



# Behind Closed Doors: Domestic Violence and Your Parenting Rights

September 24, 2025

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# 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.

# 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

# Presenter

**Athena Narsingh Barnett**  
Lawyer

- Practicing family law for 8 years in the Greater Toronto Area, doing family law litigation
- Worked at the Malvern Family Resource Centre working with newcomers and domestic violence victims
- Worked at the Immigration and Refugee Board, Canada Border Services Agency and Service Canada



# Topics to be Covered

## 1. Immediate Safety and Legal Response

- Know what steps to take during an incident: call the police, prioritize safety, and understand the importance of documenting abuse.
- Learn whether and how to safely take the children with you, if you choose to

## 2. Impact on Parenting Rights and Legal Outcomes

- Understand how criminal charges (like assault) affect both parties' parenting rights.
- Learn what happens if you leave children behind temporarily, and what legal protections and risks exist in that situation.

## 3. Navigating the Legal System and Co-Parenting

- Get a clear picture of the court process in both family and criminal courts, the kind of evidence needed, and how to manage co-parenting (or supervised access) during legal proceedings.
- Review sample parenting schedules and safety-focused arrangements.

# The Meaning of Family Violence

Family violence is defined in:

- *Divorce Act*
- *Children's Law Reform Act*

# The Meaning of Family Violence (cont'd)

- Behaviour by a family member that is:
  - **violent or threatening;**
  - **controlling or coercive;**
  - causes someone to **fear for their safety or for the safety of another person;** or
  - **exposes a child** (directly or indirectly) to any of the behaviour described above

# Family Violence

Family violence includes:

- Physical abuse or forced confinement (but not if you are protecting yourself);
- Sexual abuse;
- Threats to kill or cause physical harm;
- Harassment, including stalking;
- Failure to provide the necessities of life;
- Psychological abuse;
- Financial abuse;
- Threats to kill or harm an animal or damage property; and
- The killing or harming of an animal or the damaging of property.

**Family violence does not have to be a criminal offence to be seen as family violence.**

# Family Violence (cont'd)

In the case of children, family violence means the **direct or indirect exposure** to the behaviour.

As an example, a child who sees or hears violence or a child who sees that a parent is fearful or injured would be seen as having suffered family violence.

# Definition of a Family Member

<i>Divorce Act</i>	<i>Children's Law Reform Act</i>
<p><b>"family member"</b> includes a member of the household of a child of the marriage or of a spouse or former spouse as well as a dating partner of a spouse or former spouse who participates in the activities of the household"</p> <p><b>Section 2(1)</b></p>	<p><b>"family member"</b> includes a member of a household of a child or of a parent, as well as a dating partner of a parent who participates in the activities of the household"</p> <p><b>Section 18 (1)</b></p>

# Immediate Safety and Legal Response

- Document your incidents, whether or not you call the police (i.e. Were children present? Was it psychological abuse, physical, or financial?)
- In the situation, evaluate if you want to call the police (i.e. Are you or the children in danger, whether or not the danger is immediate)
- If the abuse is physical, ensure you find a safe space immediately or leave the house to a safe location (i.e. Neighbour, store, etc.)
- Deciding if you should bring the children – how can you bring them? Considerations?
- When you call the police, they will attend the house (not necessarily immediately, but hopefully immediately)
- Police will ask questions and may apprehend the domestic partner

# Impact on Parenting Rights and Legal Outcomes

- If your partner is charged with assault or another charge, they will have bail conditions
- Bail conditions will outline parenting restrictions, if any
- How to change the bail conditions
- Who will be involved for parenting time?
- If you leave the children with the other parent, you will have to coordinate a parenting schedule that align with bail conditions

# Navigating the Legal System and Co-Parenting

Court houses: Criminal Court and Family Court or the Domestic Violence Unified Court

