

Appendix B: Intersections between *Family Law Act* Modernization and Dr. Stanton's Final Report

The table below shows alignment between recommendations from Dr. Stanton's Final Report and the Policy Intentions Paper's proposed policy improvements.

Dr. Stanton's Final Report makes additional recommendations and findings relating to family justice that are beyond the scope of this phase of the *Family Law Act* Modernization project, including with respect to increasing education and awareness, increasing access to victim support workers in family law matters, addressing myths and stereotypes, and increasing access to testimonial aids or courtroom supports. A cross-ministry committee of assistant deputy ministers will review these additional matters and identify next steps.

Dr. Stanton's Final Report	Family Law Act Modernization Policy Intentions Paper
1. update the definition of "family violence" to more explicitly reference types of violence that are prevalent but not always recognized	Included in the changes proposed in the Policy Intentions Paper.
2. expand who is eligible for protection orders by broadening the meaning of "family member" and including dating relationships within the protection order provisions	Included in the changes proposed in the Policy Intentions Paper.
3. adding additional examples of vulnerabilities that increase the risk of family violence and must be considered in a protection order application.	Included in the changes proposed in the Policy Intentions Paper.
4. adding detail to the terms and conditions that may be included in a protection order	Included in the changes proposed in the Policy Intentions Paper.
5. extending the default duration of protection orders from 1 to 2 years.	Included in the changes proposed in the Policy Intentions Paper.
6. creating a presumption that upon application a subsequent protection order will be made unless there is evidence there is no continued risk of violence	Included in the changes proposed in the Policy Intentions Paper.

7. emphasizing that orders concerning care and time with children are to promote the safety of the child, parents and guardians and other family members when family violence is an issue	Included in the changes proposed in the Policy Intentions Paper.
8. amending the <i>Family Law Act</i> so that if it has been proven that family violence has already occurred and that the survivor fears it will reoccur, that should be enough for a court to make a protection order	The Policy Intentions Paper also recognizes this concern, and proposes a presumption in favour of making a subsequent protection order upon application, unless there is evidence no risk exists.
9. considering amendments to the best interests of the child test to align with the <i>Divorce Act</i> to specifically include: “the ability and willingness of each person in respect of whom the order would apply to care for and meet the needs of the child” (s. 16(3)(h))	<p>The Policy Intentions Paper also recognizes this concern.</p> <p>A number of changes are being proposed to the best interests of the child. Although language and structure in the <i>Family Law Act</i> and the <i>Divorce Act</i> vary, the <i>Family Law Act</i> does require that the court must consider, when assessing the impact of family violence on a child’s safety, circumstances of security or well-being, and whether a person responsible for family violence is able to care for and meet a child’s needs.</p>
10. preparing to amend the <i>Family Law Act</i> in accordance with future changes to the <i>Divorce Act</i> in relation to parental alienation	<p>The Policy Intentions Paper also recognizes this concern, and addresses parental alienation and ways the <i>Family Law Act</i> aims to address the underlying behaviors and impacts (see Chapter 3: Child-Centred Decision Making, and Chapter 5: Family Violence and Protection Orders).</p> <p>The province will continue to work with federal, provincial, and territorial partners to stay engaged on future amendments.</p>
11. restrict time-limited protection orders (i.e., time limited to next available court date to allow service and response of respondent) and make full-length protection orders the default on without-notice applications in order to prioritize survivor safety and affordability	<p>The Policy Intentions Paper also recognizes the concern regarding protection order time periods, and proposes extending the default period for protection orders and other changes to address the underlying concerns or short-term and without-notice applications.</p> <p>Any required additional changes are required will be included in future work.</p>