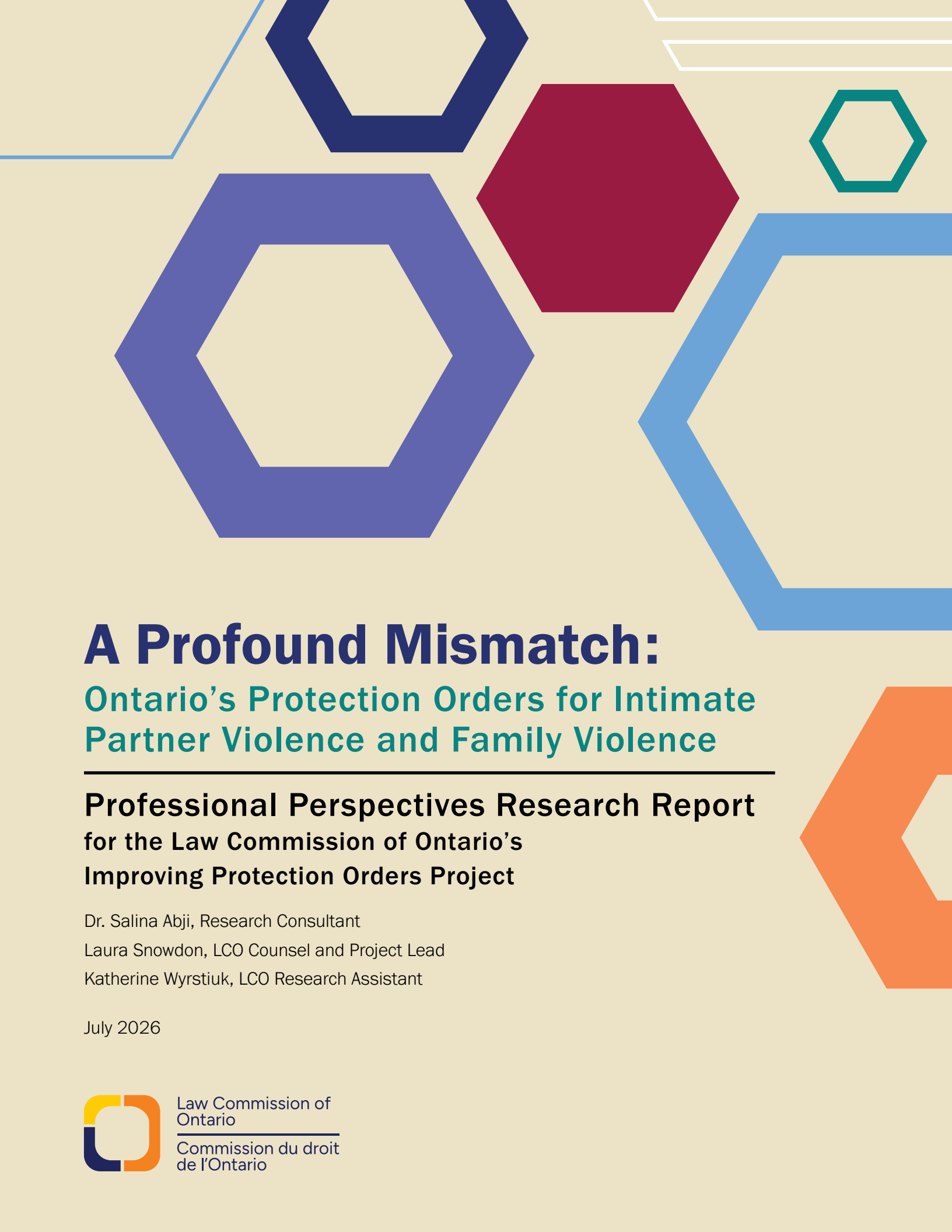




A Profound Mismatch: **Ontario's Protection Orders for Intimate Partner Violence and Family Violence**

Professional Perspectives Research Report for the Law Commission of Ontario's Improving Protection Orders Project

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Law Commission of
Ontario

Commission du droit
de l'Ontario

Executive Summary



A Profound Mismatch: Ontario's Protection Orders for Intimate Partner Violence and Family Violence

The Law Commission of Ontario (LCO) is researching how to improve protection orders to better prevent intimate partner violence and family violence in Ontario.

Protection orders are widely understood as a cornerstone of Ontario's legal response to intimate partner violence (IPV) and family violence (FV). They are intended to provide safety and accountability by imposing conditions on individuals who pose a risk of harm. Yet, as this report illustrates, the promise of protection orders often falls short in practice. Despite their perceived importance, survivors and community members describe a system¹ that is confusing, inconsistent, and, in many cases, ineffective.

This report summarizes the second of two surveys conducted by the LCO as part of its [Improving Protections Orders](#) project. This report shares findings from 257 professionals across the gender-based violence (GBV), legal, victim services, child and youth, and related sectors, offering detailed insights into access, process, evidence, conditions, duration, enforcement, coordination, and potential reforms. The first LCO report, *A Promise Not Delivered: Ontario's Protection Orders for Intimate Partner Violence and Family Violence*, shares findings from our survey of people with lived experience of protection orders.

This survey provides the clearest and most comprehensive picture to date of how professionals across Ontario experience the protection order landscape. The insights in this report will help guide the LCO's development of final recommendations aimed at building a more accessible and effective protection order system in Ontario.

The Law Commission of Ontario

The LCO is Ontario's leading law reform agency. The LCO provides independent, balanced, and authoritative advice on complex legal policy issues. We evaluate laws impartially and transparently, in consultation with a wide range of affected individuals, organizations, and experts. We produce evidence-based recommendations that are tested through accessible, inclusive, and comprehensive public engagement processes.

The LCO's reports are practical and principled long-term resources for policymakers, interested parties, academics and the public. Our reports have led to legislative amendments and changes in policy and practice. Our work is frequently cited in judicial decisions, academic articles, government reports and the media.

More information about the LCO is available at www.lco-cdo.org.

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¹ Many participants referred to the "protection order system" in their survey responses, and we replicate their language in this report. However, we note that the LCO has also heard concerns about referring to Ontario's protection order laws and processes as a "system" given that they do not currently operate as a connected, cohesive whole.

Key Insights

The key insights from this survey include:

1. Protection orders matter, but the system is not working

An overwhelming majority of participants (93%) believe protection orders are important safety tools. Yet only 21% think they are currently working well or somewhat well in Ontario. Professionals repeatedly described protection orders as “just a piece of paper” due to frequent breaches with few or inconsistent consequences, limited police enforcement (particularly for non-physical breaches), judicial reluctance to grant or tailor orders, systemic myths and stereotypes around IPV and FV, a lack of training (especially on coercive control, non-physical violence, risk, and trauma), and ongoing mistrust among survivors toward police, courts, and child protection authorities.