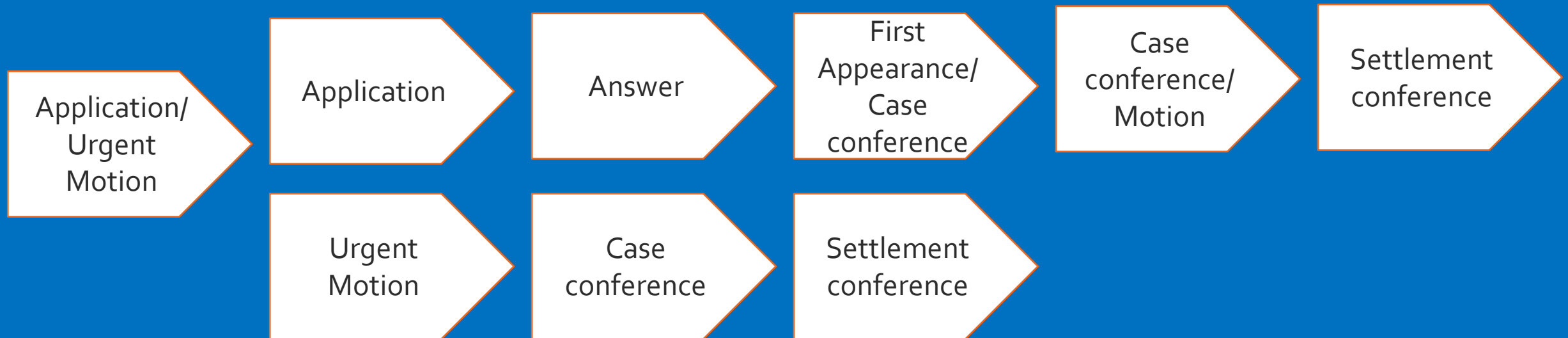
Court process: Criminal



# Navigating the Legal System and Co-Parenting (con't)

Court houses: Criminal Court and Family Court or the Domestic Violence Unified Court

Court process: Family



# Parenting Schedule Samples

- Decision-making (custody) and parenting time (access)

Parenting schedule samples



# Parenting Schedule Samples: Alternative weeks

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6 3:00 PM	7
8	9	10	11	12	13 3:00 PM	14
15	16	17	18	19	20 3:00 PM	21
22	23	24	25	26	27 3:00 PM	28

# Parenting Schedule Samples: Alternative weeks with mid-week visit

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4 6:00 PM	5 6:00 PM	6	7 6:00 PM
8	9	10	11 6:00 PM	12 6:00 PM	13	14 6:00 PM
15	16	17	18 6:00 PM	19 6:00 PM	20	21 6:00 PM
22	23	24	25 6:00 PM	26 6:00 PM	27	28 6:00 PM

# Parenting Schedule Samples: 2-2-3 schedule

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 3:00 PM	3	4 3:00 PM	5	6 3:00 PM	7
8	9 3:00 PM	10	11 3:00 PM	12	13 3:00 PM	14
15	16 3:00 PM	17	18 3:00 PM	19	20 3:00 PM	21
22	23 3:00 PM	24	25 3:00 PM	26	27 3:00 PM	28
29	30 3:00 PM	31				

# Parenting Schedule Samples: 3-4-4-3 schedule

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 3:00 PM	2	3	4 3:00 PM	5	6	7
8 3:00 PM	9	10	11	12 3:00 PM	13	14
15 3:00 PM	16	17	18 3:00 PM	19	20	21
22 3:00 PM	23	24	25	26 3:00 PM	27	28
29 3:00 PM	30	31				

# Parenting Schedule Samples: 2-5-5-2 schedule

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 3:00 PM	3	4 3:00 PM	5	6 3:00 PM	7
8	9	10	11 3:00 PM	12	13	14
15	16 3:00 PM	17	18 3:00 PM	19	20 3:00 PM	21
22	23	24	25 3:00 PM	26	27	28

# Parenting Schedule Samples: Every other weekend schedule

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 Schedule 1 Labour Day	2	3	4	5 9:00 a.m.	6
7	8 9:00 a.m.	9	10	11	12	13
14	15	16	17	18	19 9:00 a.m.	20
21	22 9:00 a.m.	23	24	25	26	27
28	29	30				

You can customize this template in the next step

# Considerations for Parenting Schedule

- <https://www.justice.gc.ca/eng/fl-df/parent/plan.html>
- Status quo parenting time
- The ages and development
- Safety (i.e. Keeping in touch with the child, knowing whereabouts)
- There is no one size fits all
- You are doing the best you can do
- Contact with other parent
- What does each parent need to feel comfortable with schedule
- Transitions
- Attending court to finalize the parenting plan

