, a sponsor can delay filing the sponsorship application, misrepresent to the foreign spouse that it has been filed, withdraw a filed application or threaten to withdraw it. These options are exclusive to the sponsor, and may be exercised without explanation. So, for instance, a Jamaican low-skilled worker who cohabits with a Canadian professional woman who promises to sponsor him and his Jamaican child living overseas will be out of luck if she abuses him, or changes her mind about going through with the sponsorship.

The foreign spouse is effectively in limbo during the course of the processing of the sponsorship and permanent residence applications, as he or she is without permanent or perhaps even legal status. As a consequence, the foreign spouse may not be able to work or go to school for an extended period, will have access to only those government resources that a visitor to Canada has, and if legally in Canada, faces the possibility of falling out of status and being subject to arrest and removal. Needless to say, this does not encourage the reporting of abuse at the hands of the one person who, through their sponsorship, can enable them and their children to become permanent residents.

Once a foreign national obtains status, however, that status generally cannot be undone merely because he or she has been victimized. Still, the immigration authorities may commence an investigation of a new permanent resident if their sponsor, as often happens, alleges that the relationship was not genuine or the application filed was inaccurate. Should the sponsor abuse the foreign spouse within two years after the latter is granted permanent residency, the law provides that a childless victim may lose his or her status unless the abuse or neglect is established to the satisfaction of the immigration authorities and it is proved that the abuse or neglect caused the separation. Fortunately the definition of abuse is expansive.

Immigration Status, Spousal Sponsorship & Spousal Abuse—continued

In recent years legislative efforts have been made to reduce the possibility for abuse by a sponsor. For instance, eligibility to sponsor has been eliminated for those candidates who have been convicted of offences of a sexual nature, serious violent offences or offences that cause bodily harm within the domestic context. Also, while new permanent resident spouses now obtain their status conditional on co-habiting with their spouse for two years, there is an exemption where there is abuse.

If the foreign spouse is victimized, but nonetheless wishes to remain in Canada, the remedy is to apply for the right to remain in Canada on humanitarian and compassionate grounds, a paper process in the course of which hardship, including family violence, and the best interests of any child involved will be assessed.

THE APPLICANT AS ABUSER

As stated above, it has been the case that after permanent residency has been granted, the sponsored spouse may walk away from the relationship. For the sponsor the emotional and financial consequences may be devastating. Take for example the case of a female Canadian who sponsors her husband within a traditional marriage, and who is subsequently abandoned by him because, unknown to her, he is in a relationship with another woman in his home country. She may be saddled with substantial obligations pursuant to her undertaking to sponsor him, be now without a spouse and, within the context of her traditions, be unable to marry again.

To address such concerns, recently, the sponsorship rules have been tightened in a number of ways. First, permanent residence for sponsored spouses is now conditional upon the completion of two years of co-habitation together. Spouses who have been sponsored must now wait five years before they may, in turn, sponsor a new spouse to come to Canada. Further, the bar to establish bad faith relationships has been lowered by amending the regulation to include relationships which are entered into primarily for the purpose of acquiring any status or privilege under the **Act**. Finally, application forms have been re-jigged to require the applicant, when signing, to agree to permit the sponsor authority to access the results of investigations of marriage fraud to the sponsor.

Sometimes the sponsor herself is the subject of abuse at the hands of the spouse she has just sponsored. If there is violence reported within the first two years, the sponsor may have a case for **revocation of her spouse's permanent residency**. Of course, a victim sponsor may access Canadian justice, if the violence occurs here, but after the two-year window closes the violent sponsored spouse will not automatically be deported unless he or she is convicted and sentenced to six months or more in jail. Worse, assuming there is a separation, the sponsor will continue to be liable for social assistance payments made to the sponsored spouse for up to three years after the grant of permanent residency.

CONCLUSION

From the perspective of the immigration practitioner who has observed the many painful ways in which international relationships can go bad, it is critical to advise those contemplating a cross-border pairing that sponsorship creates a substantial factual record and serious legal obligations. There are ample opportunities for misunderstandings. In the end it is difficult not to conclude that, in the field of amorous relationships, as in the field of their commercial counterparts, one should be guided by the principle of *caveat emptor*.

COMMUNITY CORNER



SAFE CENTRE OF PEEL

ORGANIZATION: "SAFE CENTRE OF PEEL" ("SCoP")

SCoP is an organization dedicated to helping those who have experienced abuse in their relationships. The organization provides collaborative assistance to those impacted by family violence and abuse.

One essential aspect of SCoP is that at one location, multiple services are provided, which are **free of cost**. This innovative partnership provides survivors of domestic violence and trauma with one-stop access to the many services they require including:

- Family advice lawyers
- Settlement services
- Parent education
- Risk assessments and safety planning
- Applications for legal aid certificates
- Domestic violence counselling
- Advocacy for obtaining services
- Counselling and treatment for children & youth
- Coordinating shelter placements
- Family court support worker
- Legal services regarding housing, public assistance, immigration, etc.

SCoP's on site partners include:

- Associated Youth Services of Peel
- Catholic Cross-cultural Services
- Family Court Support Worker
- Family Duty Counsel (Legal Aid Ontario)*
- Catholic Family Services of Peel-Dufferin
- India Rainbow Community Services of Peel
- Legal Clinic
- Peel Children's Aid
- Trillium Health Centre
- Victim Services of Peel

Provided by: Archana Medhekar (amlaw@amlaw.ca)

For More Information contact: The Honourable William G. Davis Centre for Families

60 West Drive, Suite 110, Brampton, Ontario L6T 3T6.

(905)450-4650 Website: www.scopeel.org

UPCOMING AFCC-O TRAINING EVENTS:**AFCC-O EVENTS:**

On Thursday, November 27, 2014, AFCC Ontario Chapter is hosting an education program and Fall Fete. Dr. Ariel Dalfen, (Psychiatrist and Head of the Perinatal Mental Health Program at Mount Sinai Hospital), and Justice Lise Parent (Ontario Court of Justice (Brampton)) will speak on the topic, *Perinatal, Post-Partum and Maternal Depression: Understanding the Challenges*. The event will take place at Spring Rolls, 40 Dundas Ave. West. Please join us at 5:00 p.m. for the educational program and from 6:15 p.m. to 8:00 p.m. for the social event.

Registration is now open for the above event on our website at:

<http://www.afccontario.ca/conference/>

On Thursday February 5, 2015, AFCC Ontario will host a dinner with our guest, Jon Graham, from Sydney, Australia. Mr. Graham is the Director of the Institute of Specialist Dispute Resolution, an organization that approaches the resolution of family law disputes from a child-centered perspective. Mr. Graham will speak about the Australian model, and in particular, the strategies utilized to address domestic violence and high conflict cases. The dinner will be held at Grano, 2035 Yonge St., Toronto, ON.

PAID ADVERTISEMENT

COURSE FLYERS as they become available can be viewed on our website at:

**[www.afccontario.ca/
seminars & workshops](http://www.afccontario.ca/seminars_workshops)**

**CHECK OUR CALENDAR
REGULARLY TO**

**View listings for AFCC, AFCC-O
and Other Trainings on our
website calendar at this link:
www.afccontario.ca/calendar**

DIVORCEMATE
SOFTWARE
Essential Tools for Family Law Professionals

cm CLOUD

NOW AVAILABLE!

**ADD FREEDOM & FLEXIBILITY
TO YOUR PRACTICE**

DM Tools Cloud

Work anywhere, anytime, on any device.
For child and spousal support calculations.

Available for PC, Mac, tablets and smartphones.

Forms Cloud & Precedents Cloud coming 2015.

For more information, visit
www.divorcemate.com
1.800.653.0925 | sales@divorcemate.com

Barbara Fidler, Ph.D., C.Psych., AccFM Workshops

PC FOUNDATIONS

**MODULE 1: MAKING SENSE OF SOCIAL SCIENCE
AND APPLYING IT TO OUR WORK AS LAWYERS,
MEDIATORS, PC'S, ASSESSORS & THERAPISTS**

Nov. 13, 2014 (5 pm to 8:30 pm)

Guest Speaker: Michael Saini, Ph.D.,

MODULE 2: PC FOUNDATIONS

Nov. 14-15, 2014 (9 am to 4:30 pm)

Co-Instructor: Linda Chodos, MSW, RSW, AccFM.

PC ADVANCED APPLICATIONS

December 12-13, 2014 (9 am to 4:30 pm)

Co-Instructor: Linda Chodos, MSW, RSW, AccFM.

Guest Speaker: Douglas Millstone, LL.B.

CHILDREN RESISTING POST SEPARATION CONTACT:

**CONCEPTS, CONTROVERSIES, ASSESSMENT &
INTERVENTION**

Nov. 28-29, 2014 (9 am to 4:30 pm)

Guest Speaker:

Jacqueline Vanbetelehem, MSW, RSW, AccFM

**Visit our website for course
descriptions & registration
information at:**

www.familysolutionstoronto.ca

Howard Hurwitz is pleased to announce the opening
of his full time private practice
working with high conflict families experiencing
a separation and/or divorce.

Services provided include:

- Custody Assessments
- Mediation
- Mediation/arbitration
- Parenting Co-ordination
- Parenting Plans
- Reintegration Therapy
- Separation Counselling
- Post separation counselling

Areas of specialization include:

domestic violence, alienation, repeated allegations of child
abuse, and working with parents from various cultural and
religious groups.

www.howardhurwitz.com

Working Effectively With High Conflict Families

Howard Hurwitz MSW, RSW

Offices at:

638 Sheppard Ave. West, #212
Toronto, ON M3H 2S3

The Promenade Mall
1 Promenade Circle
Thornhill, ON L4J 4P8

T 416-564-7515

F 905-553-8245

E howardhurwitz@yahoo.com

Published by:

**Association of Family and Conciliation Courts
(AFCC), Ontario Chapter**

1836 Bathurst Street, Toronto, ON M5P 3K7

Published by AFCC-O Newsletter**Communications Committee:**

Shely Polak (Chair & Editor), Archana Medhekar,
Jared Norton, Karla McGrath, Ricardo Theoduloz,
and Jason Zhong

Administration, Layout & Compilation:

Kimberly Brown



If you have an interesting topic or article you
would like featured in our next issue, please let
us know by emailing us at:

afccontario@gmail.com

The AFCC Ontario Newsletter is a publication of the Association of Family and Conciliation Courts, Ontario.

Our newsletter is published two times a year in March and October. The submission deadline for news and advertising items in our next issue is **February 6, 2015**.

Advertising copy must be camera ready and payment made in CAD funds.

Full page
\$425 (member)
\$600 (non-member)

Half page
\$300 (member)
\$450 (non-member)

Quarter page
\$150 (member)
\$250 (non-member)

Except where otherwise indicated, the articles in this AFCC-O Newsletter represent the opinions and views of the authors and do not necessarily represent the opinion of AFCC, AFCC-O or any of the officers of either organization.

HOW TO REGISTER FOR OUR CHAPTER CONFERENCE & OTHER EVENTS

Visit our website at **www.afccontario.ca** to:

- **View our Calendar of upcoming AFCC, AFCC-O, training seminars and workshops offered by our members, or ONTARIO organizations**
- **View and download a copy of our Conference Brochure**
- **View flyers for upcoming AFCC-O Events**
- **Register online for AFCC-O Events**