2. Access is uneven, slow, and highly dependent on who is asking

Professionals described the processes for obtaining protection orders as complex, slow, confusing, and inconsistent across regions and courts. 77% of professionals said obtaining a protection order is difficult or complicated, with only 15% saying it is easy or straightforward, and 8% neutral. Half of professionals said the typical time to obtain an order is too long to ensure safety, and many noted that success depends on where you live, if the Crown or police applies on your behalf, and which judge is presiding.

Professionals reported that when protection orders are granted, it is typically after multiple incidents of violence, despite their preventative intent. According to the professionals in our study, orders were least often granted in cases involving coercive control, emotional abuse, or economic abuse. Evidentiary requirements are also too onerous or difficult to meet, with 100% of professionals reporting that it is especially difficult to produce evidence of non-physical violence, and that trauma, disability, mental health, language, or other factors affect survivors’ abilities to collect or present evidence.

3. Conditions are often boilerplate and rarely tailored

Although conditions such as no-contact and no-go zones are widely used in protection orders, 47% of professionals reported that conditions are rarely or never tailored. 60% said courts frequently impose boilerplate conditions that do not always reflect survivors’ circumstances or safety needs.

4. Breaches are extremely common, with limited enforcement

Breaches cause significant harm, including physical violence, intimidation, loss of trust in the system, harm to children, property damage, and increased lethality risk.

A striking 82% of professionals said breaches occur “almost always or often,” and most described survivors losing trust after repeated breaches with no meaningful consequences.

Professionals reported that some breaches occur due to structural barriers to compliance, rather than non-cooperation. Factors affecting compliance with conditions include lack of housing or economic stability for the bound person, shared parenting responsibilities and enmeshment, mental health or substance use challenges, and lack of clarity or communication about conditions.

When breaches occur, reporting and enforcement are impeded by survivors’ fear or mistrust of police involvement; inconsistent police responses or minimization of risk; difficulty proving tech-facilitated breaches; variation across jurisdictions; Crown withdrawal of breach charges as part of plea bargaining; and lack of consistent sanctions or monitoring mechanisms.

5. Lack of coordination across systems is a major safety threat

Most professionals (74%) frequently see families involved in multiple legal systems—criminal, family, child protection, immigration—and 84% reported seeing conflicting orders across these systems.

Many professionals described coordination failures as a major cause of harm to survivors. Professionals reported poor information sharing and communication breakdowns, inconsistent rules and practices, and siloed institutions with competing mandates as key drivers of coordination challenges.

As a result of these challenges, the professionals in our study only recommend protection orders cautiously and contextually. While many see them as essential tools in cases of clear and severe risk, they also recognize that without proper enforcement and systemic support, these orders can expose survivors to further harm.

Recommendations

Survey participants identified four urgent reform priorities:

- Stronger enforcement through standardized consequences, clearer communication, and reliable follow-through.
- Mandatory, ongoing IPV/FV training for professionals involved in the legal system.
- Improved system coordination, including centralized processes, shared databases, and integrated courts.
- More robust wrap-around supports for survivors, including children, and their loved ones, as well as for people who cause harm, including housing, counselling, transportation, and case management.

There was support for standalone civil protection order legislation (48% support; 39% unsure), particularly features such as emergency, 24/7 access, broader eligibility criteria, and expanded authority to include tailored conditions.

Similarly, 72% of participants supported restorative or transformative justice options, though many urged caution around ensuring suitability in light of power imbalances.

Across all reforms, professionals stressed that change must be survivor-centred, trauma-informed, culturally safe, and evidence-based, rather than piecemeal or symbolic.

More Information and How to Get Involved

The LCO's Improving Protection Orders project will produce an independent, evidence-based, and comprehensive analysis of protection orders in Ontario. The LCO's final report will recommend reforms to laws, policies, and practices where appropriate.

More information about this survey and the LCO project is available on our project website at <https://lco-cdo.org/en/projects/protection-orders/>. Materials include our project Consultation Paper, an Executive Summary, and other background information. The Consultation Paper and Executive Summary are available in English and French.

The LCO's Improving Protection Orders Project Lead is Laura Snowdon. She can be contacted at LSnowdon@lco-cdo.org. The LCO can also be contacted at:

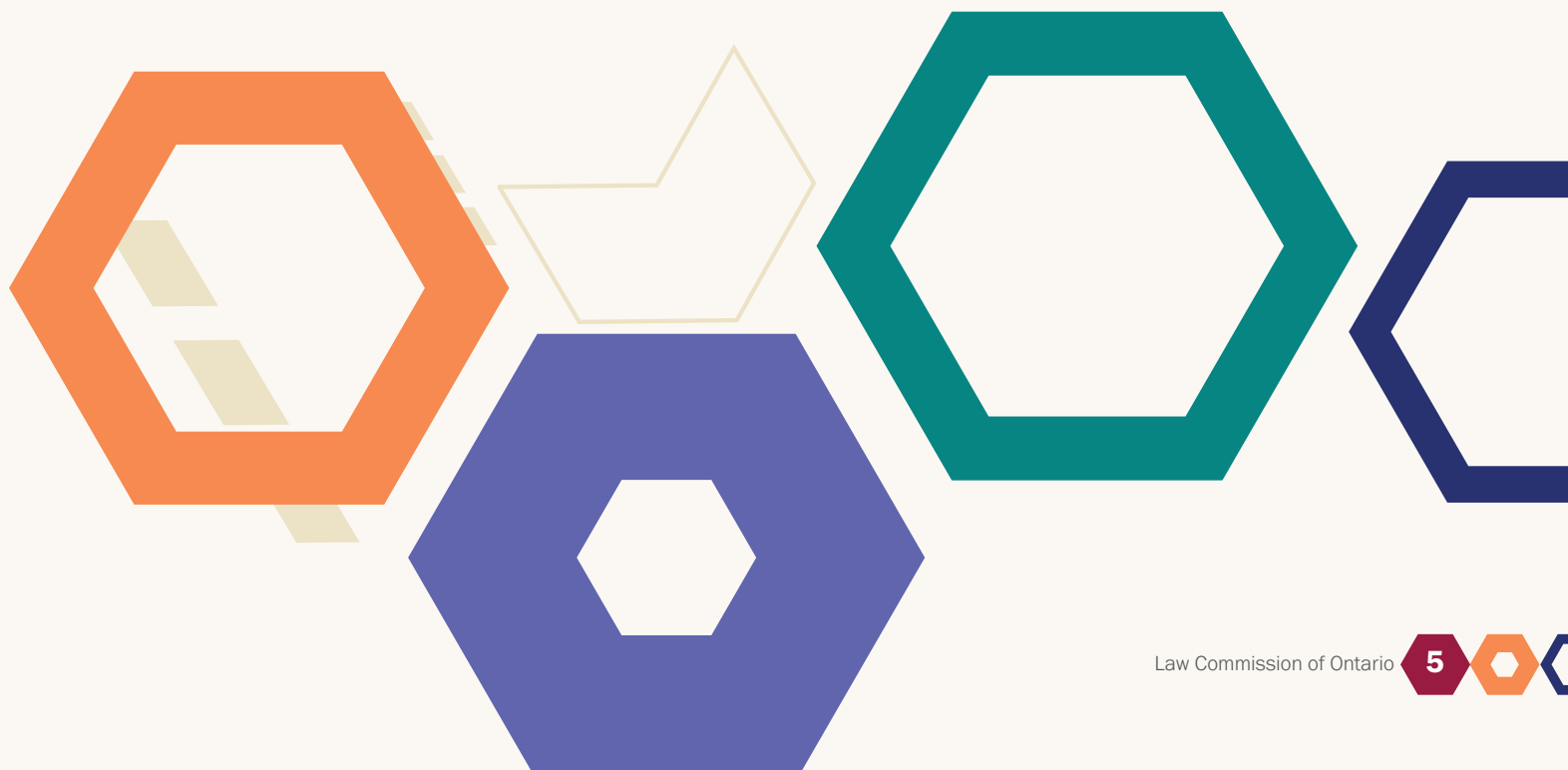
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Table of Contents