# Family Law Resources

- **Legal Aid Ontario** [www.legalaid.on.ca/en/getting/default.asp](http://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](http://www.owjn.org)
- **FLEW (Family Law Education for Women)** [www.onefamilylaw.ca/en/resources/](http://www.onefamilylaw.ca/en/resources/)
- **FODF (Femmes Ontariennes et Droit de la Familles)** [www.undroitdefamille.ca/](http://www.undroitdefamille.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 (con't)

- **Mandatory Information Program (MIP)**  
[https://www.ontariocourts.ca/scj/family/court-services/#Mandatory\\_Information\\_Programs\\_MIPs](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 Resources

For information, if your partner is abusive or violent:

**Assaulted Women's Helpline** [www.awhl.org](http://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.sadvtreatmentcentres.ca](http://www.sadvtreatmentcentres.ca)
- **Victim Services Directory** <https://www.justice.gc.ca/eng/cj-jp/victims-victimes/vsd-rsv/index.html>

# Family Violence and Abuse Resources (con't)

## 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.lso.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 (con't)

## 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/>

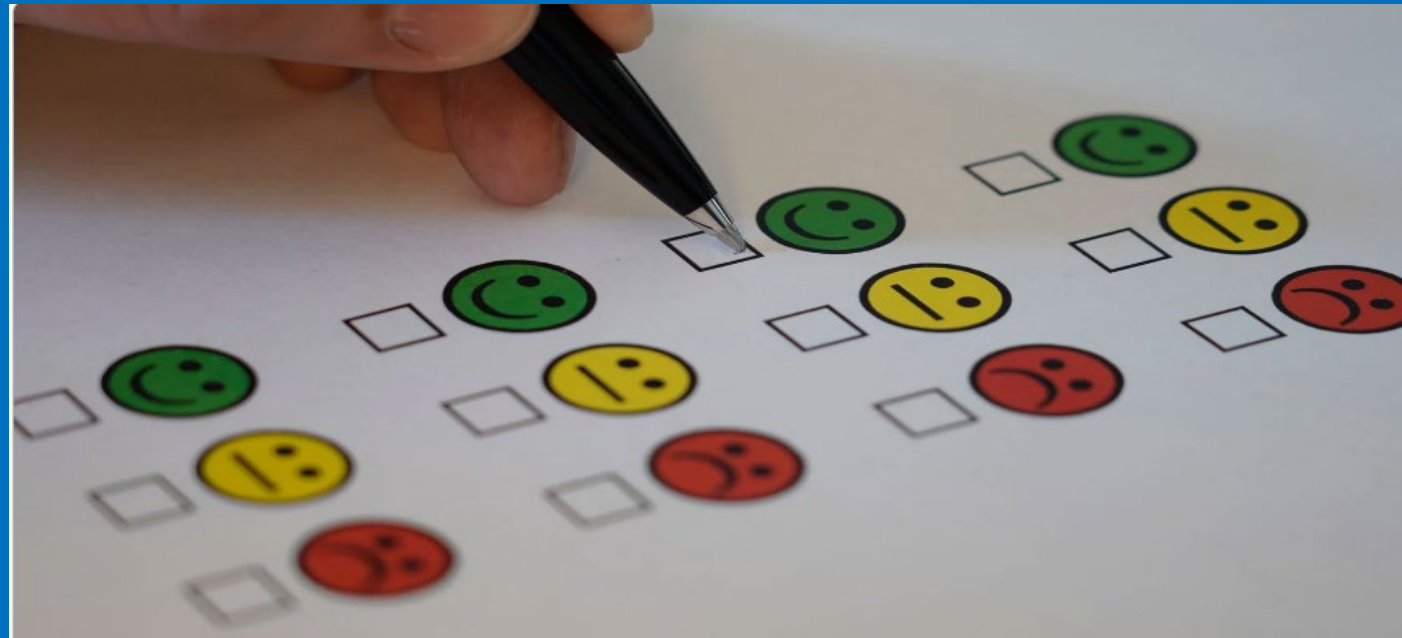
## Ministry of the Attorney General

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

# Q & A



# Please fill out the survey!



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***This information is accurate as of  
September 2025***

Funded by:

