



# Proving Coercive Control in Family Court: Recognizing It and Protecting Yourself

**January 29, 2026**

**Presenter: Emma Katz, Partner at Kelly D. Jordan Family Law Firm**  
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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

[www.metrac.org](http://www.metrac.org); [www.owjn.org](http://www.owjn.org); [www.onefamilylaw.ca](http://www.onefamilylaw.ca); [www.cjfo.ca](http://www.cjfo.ca)

# Presenter

Emma is a family lawyer at Kelly D. Jordan Family Law Firm and was called to the Bar in 2013 after completing her JD at Osgoode Hall Law School. Emma grew up in Toronto and is strongly connected to her community.

After practicing civil litigation in the earlier part of her career, she transitioned to family law so she could advocate for individuals and families. She takes pride in advocating for her clients and is committed to getting to know each client to ensure their interests are protected. Emma is a seasoned litigator but understands the importance of negotiating resolutions through Alternative Dispute Resolution when appropriate. Emma has completed the Fundamentals and Advanced Mediation Training with the Mediation Training Centre. She is the current vice-chair of the Ontario Bar Association Family Law Executive. She is the Chair of the Board of Directors of the Legal Aid clinic, Justice for Children and Youth, which provides legal advocacy and support to young people across Ontario. Emma is the author of the family law chapter in the new edition of *Death of a Taxpayer*. Emma contributed to writing resources regarding decision-making responsibility and parenting time for METRAC's Family Law Education for Women website.

**Emma Katz** (she/her),  
Partner at Kelly D.  
Jordan Family Law Firm



# OUTLINE

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- What is coercive control?
- Signs and how to protect yourself
- Impact on coercive control in family courts
- Proving coercive control
- Recent family law decisions

# WHAT IS COERCIVE CONTROL?



# WHAT IS COERCIVE CONTROL?

“**Pattern of abusive behaviours** used to control or dominate a family member or intimate partner” (DOJ)

 Involves a Range of Behaviors, including:

- **Intimidation** tactics including threats to harm the victim or themselves
- **Isolating** the victim from friends, family, or work/school
- **Financial abuse** and control over finances
- **Monitoring/stalking/surveilling** the victim, making them “check in”
- **Emotional abuse** including incessant criticism, name calling, talking down
- **Reproductive** control
- **Minimizing** or **denying** the abuse
- Telling victim what to wear, how to dress, style hair/makeup
- Punching walls, damaging furniture

# COERCIVE CONTROL is family violence

- Common **form of family violence (FV)** – recognized in the *Divorce Act (DA)* and *Children's Law Reform Act (CLRA)* since 2021
- Definition of FV in DA and CLRA:
  - **Family violence** means **any conduct, whether or not the conduct constitutes a criminal offence, by a family member towards another family member, that is violent or threatening or that constitutes a pattern of coercive and controlling behaviour or that causes that other family member to fear for their own safety or for that of another person — and in the case of a child, the direct or indirect exposure to such conduct**
  - DA enumerates – family violence includes: physical abuse including forced confinement but **excludes the use of reasonable force to protect oneself**, sexual abuse, threats to kill or cause bodily harm to any person, harassment including stalking, the 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.

# COERCIVE CONTROL AND BEST INTERESTS OF THE CHILD

Both the DA and CLRA **outline factors the court shall consider in determining the best interests of the child**, which include (j) any family violence and its impact on, among other things,

- (i) the ability and willingness of any person who engaged in the family violence to care for and meet the needs of the child, and
- (ii) the appropriateness of making an order that would require the persons in respect of whom the order would apply to cooperate on issues affecting the child; and
- in considering the impact of any family violence under the best interests factors, the court shall take into account various factors, including (b) whether there is a pattern of coercive and controlling behaviour in relation to a family member;

# WHAT IS COERCIVE CONTROL?

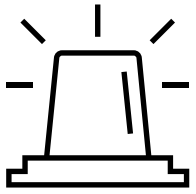
“The concept of “coercive and controlling behaviour” is distinct from other forms of family violence in that it can consist of many different types of acts occurring over time which, in isolation, do not seem abusive or significant, but which paint a picture of a very destructive relationship when viewed in their totality. Accordingly, the significance of the individual incidents can only be truly understood in the context of the larger picture.

Justice Deborah Chappel, [V.K.G. v. I.G., 2023 ONSC 6329](#)



# **HOW TO PROTECT YOURSELF**

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# HOW TO PROTECT YOURSELF DURING SEPARATION

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Do not use technology or online banking to pay for services;

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If possible, borrow cash, use a friend's card

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Attend consultations in person (but beware of tracking devices)

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Have a friend with you

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Use available resources (METRAC, Barbara Schlifer, Luke's Place)

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Consider shelter options

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Emergency services

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Make a new email account

# IMPACT OF COERCIVE CONTROL IN FAMILY COURTS



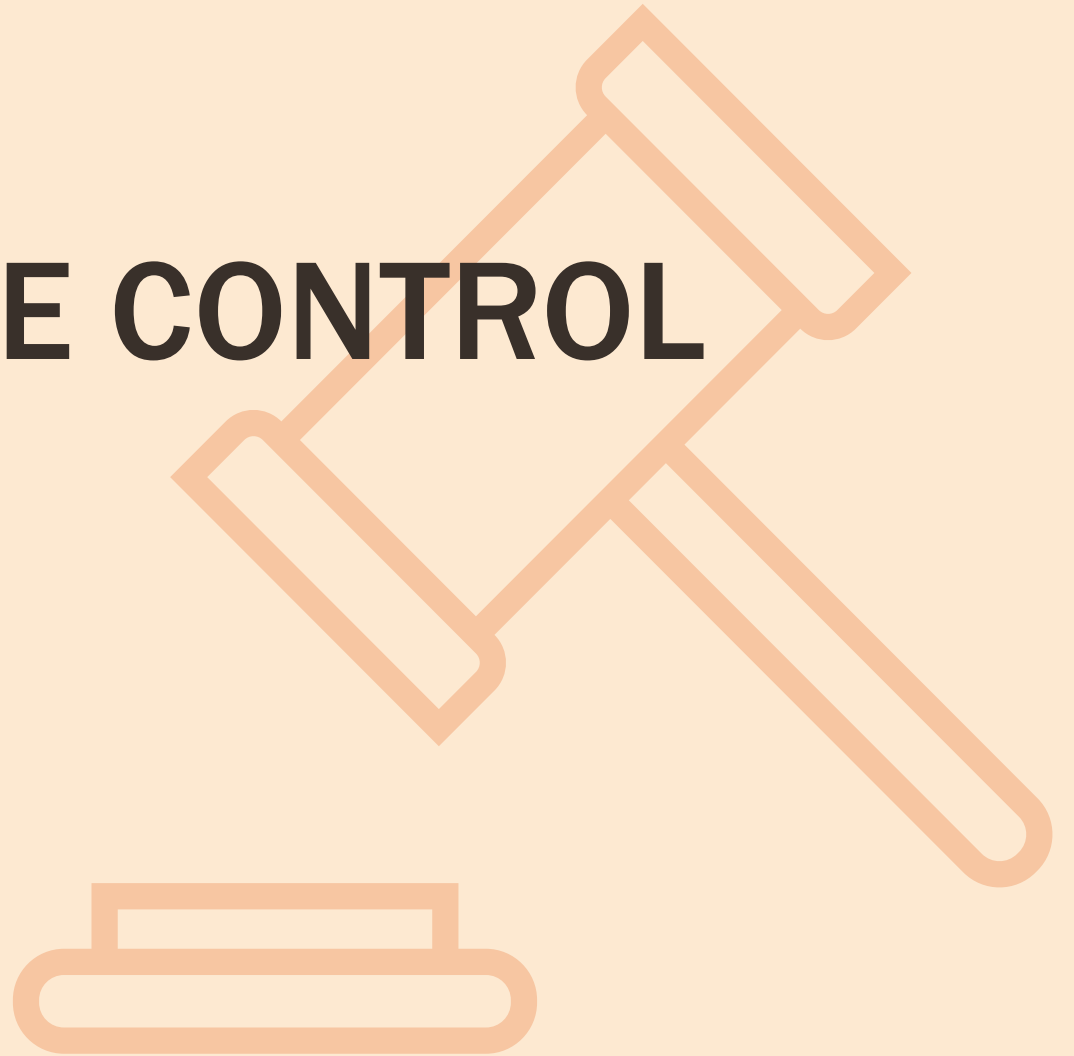
# IMPACT OF COERCIVE CONTROL IN FAMILY COURTS

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- Tactics of abusers can continue into separation
  - Use of police, third parties
  - Use financial advantage
  - Litigation abuse
    - Refusing to provide financial disclosure
    - Self-representing, even if they can afford legal fees
    - Bringing unnecessary or even vexatious motions
    - Introducing false or irrelevant evidence



# PROVING COERCIVE CONTROL



# PROVING COERCIVE CONTROL

- Third party/corroborating evidence
- Text messages
- Photographs
- Proof of surveillance/stalking devices
- Affidavits from friends/family/third parties
- Records from Children's Aids Societies, medical records
- Managing credibility
- Section 30 assessment?
- Office of the Children's Lawyer?

# RECENT FAMILY LAW DECISIONS

- *F.S. v. M.B.T.*, 2023 ONCJ 102
- *Shipton v. Shipton*, 2024 ONCA 624
- *S.R.I.S v. NZ*, 2025 ONCA 304



# ***F.S v. M.B.T* 2023 ONCJ 102**

Facts of case:

- Parents separated following 11-year marriage. 12-year-old child lived with mother. Father had not seen child for over a year, except for a couple of unsuccessful virtual visits.
- Child did not want to see father
- **Father consented to child living primarily with mother, but sought joint decision-making responsibility, parenting time, and opposed mother's request to dispense with father's consent to travel**

## ***F.S. v. M.B.T., 2023 ONCJ 102 continued...***

- Justice Sherr examined the issue of family violence and held the following:
  - The court must consider “whether a co-operative parenting arrangement is appropriate” because the victim “**might be unable to co-parent due to the trauma they have experienced or ongoing fear of the perpetrator. In addition, co-operative arrangements may lead to opportunities for further family violence**”
  - “**family violence can be insidious. It can take many forms, and frequently involves coercive and controlling behaviors which are usually very difficult to prove because they often take place in private**”
  - Abusers can be manipulative, charming, convincing and persuasive
  - The evidence of victims can be inconsistent
  - “coercive control can be subtle and only evident to the victim.”

## ***F.S. v. M.B.T., 2023 ONCJ 102 continued...***

- The court found the father **used the litigation process to try and control and intimidate** the mother and maintained the **“non-starter” claim for Joint Decision-Making as an intimidation tactic**
- Court held that the mother have sole decision-making, primary residence, ability to obtain government documents and travel without father’s consent, and parenting time be at mother’s discretion **taking into account child’s best interests**

# ***Shipton v. Shipton, 2024 ONCA 624***

- An appeal from a trial decision in which the court denied the mother permission to relocate with the parties' child to Ireland.
- The Ontario Court of Appeal concluded that the trial judge erred in how the mother's allegations of violence were treated.
- The Court of Appeal found **that the trial judge ought to have considered whether there was a pattern of coercive and controlling violence by a family member, that domestic violence claims must be considered with an understanding that they are hard to prove, and that children may experience harm through indirect exposure.**

# S.R.I.S v. NZ, 2025 ONCA 304

- The Court of Appeal upheld the trial judge's decision to vary the parenting terms pursuant to the mother's request.
- The Trial Judge had relied upon the evidence of the Office of the Children's Lawyer that the father had **used religion and culture as a form of shame and control**. The trial judge found this to be a **form of culturally specific domestic abuse**.

# EXAMPLES OF FAMILY VIOLENCE IN COURTS

## *Liwanag v. Figari, 2025 ONSC 5781*

- The Court found family violence in the context of **demeaning remarks about the other parent made in front of the child.**

## *Abaza v. Aadam, 2023 ONSC 1776*

- The court held that one incident of pushing, with one parent having tight control over finances and the other parent feeling undermined and voiceless, was at “the low end of the theoretical scale of severity for family violence” spoke to an imbalance of power that should be reflected in the parenting orders.

## *T.W v. J.A, 2023 ONSC 3123*

- Hidden cameras in a bedroom and voyeurism can constitute family violence

## *McIntosh v. Baker, 2022 ONSC 4235*

- Threatening livelihood and professional reputation, threatening to embarrass them or get them fired, constitutes a form of financial abuse

# Ahluwalia v. Ahluwalia

- Parties were married in 1999. They were married for 16 years and had two children together.
- Ms. Ahluwalia testified to three specific incidents of physical violence: in 2000, 2008, and 2013.
- She commenced an Application in family court for various relief and claimed damages for Mr. Ahluwalia's coercion and conduct.
- The trial judge found that Mr. Ahluwalia was abusive during the marriage and held that the parties' relationship was characterized by a pattern of emotional and physical abuse and financial control.
- The trial judge created **a new tort – the tort of family violence**: **Intentional conduct that was violent or threatening; Behaviour calculated to be coercive and controlling to the plaintiff; or Conduct the defendant would have known with substantial certainty would cause the plaintiff to subjectively fear for their own safety or that of another person.**
- The trial judge specifically found that existing torts “do not fully capture the cumulative harm associated with the pattern of coercion and control that lays at the heart of family violence”
  - **Recognizing the tort would allow consideration of, and compensation for, pattern of violence, not just individual incidents.**
- The trial judge awarded Ms. Ahluwalia \$100,000 in compensatory and aggravated damages for the new tort of Family Violence and an additional \$50,000 in punitive damages for a total of \$150,000 in damages.
- On appeal, damages award reduced by \$50,000. **The Court of Appeal declined to recognize the new tort.**
- Ms. Ahluwalia appealed to the Supreme Court of Canada. The Appeal was heard in February 2025.
- **Decision not yet released**

# RESOURCES



# 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)** <https://www.cjfo.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](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.sadvttreatmentcentres.ca](http://www.sadvttreatmentcentres.ca)

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

# FAMILY VIOLENCE AND ABUSE RESOURCES

## (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.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 (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>

# METRAC



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Funded by:



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# THANK YOU

January 29, 2026

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