EXECUTIVE SUMMARY	2
PROJECT BACKGROUND.....	6
ABOUT THE SURVEY	7
SURVEY RESULTS	12
1: Professional Perceptions of Protection Orders	12
2: Access to Protection Orders & Process.....	16
3: Evidence in Protection Order Proceedings.....	22
4: Protection Order Conditions & Duration.....	29
5: Breaches & Enforcement of Protection Orders.....	33
6: Coordination.....	43
7: Suggested Reforms	50
CONCLUSION.....	57





Project Background

Protection orders are tools in Ontario's legal system that are supposed to protect people from violence. Protection orders are designed to reduce violence by placing specific conditions on someone who is causing harm. For example, a protection order might limit where that person can go, what they can do, and who they can contact.

According to Ontario's Domestic Violence Death Review Committee, at least 434 people were murdered in acts of intimate partner violence across the province between 2003 and 2021.² Most victims were women and children. The overwhelming majority of these murders were preceded by a history of violence—and in a quarter of cases, the perpetrator was known to have breached an existing protection order or other court order.³

The Law Commission of Ontario's (LCO's) *Improving Protection Orders* project is the most comprehensive analysis of protection orders undertaken in Ontario. The LCO is combining extensive public consultations, legal research, public policy research, and empirical research to make recommendations to improve protection orders and reduce intimate IPV and FV in Ontario.

An important part of the LCO's research is to hear from people who wish to share their personal and/or professional experiences with protection orders and their ideas for change. This Professional Perspectives report shares findings from one of two anonymous surveys conducted by the LCO in Spring 2025. A total of 367 people participated in the surveys. Both sets of findings will be integrated into the LCO's final recommendations. Both surveys were supported by a grant from the Law Foundation of Ontario.

² Ontario, Domestic Violence Death Review Committee, 2021 Annual Report, (Ontario: Office of the Chief Coroner, 2024), online: <ontario.ca> [DVDRC, 2021 Annual Report], pp 13-14.

³ DVDRC, 2021 Annual Report, pp 13-14, 16-17, and 26, showing that in 392 cases involving 434 murders, 76% of cases had a history of intimate partner violence and 27% of cases had a "failure to comply with authority", which was defined as breaching a protection order or other court order.



About the Survey

As the first survey of its kind in Ontario, the LCO's professional perspectives survey was for people who work with protection orders in a professional capacity in Ontario and who wished to share their experiences and recommendations for change. The anonymous survey was open to both legal and non-legal professionals, including Crown lawyers, lawyers practicing in family, criminal, child protection, and other areas of law, judges, police, probation and parole officers, Indigenous and non-Indigenous victim services, social workers and gender-based violence (GBV) frontline workers, court support workers, child protection workers, intervention program staff, researchers/ academics, and others. The survey was released in March 2025 in conjunction with a survey for community members and ran for 8 weeks.

The survey was designed in consultation with the LCO's project Advisory Committee and a range of legal and GBV experts to help ensure the accuracy and relevance of questions. All questions were optional except for a consent to participate question. The anonymous survey included detailed questions about access to protection orders across criminal law, family law, and child protection law; issues with evidence, process, and duration; conditions that are granted or overlooked in protection orders; frequency

and impact of breaches and enforcement; as well as coordination across courts and sectors. The survey also included open and focused questions about reforms including standalone civil protection order legislation, restorative and transformative justice alternatives, and other potential reforms identified through the LCO's consultations and research.

While the survey was comprehensive, it had several limitations. First, because of the scope, the survey was quite long, particularly for those operating across multiple areas of law or aspects of the protection order landscape. Second, although gender neutral language was used throughout, participants' qualitative responses tended to discuss IPV/FV from a traditionally gendered point of view (i.e. male abuser, female victim-survivor). Future research may want to add measures directly examining trans, nonbinary, and same-sex experiences with protection orders in the legal system. Third, the survey was only available in English due to limited capacity for translation and analysis in French or other languages spoken in Ontario. To mitigate this barrier to participation, the LCO is conducting focus groups and interviews with Francophone communities. Participants' contributions will be incorporated into the LCO's final report and recommendations.

