

## Acknowledgements

Durham Region is developing a well-deserved reputation for its unique and innovative programming in addressing the needs of woman abuse survivors, their partners and their children. I am frequently asked "What is it about Durham Region that they produce such excellent work?" My answer often describes a community of fine, dedicated individuals who believe they have a responsibility to make a difference in the world and know they can't do it alone. Thus, a strong sense of collective spirit lives here. So before describing this present community initiative, it is important to name earlier projects to assist the reader in linking together the collective accomplishments of Durham Region.

Durham Region is no stranger to grief. From the first moment the tragic news that Denise Penny, a 35 year-old woman, had been murdered in front of her 3 year-old daughter Sarah, the community gathered its resources and energies to deal with their sense of overwhelming loss. The Auberge House staff (now known as The Denise House in honour of their former resident) gathered together other workers from across the Province of Ontario and formed the Women We Honour Action Committee. This author had the privilege to facilitate those early meetings as workers came to terms with their grief and rage. In characteristic Durham Region fashion, they wanted to "do something" to make a difference. Their work gave birth to one of the most definitive pieces of work on intimate femicide (referring to those women killed by their intimate partners) in the world.\*

Durham Region did not stop their work here. Under the skilled guidance of The Violence Prevention Council, a community network committed to the prevention, detection, prosecution and treatment of all forms of abuse against children, adults and the elderly, they produced an exceptional document addressing the needs of woman abuse survivors and their children. This project became a five-year process culminating in a "work in progress" that explores both the creation of a community response to woman abuse and the development of a set of protocol guidelines for key system's responses to woman abuse. This document, one of the first of its kind in Canada, has been recently updated and expanded. It has served as a pioneering model for protocol development across the country.\*\*

This brings the reader to the present community initiative, a project entitled "Custody and Access Issues Affecting Woman Abuse Survivors and Their Children - A Community Response". The potential exists in the work of this project to address the civil law system and its remedies for abuse survivors and their families, in much the same way the criminal law system was challenged back in the late 1970's and early 1980's to become more effective in its response to woman abuse survivors and their families. Little has been done to date in challenging the civil law system as it relates to woman abuse issues. The whole framework for the civil law system is settlement-driven. It is predicated on the assumption that over 95% of all cases will settle before trial. Thus, getting a settlement becomes an important underlying value of the administration of justice.\*\*\* This philosophical climate is not conducive to creating safety for women and children confronted with historical and ongoing abuse.

That Durham Region has decided in its wisdom to take on such a daunting task is again rooted in the experience of its community members. Most notably, this community effort was inspired by the courage of a mother to seek justice for herself and her son Luke, by seeking the family court's protection. The system's response was ill equipped to deal with what she presented. Luke was subsequently murdered by his father on a first unsupervised visit in August, 1997. The community was devastated.\*\*\*\* Community members of Durham Region have been driven to understand how this tragedy could have been averted. This report reflects their efforts to date.

A project of this magnitude is rarely done singularly. It takes the minds, hearts and hands of many to grapple with such complex issues. It takes a willingness to stay open and connected in the face of heated debate and difference of opinion. It takes courage, boldness and tenacity to move forward in a system fraught with problems. It takes creative and brilliant minds to be able to envision a different way and then the fortitude to generate the resources to do it. It takes strength of character to face overwhelming grief and horror and to transform it into a healing path. These qualities have been present throughout this community. In addition to all of these qualities, a written document of this nature takes countless hours to research, write, review, edit and to reflect on these complexities, then discuss, and ultimately produce and distribute.



This would not have been remotely possible without the support, dedication and combined efforts of many individuals and agencies. The names of all those who lent their time and expertise to this project cannot be identified individually as the list would be endless. Their efforts do not go unnoticed and are deeply appreciated.

However, I would like to acknowledge some exceptional people who devoted many hours of their volunteer time to complete the writing stage of the project. The Chairs of all the Working Groups deserve special mention: Mary McMillan, Chair of the Steering Committee; Donna Babbs, Chair of the Lawyer's Working Group; Janette Watt, Chair of the Task Force on Police, Court and Legal Issues; Carol Barkwell, Chair of Luke's Place Working Committee; Sylvia Pivko, Chair of the Woman Abuse Review Committee; Justice Margaret Scott, Chair of the Judges' Orders Subcommittee; Penny Contreras, Chair of the Information Package Subcommittee. Other key contributors and writers include: Kate Schillings, Helen Brooks and Rita Benson. Shannon Smale, Doris Anderson, Jackie Gibbs, Joyce Emerson, Brian Fazackerly, Maria Iannuzziello, Gwen Harvey, Neil Bradley, Bev LeMay and all of those participants in each of the working groups (listed following each report) are to be acknowledged for their significant contributions.

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To all of the focus group participants:

We offer a special thank you to you, the 52 survivors of woman abuse who participated in our focus groups, and as a result, have directed the course of this project. Your wisdom, strength, and courage continue to be an inspiration and a driving force in our commitment to develop a world in which you and your children can live with dignity and safety. We all are grateful for your efforts.

*"never doubt that a small group of thoughtful,  
committed citizens could change the world.  
Indeed, it is the only thing that ever has."*

Margaret Mead

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- Durham Regional Police Services
- Durham Family Court Clinic
- Crown Attorney's Office
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- Durmac
- Kitchen, Kitchen, Simeson, and McFarlane
- Sims, Thomson, & Babbs
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\* Written by Maria Crawford & Dr. Rosemary Gartner *Intimate Femicide: Woman Killing in Ontario 1974-1990*. An update was completed in 1995 to include those years from 1990 to 1994. Reports are available through Education Wife Assault (refer to Bibliography for website).

\*\* Written by Dianne Mathes & Ruth Farquhar, D.M.A. Consultants. *Creating a Community Response: Developing a Protocol for Abused Women and Their Families*. This protocol is currently being revised. For information contact Mary McMillan at 905-723-5338 ext. 2256.

\*\*\* Gleaned in conversation with David J.D. Sims, B.Comm., LL.M., Q.C., partner, Sims, Thomson, & Babbs. Whitby, Certified by the Law Society of Upper Canada as a Specialist in Civil Litigation.

\*\*\*\* Please refer to the section in this report called *The Community Mourns*, pg. 137 for a fuller description.