

Attorney General
Minister Responsible for Native Affairs

The Hon. David S. Young

Ontario



Procureur general
ministre delegue aux Affaires autochtones

L'hon. David S. Young

Ministry of the Attorney General
11th Floor 720 Bay Street
Toronto ON M5G 2K1
Telephone: (416) 326-4000
Facsimile: (416) 326-4016

Ministere du Procureur general
11^e etage 720, rue Bay Toronto
ON M5G 2K1 Telephone:
(416)326-4000 Telecopieur :
(416)326-4016

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Ms. Heather M. McGregor
Executive Director

YWCA of Greater Toronto
80 Woodlawn Avenue East
Toronto, ON M4T 1C1

Dear Ms. McGregor:

Thank you for your letter dated September 11, 2002, regarding the government's recent announcement to expand its commitment to address domestic violence with \$21.4 million in new initiatives.

As my colleague, the Honourable Dianne Cunningham, and I confirmed at the September 5, 2002, press conference, this government's commitment to victims is ongoing, complete and unequivocal. I am proud of our unprecedented investment in the area of violence against women, and our continuing commitment to do more. This year, the government will spend approximately \$170 million to address violence against women. This is a 70 per cent increase from 1995 levels.

Since the May/Iles inquest, we have made fundamental changes in the justice system to ensure victims receive the support they need and deserve. At the conclusion of the Hadley inquest, Dr. Bonita Porter confirmed this when she stated that "...the jury from the inquest into the death of Arlene May and Randy Iles would be pleased about the changes [in the justice system] since they were sitting where you are today." The recent announcement is evidence that we intend to do more. We will improve the bail system to help police and Crown Attorneys better protect victims of domestic violence. We will establish a Domestic Violence Review Committee of government and community representatives to review all domestic violence deaths and to identify any systemic gaps. In addition, we will construct safe waiting areas for victims as part of the Domestic Violence Court Program expansion.

We are in the process of expanding the Domestic Violence Court Program, and the associated programs (Victim/Witness Assistance Program, Partner Assault Response Program, Interpreter Program), to every court jurisdiction in the province. In addition, we continue to expand the SupportLink Program, the Victim Crisis Assistance and Referral Program, and the Supervised Access Program, to improve access across the province.

The Ministry of the Attorney General has a two-pronged approach to addressing family law issues. We have recently committed to expanding enhanced family law services to all courts districts, including supervised access and Family Law Information Centres. We believe that the provision of parent information, mediation, and focused services like those of the Children's Lawyer can effectively address the needs of most families. We currently offer court-connected mediation services in all of our unified Family Court sites. Enhanced information allows families who are capable of reaching their own solutions to do so.

I share your concern that victims of domestic violence must be protected within the family law process, and in the determination of custody and access issues. I am aware of the experiences of other jurisdictions that have implemented substantial change to their custody and access regimes. I am also aware of the concerns raised by some commentators about the impact of those changes on victims of violence.

My ministry recognizes that alternatives to litigation are not appropriate or safe for everyone involved in family law disputes. The mediation services offered at the Family Courts are voluntary. Before a case is accepted for mediation, each party is seen separately for the purposes of intake and screening. This allows the mediator to identify cases involving domestic violence or abuse, as well as cases involving power imbalances that are not suitable for mediation. Where the mediator or one of the parties decides that mediation will not proceed, the mediator ensures that the mediation is terminated safely. In all cases that do proceed to mediation, mediators continually screen for signs of abuse or power imbalance and will deal with such issues appropriately if they arise during a session. Parent information sessions are designed so that spouses do not attend together, and the advice lawyer and information service provider in the Family Law Information Centre provide information about protective services specifically available in that community.

As I am sure you are aware, the education and information provided to the judiciary are designed and delivered by judicial officers. It is a fundamental principle of our justice system that the judiciary operate independently from government. I am aware that the judiciary do seek the expertise of recognized experts in the area of domestic violence, and my ministry is always willing to provide staff expertise when requested. In Ontario, lawyers are a self-regulated profession. Numerous organizations offer training for lawyers, including the Law Society of Upper Canada, the Ontario Bar Association, the Advocates' Society, and local bar associations. You may wish to contact these organizations directly about the training issues you have identified.

An interministerial working group is reviewing the balance of the Hadley recommendations and will be advising the government on next steps in the very near future. In addition, the Ontario Women's Directorate will rely on the expertise of our violence-against-women stakeholders to inform our public education campaign, and to share strategies, expertise and ideas at a series of upcoming regional and provincial conferences. I am sure that my colleague will provide you with more information on these and other opportunities for stakeholder involvement.

I would like to take this opportunity to commend the work of the YWCA in the area of violence against women. Neither the government, nor the community, can fight the battle against domestic violence alone. We are committed to forging partnerships and linkages to prevent and eradicate this pervasive social problem.

Thank you again for writing and for sharing your observations with me.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Young', written in a cursive style.

David Young
Attorney General
Minister Responsible for Native Affairs

c: The Honourable Dianne Cunningham, Minister of Training, Colleges and Universities
Minister Responsible for Women's Issues