Survey Sample

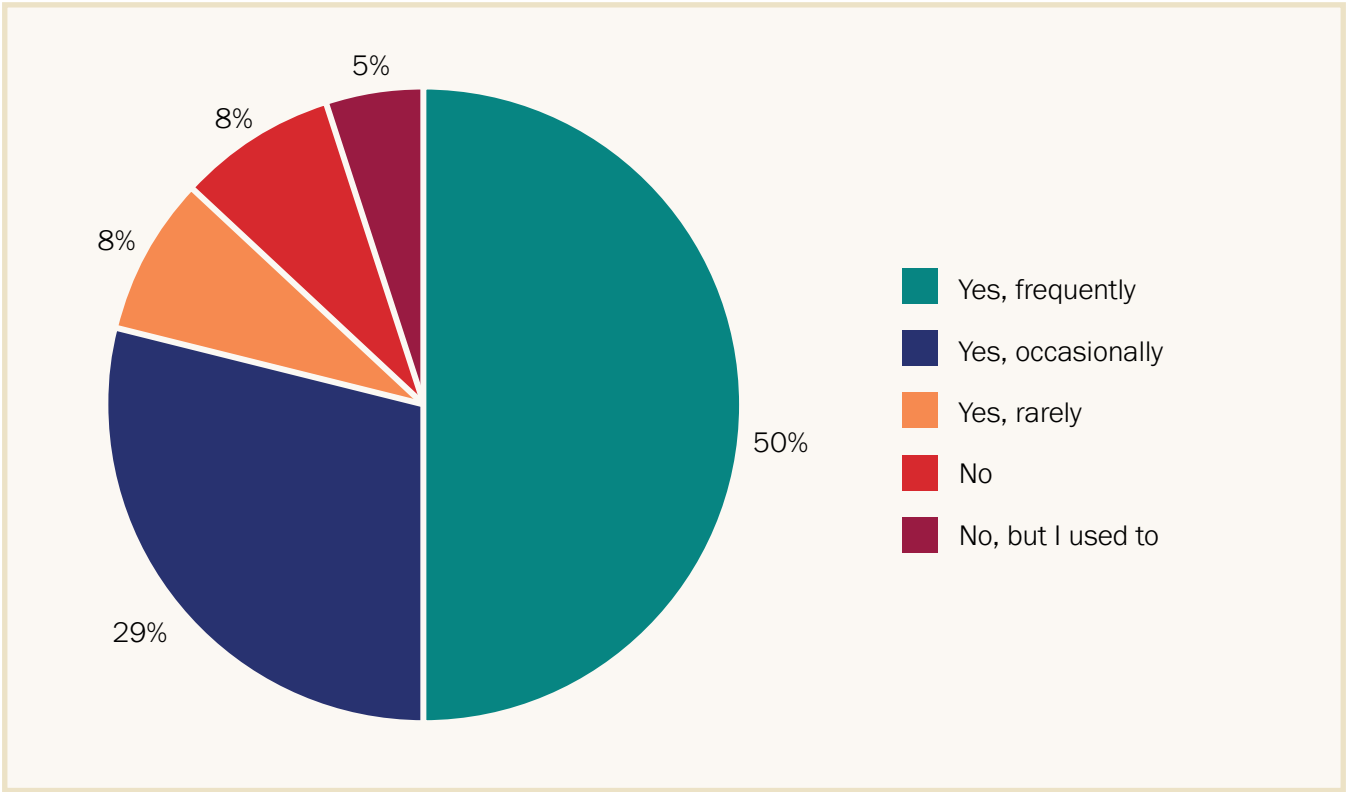
268 individuals started the survey. 257 surveys were included in the final sample. Most participants worked across three intersecting fields: the gender-based violence (GBV) sector, victim services, and legal services. The most common non-legal professional roles were social worker, victim services, managers/executives, and frontline service providers. The survey had a handful each of child protection workers, intervention program staff, and Indigenous victim services workers.

Among legal professionals, the most common roles represented in the sample were family lawyers, Family Court Support Workers, and lawyers for victims-survivors. The survey had a handful each of child protection lawyers, Crown prosecutors, criminal lawyers, mediators/adjudicators, police, and probation or parole officers. A limitation of the sample involved the lack of judges or judicial officers participating in the survey.

Experience with protection orders

Half of the survey sample frequently engaged with protection orders as part of their professional role (see Fig. 1). Another 29% did occasionally and 8% did but rarely, and 5% used to. The 8% that did not engage with protection orders included academics, social workers, and clergy.

Figure 1: Do you engage with protection orders in your current professional role?

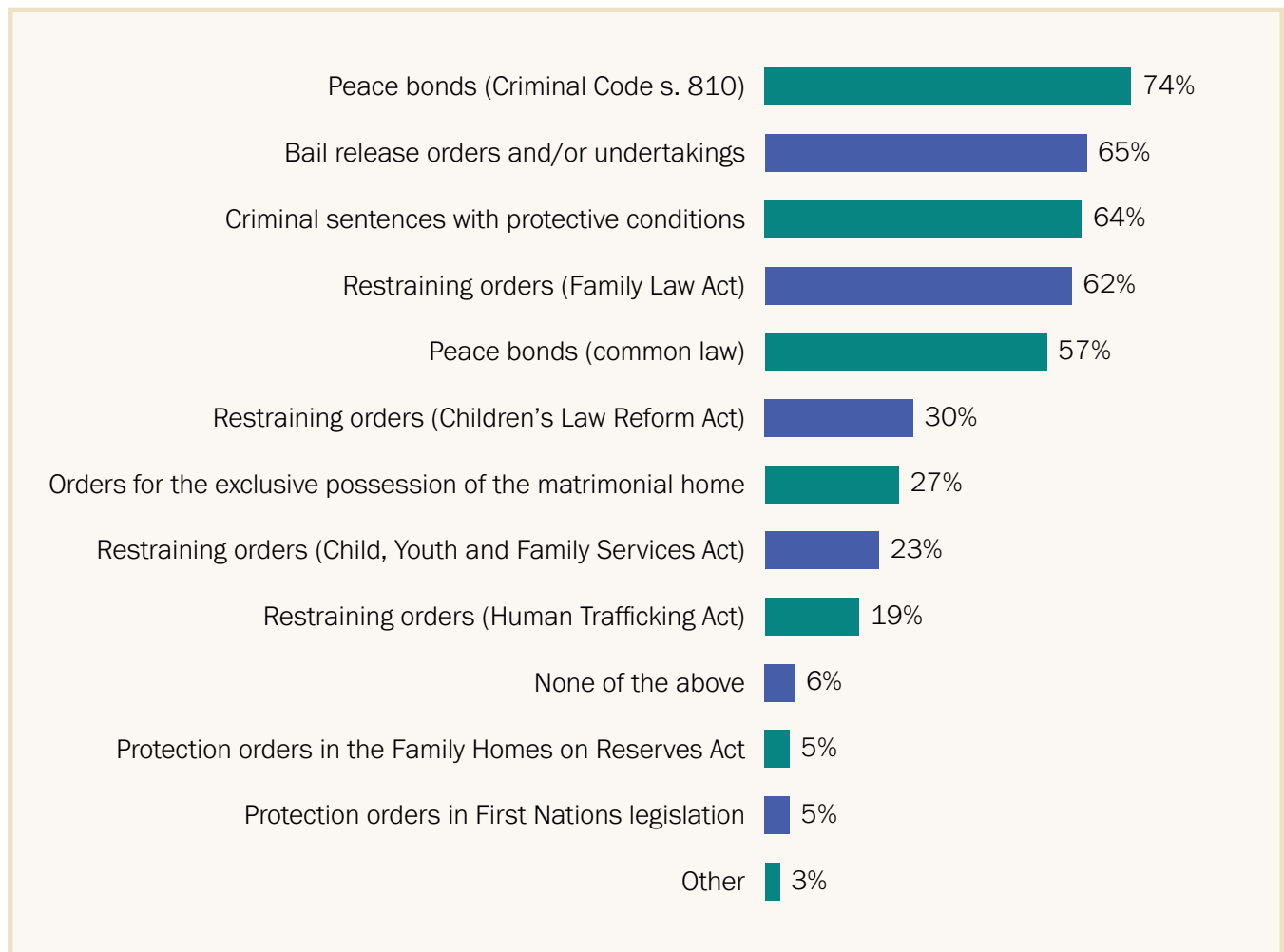


Sample = 257

When asked what types of protection orders participants had experience with, a majority said Criminal Code peace bonds (74%), bail release orders and/or undertakings (65%), criminal sentences with protective conditions (64%), Family Law Act restraining orders (62%), and common law peace bonds (57%) (see Fig. 2).

