

# Coercive control as a form of family violence<sup>1</sup>

The federal *Divorce Act* and provincial and territorial family legislation recognize many forms of family violence. Family violence is now understood as more than just individual acts of physical and sexual abuse. It is essential to assess whether there has been a pattern of abuse over time that is aimed at maintaining power over an intimate partner and/or children through a variety of means such as threats, intimidation, and emotional, sexual, or financial abuse. Coercive control can have a profound impact on both adult victims and children exposed to this behaviour. Coercive control compromises the victim's independence, self-esteem, and safety.

## What is coercive control?

**...a pattern of abusive behaviours used to control or dominate a family member or intimate partner.**

**Coercive control may involve a range of behaviours during a relationship, and following separation, including the following:**

- Intimidation, making threats to harm the victim or themselves (self-harm, suicide)
- Minimizing and denying the abuse
- Isolating the victim from friends, family, or work/school
- Emotional abuse such as constant criticism and degrading verbal abuse
- Economic abuse and control
- Stalking and monitoring

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## **Coercive control may limit the victim's freedom and choices in many ways, and often has consequences for parenting arrangements. Some of the effects of coercive control include:**

- Undermining the victim's sense of physical safety and/or creating a sense of fear for self or other loved ones
- Violating the victim's sense of emotional safety and/or creating a sense of serious distress and alarm for the emotional safety of self or other loved ones
- Creating conditions of subordination, dependency, or entrapment in a relationship
- Violating or removing the autonomy of the victim by controlling or greatly disrupting their daily activities
- Undermining a victim's credibility and making them doubt the reality of their experiences

## **Coercive control very often continues after separation:**

- Abuser blames the victim for the violence
- Abuser minimizes their role in the violence
- Abuser uses the children by trying to turn them against the victim or getting them to spy on the victim
- Violence is ongoing
- Litigation abuse occurs including bullying that seeks to use up the victim's resources, failing to follow through on agreed-upon plans, making false claims that the victim abused or kidnapped their children, undermining victim's credibility (e.g., calling the victim a liar)

## **Findings of coercive control have significant implications for parenting arrangements. Critical considerations include the following:**

- Reduce opportunities for ongoing abuse through well-structured decision-making and parenting time arrangements
- Develop and implement a safety plan
- Minimize ongoing contact between the parents
- Co-parenting is not appropriate in coercive control cases
- Seek supervision of parenting time where necessary
- Recognize litigation abuse as a form of ongoing coercive control

# Coercive control is family violence

Coercive control is a common form of family violence. Understanding the nature and impact of coercive control is essential for family courts and legal professionals.

Coercive control involves repeated acts of humiliation, intimidation, isolation, exploitation and/or manipulation, frequently accompanied by acts of physical or sexual coercion. This form of abuse is **characterized by the ongoing way it removes the autonomy of the victim**, often entrapping them in the relationship, and causing distinct emotional, psychological, economic, and physical harms.

Coercive control is now recognized as a **form of family violence in the *Divorce Act*** and most provincial and territorial family laws.



Family violence is defined in the *Divorce Act* as any behaviour by a family member towards another family member that is:

- violent, or
- threatening, or
- a pattern of coercive and controlling behaviour, or that
- causes a family member to fear for their safety or the safety of another person

*and in the case of a child, the direct or indirect exposure to such conduct.*

## Your client may feel:



- Afraid for themselves or loved ones
- Unsafe due to violations of no-contact orders
- Worn down and exhausted
- That they are second guessing themselves
- At the whim of their ex-partner
- Financially dependent on their ex-partner
- Unable to get away from their ex-partner
- Micro-managed by their ex-partner
- That their daily activities are disrupted
- Like they are “crazy”
- That they cannot trust their own decisions

## **Any of the impacts above may be signs of coercive control and family violence.**

It is important that your client can share their experiences in court and receive the counselling they require from specialized services in the community. Their children may also require counselling to deal with the family violence they have been exposed to.

Perpetrators of coercive control need to acknowledge and take responsibility for their behaviour as a first step in getting help for themselves.

Lawyers should look for patterns of behaviour, know that violence is likely to continue following separation, and understand how it can impact the family law process and parenting arrangements.



### Harassment

Aggressive pressure or intimidation, constant calling, or messaging. Using victim's identity against them, including racist and sexist slurs.



### Isolating

Stopping victim from seeing family, friends, or work colleagues.



### Technological abuse

Viewing text messages, emails, and social media without consent. Electronic stalking. Controlling phone access.



### Financial abuse

Limiting access to money and controlling how it is spent, not paying child support, not providing financial information.



### Blaming & degrading

Putting down, humiliating, using secrets against victim, sharing intimate photos, blaming victim for all family problems.

# Coercive Control



### Stalking

Following or making victim feel like their activities and whereabouts are being monitored at all times.



### Physical & sexual abuse

Hitting, kicking, punching, injuring, pressuring into nonconsensual sex acts, forced pregnancy or abortion.



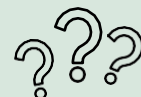
### Gaslighting

Causing confusion, manipulating emotions, encouraging self-doubt, and making victim feel like they're going crazy.



### Threatening

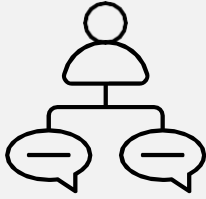
Threats, including from extended family to kill, hurt or ruin life of victim or their family, friends, or pets.



### Emotional abuse

Constantly questioning or saying that victim is lying. Posting intimate images on social media.

# Family violence with coercive control



## Factors to consider when gathering evidence:

- History of the relationship and the forms of **abuse and threats that have been used to try to control** the victim and/or children
- Reports or observations of this conduct by third parties such as friends, relatives, co-workers, or professionals
- **Litigation abuse** as a continuing form of coercive control after the end of cohabitation
- Past and ongoing impact of abusive behaviours on children, on parenting, and on parent-child relationships



## How to deal with it:

- Document to demonstrate patterns of conduct rather than isolated acts of abuse
- Recognize that exposure to coercive control is **harmful** to children
- Document harm to victim and/or children in terms of how the coercive control **affects** family members



## Impact on parenting arrangements:

- Co-parenting and joint decision-making are **inappropriate** since they may allow continuation of the pattern of abuse
- Supervised parenting time or suspension of parental contact **may be required**
- A **minimum requirement** is a highly structured parenting arrangement with little flexibility to avoid ongoing disagreements and litigation