



Relocating with Your Child: What Happens when there is Family Violence

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Presenter: Stephanie Okola, Principal Lawyer, Notary Public and Mediator; Okola Law Professional Corporation

Land Acknowledgement

We acknowledge that this land is the traditional territory of many nations including the Huron-Wendat, Haudenosaunee, and the Mississaugas of the Credit. Today, the meeting place of Toronto is still home to many Indigenous people. We honour all the First Nation, Metis and Inuit people living on this land. We recognize the traditional territories on which our organization is located, and on which our programs and trainings take place.

Disclaimer

- This webinar is for general information purposes only and is not legal advice.
- It is not intended to be used as legal advice for a specific legal problem.
- Always check with your Family lawyer to ensure whether any tips you wish to try, would apply to your case.

METRAC: Action on Violence

METRAC: Action on Violence

- works to end violence against women, youth and children, Two Spirit, Trans, and Nonbinary people.
- a not-for-profit, community-based organization

METRAC's Community Justice Program

- provides accessible legal information and education for women and service providers
- focuses on law that affects women, from diverse backgrounds, especially those experiencing violence or abuse

FLEW, Family Law Education for Women in Ontario

- provides information on women's rights and options under Ontario family law
- in 14 languages (including ASL), accessible formats, online and in print

www.metrac.org; www.owjn.org; www.onefamilylaw.ca

Presenter

Stephanie Okola is a passionate litigator and advocate practicing in the areas of Family Law (including Fertility Law), Child Protection and Appeals. She has appeared before all levels of court in Ontario, including the Ontario Court of Justice, the Superior Court of Justice, the Divisional Court and the Court of Appeal. Stephanie is also a trained mediator, focusing her mediation practice on community-based mediations and contested decision-making and parenting time matters. Stephanie is a staunch advocate for access to justice and community legal education. She is active in several community outreach organizations, and volunteers her time as a legal educator in primarily low income and disenfranchised communities. Stephanie previously worked alongside Legal Aid Ontario and members of the Black community to establish a new, community-based organization to deliver legal services to Black Ontarians who experience anti-Black racism. She is also a committee member of the North Toronto Family Court Education Committee, which provides high quality, affordable Continuing Professional Development for members of the Family Law Bar. In her spare time, Stephanie is a dedicated mother and partner, amateur home cook, and travel enthusiast.

Stephanie Okola,
Lawyer, Notary Public
and Mediator





Introduction

Topics to be Covered

- General Principles of Relocation and Changes to the Legislation
- How is relocation dealt with in cases where there has been Family Violence?
- How does Family Violence affect parenting arrangements: the best interests of the child test.
- Resources

General Principles of Relocation and Changes to the Legislation

- Before 2021: the issue of relocation/mobility as defined Gordon v. Goertz, [1996] 2 S.C.R. 27 (S.C.C.).
- Post 2021: Legislature makes changes to the Divorce Act and Children's Law Reform Act to better define the concept
- Post 2021: the changes outlined in Barendregt v. Grebliunas 2022 SCC 22
- What do these changes mean?

Important Factors to Consider in Relocation Cases

- Notice requirements and when they apply
- What are the existing parenting arrangements
- Is there a previous court order or agreement?
- Child support obligations
- Family violence: criminal convictions, charges, or accusations and questions of credibility
- Best Interests of the child test: conduct alone is not enough
- Blameworthy conduct by the party wishing to move

Important Factors to Consider in Relocation Cases, cont'd

- Distance matters: Relocation vs Change in Residence
- Other factors: reasons for relocation, impact of relocation on the child, reasonableness of request
- Non-factors: changes since *Gordon v Goertz* and the burden of proof
- Is the request interim or final?

The Impact of Family Violence

- Does it “replace” the **best interests of the child** test?
- Is some violence “worse” than others in the eyes of the court?
- Fact specific issues: what does the court need to know about your family?
- How do you prepare your materials for court
- Case Law discussion

Family Law Resources

- **Legal Aid Ontario** www.legalaid.on.ca/en/getting/default.asp
 - Free telephone interpretation services for languages other than English & French
 - Toll-free: 1-800-668-8258; TTY: 1-866-641-8867
- **Ontario Women's Justice Network (OWJN)** www.owjn.org
- **FLEW (Family Law Education for Women)** www.onefamilylaw.ca/en/resources/
- **FODF (Femmes Ontariennes et Droit de la Familles)** www.fodf.ca/
- **Family Court Support Workers**
 - Check local community agency or call Toll-free: 1-888-579-2888 or 416-314-2447
 - <https://www.ontario.ca/page/family-court-support-workers>



Family Law Resources, cont'd

- **Mandatory Information Program (MIP)**
 - https://www.ontariocourts.ca/scj/family/court-services/#Mandatory_Information_Programs_MIPs
- **Family Law Information Centres (FLICs)**
 - <https://www.ontario.ca/page/family-law-information-centres>
- **Steps to Justice**
 - <https://stepstojustice.ca/>
- **Family Responsibility Office**, Ministry of Children, Community and Social Services
 - Toll-free: 1-888-815-2757



Family Violence and Abuse

For information, if your partner is abusive or violent:

Assaulted Women's Helpline www.awhl.org

- 24 hours/7 days; multiple languages
- Toll-free: 1-866-863-0511; TTY: 1-866-863-7868

- **Ontario Coalition of Rape Crisis Centres**

- <http://www.sexualassaultsupport.ca/>

- **Network of Sexual Assault/Domestic Violence Treatment Centres**

- www.sadvreatmentcentres.ca

- **Victim Services Directory**

- <https://www.justice.gc.ca/eng/cj-jp/victims-victimes/vsd-rsv/index.html>



Family Violence and Abuse, cont'd

Barbra Schlifer Legal Clinic

- Toronto: 416-323-9149
 - Free counselling, referral, legal and interpreter services to survivors of violence (Family, Criminal and Immigration law)
- <https://www.schliferclinic.com/>

Luke's Place - Virtual Legal Clinic

- Free legal advice for women who are subjected to intimate partner violence
 - Tel: 1-866-516-3116
- <https://lukesplace.ca/>

• Domestic Violence – Legal Aid

- Free 2-hour emergency meeting with a lawyer
 - Offered through some shelters and community legal clinics
 - Toll-free: 1-800-668-8258; TTY: 1-866-641-8867
- <https://www.legalaid.on.ca/services/domestic-abuse/>



General Resources

Law Society of Ontario Referral Service

- Online: <https://lsrs.iso.ca/lsrs/welcome> (English or French)
- **Crisis line:** 416-947-5255 or Toll free: 1-855-947-5255

JusticeNet

- Reduced fee lawyers for low-income people not eligible for Legal Aid
- <https://www.justicenet.ca/>

Community legal clinics

- Toll-free 1-800-668-8258
- <https://www.legalaid.on.ca/legal-clinics/>



General Resources, cont'd

The Family Justice Centre – Virtual Legal Clinic

- 647-952-3354 (Check the website for the current intake hours)
- <https://www.probonostudents.ca/family-justice-centre>

Ontario Legal information Centre

- Free 30-minute meeting with a lawyer (legal information and referral services)
- Meetings by phone at 1-844-343-7462 or 613-842-7462
- Video conferencing available upon request
- <https://legalinfocentre.ca/>

Ministry of the Attorney General

- Toll free: 1-800-518-7901
- TTY: 1-877-425-0575
- <https://www.ontario.ca/page/ministry-attorney-general>



THE END



Thank You

Q & A



Please fill out this survey!



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