A smaller proportion had experience with restraining orders in child protection law or human trafficking cases, as well as orders for the exclusive possession of the matrimonial home. 5% of the sample had experience with protection orders in First Nations legislation and federal Aboriginal law.

Figure 2: Experience by protection order type (select all that apply)

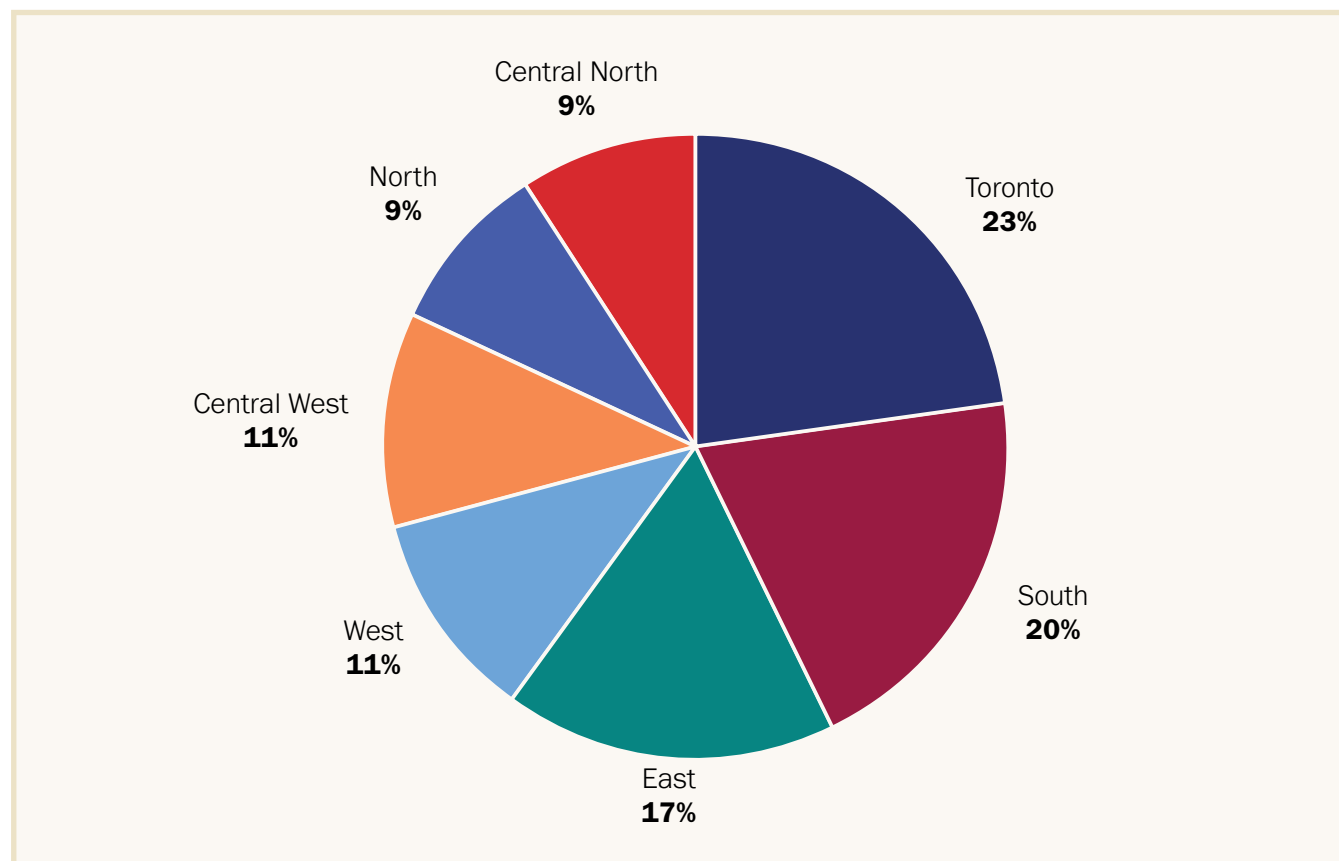


Sample = 257

Socio-demographic characteristics

96% of the participants were based in Ontario (see Fig. 3). The sample had a fairly good distribution across the province, with the majority from Toronto (23%), Southern Ontario (20%), and Eastern Ontario (17%).

Figure 3: Ontario sample by region



Sample = 257

Most participants worked in a primarily urban area (53%), with 21% working in suburban areas, and 19% in rural and remote areas, including several who said they were located on a First Nations reserve. 7% said “other” and specified that they worked in areas with mixed types of communities.

Methods

Data analysis was conducted over several months. Given the range of roles included, the survey offered many opportunities for participants to elaborate on their answers. This yielded a large data set that was manually coded by the researchers using grounded analysis, memo-writing to identify broader themes, and regular research team meetings to compare and triangulate results.

Quantitative measures also included options for “varies too much to say” or “don’t know” to allow for limitations in what individual professionals were able to observe or report on. To help focus the results, we highlight cases where more than 20-25% of the sample responded using these options. In cases where participants could choose from a list of options, we focused on options selected by over 50% of participants and looked for patterns when disaggregating by legal and non-legal professionals.

While this report captures the experiences of 257 professionals working in Ontario’s protection order landscape, the survey sample is not representative of the large and diverse pool of people who interact with the system and should be interpreted as such. Nevertheless, the findings yield important considerations for policy makers for how legal and non-legal professionals are engaging with the system and their perspectives on potential areas for reform.



