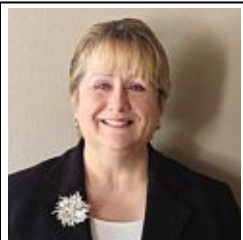




# Family Law

CALL US - BEFORE  
YOUR EX DOES!



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LAWYER

## Q

My ex was very abusive to me and the children, and now I'm told that I can't talk about the abuse in Court without risking the children being taken from me. What?

## A

This is not a one-size-fits-all answer. In *Murphy v. Murphy, 2009 CanLii 82663* Justice Gareau defined parental alienation as a “*systemic and repeated manipulation of children to alter their attitudes about the other parent*”; in *Fielding v. Fielding, 2013 ONSC 5102* Justice MacKinnon referred to parental alienation as “*a form of emotional abuse with potential long-term negative repercussions for the child*”. When parental alienation is found, a change of custody may be the appropriate response. However, not all allegations of abuse are parental alienation.

High conflict custody cases have been likened to a form of domestic war, where the children are the hostages and the casualties. If one parent is using the children to control the other parent, or simply to ‘win’, it is extremely challenging but doable, to present arguments that are in the children’s best interest.

Recently the ‘pushback’ in custody battles, [where one parent alleges

historic domestic violence and the other parent denies this and accuses the first parent of parental alienation] is precisely because the stakes are so high; often when there is a charge of domestic violence, one parent is removed from the home and the children, and it takes time to work through the criminal charge; in the meantime the other parent develops a strong ‘status quo’ position with respect to primary residency with the children, which is often difficult or impossible to change down the road.

Are you at risk of having the children taken from you if you allege family violence? Generally, no; however, each case is different, and your best course of action is to seek the assistance of a Family Lawyer.

Your friends at Shank Law.



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