Survey Results

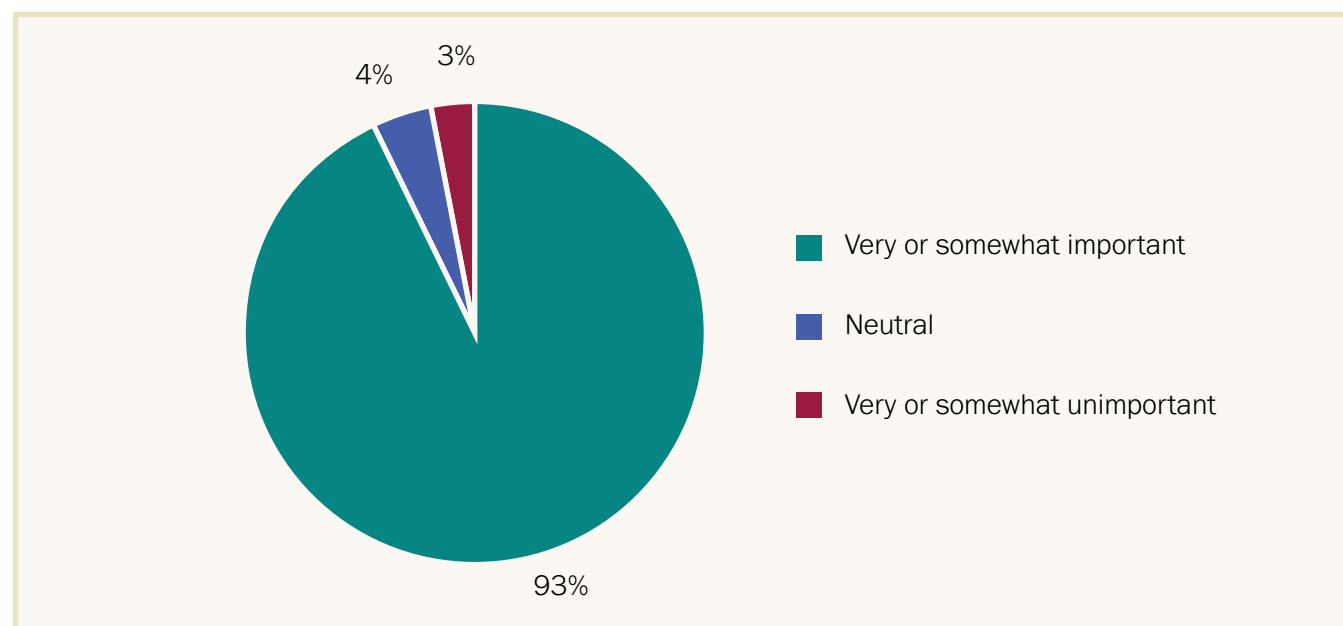
1: Professional Perceptions of Protection Orders

We asked professionals about their overall perception of protection orders. We asked them how important they are for keeping people safe from intimate partner violence (IPV) and family violence (FV), and how well they are currently working in Ontario. We explore these findings in more detail below.

Importance of protection orders

93% of the professionals in our study said protection orders are important as a strategy for preventing and responding to IPV and FV (see Fig. 4). Only 3% thought they were unimportant.

Figure 4: How important are protection orders as a strategy for preventing/responding to IPV/FV?



Sample = 257

When we asked participants to elaborate on what makes protection orders so important, several themes emerged:

- Protection orders can offer “*real legal consequences*” for breaching, which can act as an “important deterrent” to future violence.
- Having a protection order in place can provide survivors with “*an increased sense of safety*,” renewed agency, and validation of their experiences.
- Protection orders can be survivor-centred when the conditions are tied to their specific needs or situation and coordinated across court systems.
- Having a protection order can “*allow [survivors] time and space to process their trauma*” and “*make appropriate and informed decisions*” about their next steps.

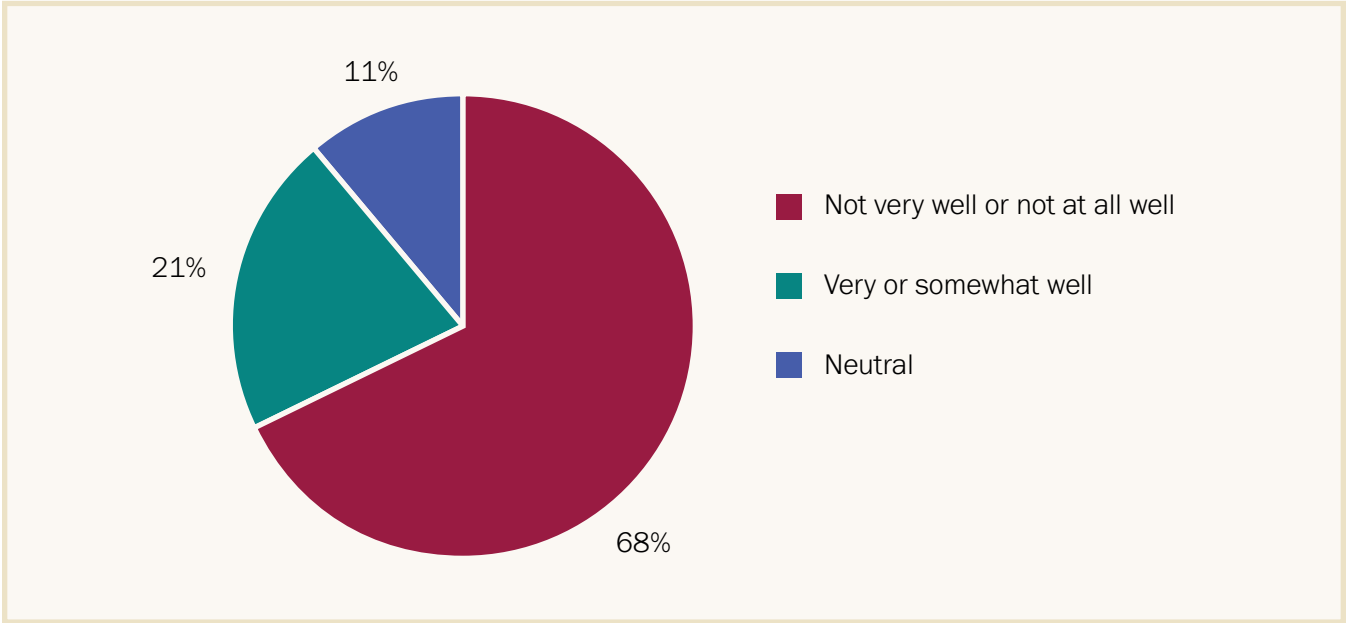
For the 3% of participants who said protection orders are not important as a strategy for preventing or responding to IPV/FV, they often commented on their ineffectiveness and the risks of escalation that can result. As one noted: *“these orders can escalate the abuse or there is potential for dual charging if a breach happens putting the woman at risk”* (Manager, GBV services).

Another commented that more attention should be focused on prevention: *“This work needs to go ‘upstream’ to address primary prevention of the conditions that lead to partner violence/family violence”* (Manager, youth & family services).

Effectiveness of protection orders currently in Ontario

Despite their importance, most professionals in our study (68%) did not think protection orders are working well in Ontario (see Fig. 5). Of the remaining participants, 21% said they are working very or somewhat well, while 11% were neutral.

Figure 5: How well are protection orders currently working in Ontario?



Sample = 257

The 21% of participants who thought protection orders are working well included professionals in a range of legal and non-legal roles. Many commented that they work well for a specific group of people who *“adhere to the rules”* or who comply after an initial breach is reported. In such cases, protection orders can offer a valuable deterrent: *“They indicate to the offender that they must treat the victim with respect, and it helps foster a much better relation between the two”* (Legal services provider).

There were many reasons, however, offered by the 68% of participants who did not think protection orders are working well in Ontario. We elaborate on six key themes below:

It's “just a piece of paper” and the application process is risky

A common refrain among professionals was that protection orders are “*just a piece of paper*”, because they are frequently breached with too few consequences to deter violence.

The impact of this was pronounced. Many professionals described the stress and frustration of weighing the odds: would seeking an order stop the abuse or “*further aggravate the abuser*”? Some described factoring in unintended consequences of applying for an order for clients who might be dependent on the abuser for their housing or living situation (risking homelessness in a housing crisis), parenting of children (risking custody battles or removal of children), immigration status (risking precarity, loss of status), or finances/ living expenses/ employment (risking increased poverty or credit debt for women and children).

Others described making judgement calls on whether survivors would be believed by law enforcement, judges, or courts, particularly in cases of coercive control and other non-physical violence. They worried about whether seeking protection might expose survivors to re-victimization in the legal system, leading professionals to weigh multiple contextual factors when supporting survivors and/or to only recommend seeking protection orders as a “*last resort*.”

Significant lack of training and awareness of IPV/FV, leading to re-victimization

Another common theme was the significant lack of understanding of IPV/FV dynamics among both legal and non-legal system actors. Participants described:

- The “*lack of even a basic understanding*” or training on IPV/FV among courts, lawyers, police, and children's services, leading to re-victimization for those who report.
- A general lack of awareness or acceptance in the legal system that “*non-physical forms of violence can be as damaging as physical violence*.”
- “*Hesitancy*” among judges and other judicial officers to impose protection order conditions or to issue ex parte orders because of a lack of awareness or training.
- Knowing courts' lack of understanding, some lawyers “*do not want to raise the issue of IPV at all*” in family court because they believe it “*will just make it worse*” for the survivor.
- Widespread myths and stereotypes about how victims-survivors should look or behave that impact access to justice. Some participants linked this to a “*fundamental lack of diversity, competence, or empathy*” among legal and non-legal system actors.
- A persistent belief that children should have maximum contact with both parents, “*despite legislative changes and evolving jurisprudence*” recognizing the harms to children exposed to or targeted by IPV/FV.

Many participants called for expanded and regular training for all legal and non-legal system actors, along with looking to experts and the latest evidence about IPV/FV dynamics and prevention strategies to improve how protection orders are organized and administered.



Protection order landscape is confusing to navigate, leading to misinformation

Lack of public awareness about the range of protections available in cases of IPV/FV was another common theme. Misconceptions and misinformation about protection orders were often fueled by the landscape itself, which was seen as confusing and challenging to navigate. Participants noted:

- A common public misconception that *“all protection orders are restraining orders”* when in fact there are many different types of protection orders across multiple areas of law.
- Police and frontline providers themselves being misinformed or unaware about the types of protection orders available to survivors, for example *“using ‘restraining order’ to describe peace bonds”*, or *“messaging that nothing can be done”* especially in cases where there is no physical harm or property damage.
- As a result, there is very little information being provided to survivors about their options when they reach out to police.
- Survivors not knowing *“how difficult it can be”* to obtain a restraining order in family court, and that there may be other options available, like peace bonds or bail conditions.

Insufficient coordination between criminal and family courts, leading to conflicting orders

Lack of coordination between criminal and family courts was identified as a *“huge”* barrier by both legal and non-legal professionals. Participants noted:

- Conflicting orders being imposed by different courts in cases involving the same family.
- Instances where, despite *“grave safety concerns”* raised in family court cases, criminal court judges are nevertheless *“releasing chronic repeat offenders and allowing access to children.”*
- Cases where family courts are *“not taking conditions seriously”* that were imposed within the criminal court system, even when these are *“good conditions on offenders.”*

Significant variation across regions and within courts, leading to unpredictability

Some participants pointed to significant variation between courts across different regions in terms of Practice Directions and court processes. One victim services worker noted how they could not even do province-wide training on how to obtain a protection order since regional variation *“makes it impossible to provide [accurate] guidance.”*

Others described a luck of the draw when it came to the presiding judge: where getting an order *“often depends on the Judge who is in court that day.”* One social worker noted how, in urgent situations, this could mean a difference between getting an order within 24 hours or having to wait for months. Another noted how *“getting an ex parte order often depends on what Judge is looking at the file. Many insist that the abuser be served with the papers”* (Social worker, GBV legal services).

Fear and mistrust of the system

All the above reasons contributed to an overall sense of fear and mistrust of the legal system among victims-survivors, as well as among some professionals. This in turn discouraged reporting of breaches and safety concerns, leaving survivors to try to protect themselves.



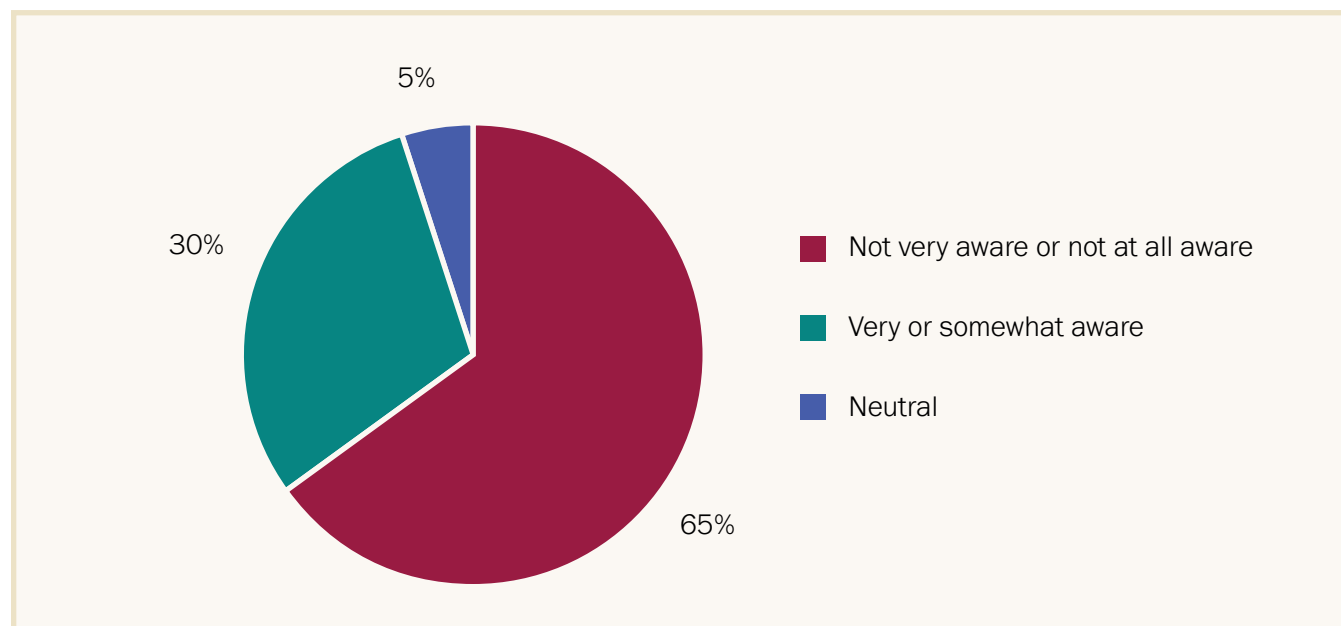
2: Access to Protection Orders & Process

We asked professionals a range of questions about how easy it is to obtain a protection order, how long it takes, and common challenges with access and awareness. We share highlights of these findings below.

Awareness of protection orders

65% of the professionals in our study did not think survivors are very aware of the types of protection orders available to them (see Fig. 6). 30% said survivors are very or somewhat aware, and 5% were neutral.

Figure 6: How aware are victims-survivors of the types of protection orders available to them? (On average)



Sample = 187

Some professionals attributed lack of awareness to the landscape itself being confusing:

- Many described how the public might colloquially know about restraining orders but are not aware of the many types of protection orders available and sometimes conflate other orders with restraining orders.
- Some participants noted the lack of a “*centralized place*” or “*dedicated courthouse*” for survivors to obtain clear information about all the available options.
- Others noted how the steps to obtain a protection order are unclear, and to get information survivors “*have to jump through hoops and get bounced around.*”
- Professionals working in rural areas sometimes noted how a lack of transportation services and far distances to courthouses or support services can intensify access barriers.
- Obtaining a peace bond was seen as particularly difficult by some participants, which “*may deter a victim from seeking one.*”

Other participants talked about how law enforcement and service providers can fail to inform survivors of their options, or can themselves be misinformed or unaware:

- Some lawyers do not tell survivors about all their options, especially if they are unlikely to succeed. One family lawyer noted: *“It’s pretty rare that women get exclusive possession of the marital home and often lawyers don’t inform women they can apply for it.”*
- A few described how police and service providers can themselves be misinformed. As one healthcare provider/ counsellor noted: *“I hear police officers and others frequently use ‘restraining order’ to [mistakenly] describe peace bonds and no contact conditions.”*
- Sometimes the misinformation had to do with telling survivors the process is quick or easy, as elaborated in the quote below:

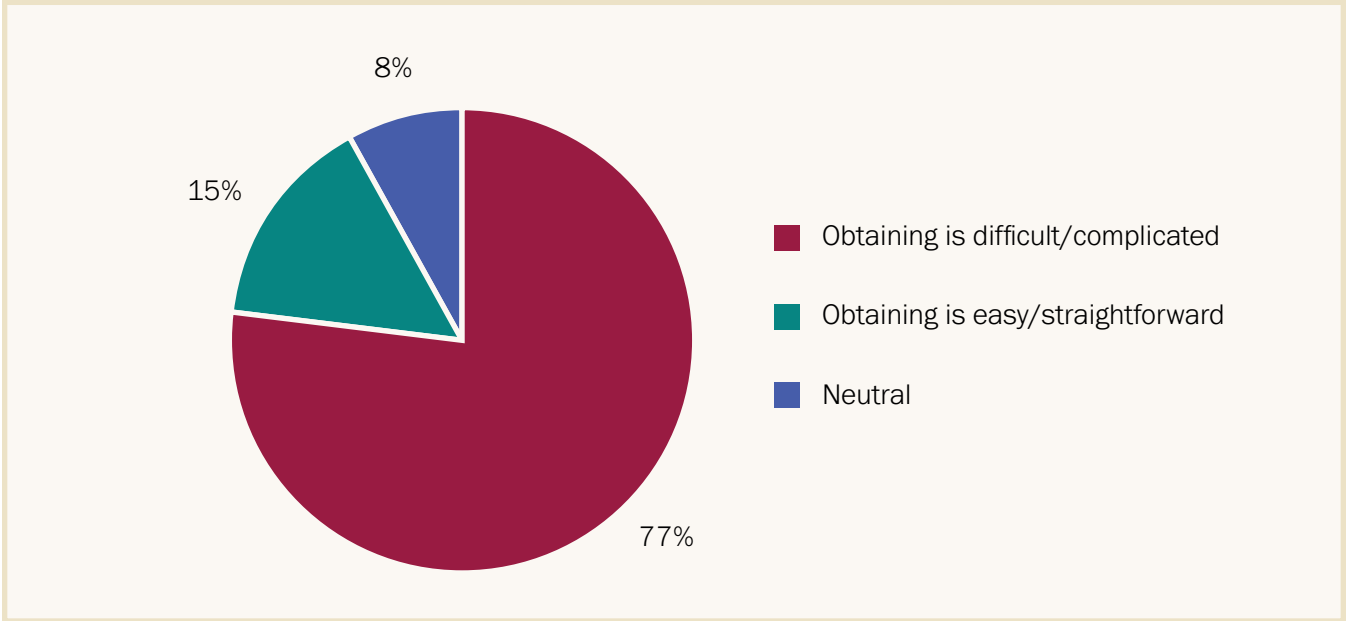
“Police will tell a victim, ‘Go get a peace bond’ as if it’s a quick process, ‘just ask and you’ll get it’. They don’t tell the victim that it requires multiple trips to the courthouse just to file the application and get it approved then you get assigned a hearing date 3 or 4 weeks out and then at that hearing date maybe the defendant hasn’t even been served the summons yet and it gets adjourned another 3 or 4 weeks.”

~ Healthcare provider/ Counsellor

Ease of obtaining

We asked participants how easy or difficult is it to obtain a protection order (see Fig. 7). 77% said it was difficult or complicated, compared to 15% who said it was easy or straightforward. 8% were neutral.

Figure 7: How easy or difficult is the process of obtaining a protection order?



Sample = 158

It depends on who is asking: Some professionals elaborated that the ease of obtaining a protection order depends on who is asking, noting that it is easier if there is police or Crown involvement. A Family Court Support Worker observed how requests are “90% successful when placed by police” or when there is police involvement, compared to when clients have to seek an order by themselves. Similarly, a manager of Indigenous legal services noted that “if the Crown is requesting an order, it is granted. But if the request happens any other way, it is typically not granted.”

It depends on who is presiding: Another common theme was that it really depends “which Judge you get” that determines how easy it is to get a protection order and whether it will be considered urgent.

In cases where a protection order is granted, what types of situations are most common?

We asked participants about the types of situations in which they see protection orders are a) typically sought and b) more frequently granted by courts relative to other situations (see Table 1).

Physical violence was the most common type of situation where protection orders were sought and most frequently granted, followed by sexual violence, harm to children, and stalking.

Situations involving coercive control ranked lowest in terms of being sought or granted, followed by emotional/ psychological/ verbal abuse, and economic/ financial abuse. Not shown in the table were situations in the mid-range of being sought or granted, including situations involving tech-facilitated violence and property damage.

Table 1: Situations where protection orders are sought and granted

Most frequently sought or granted	Least frequently sought or granted
• physical violence • sexual violence • harm to children (or risk of harm) and • stalking	• coercive control • emotional, psychological, verbal abuse • economic, financial abuse

Sample = 176

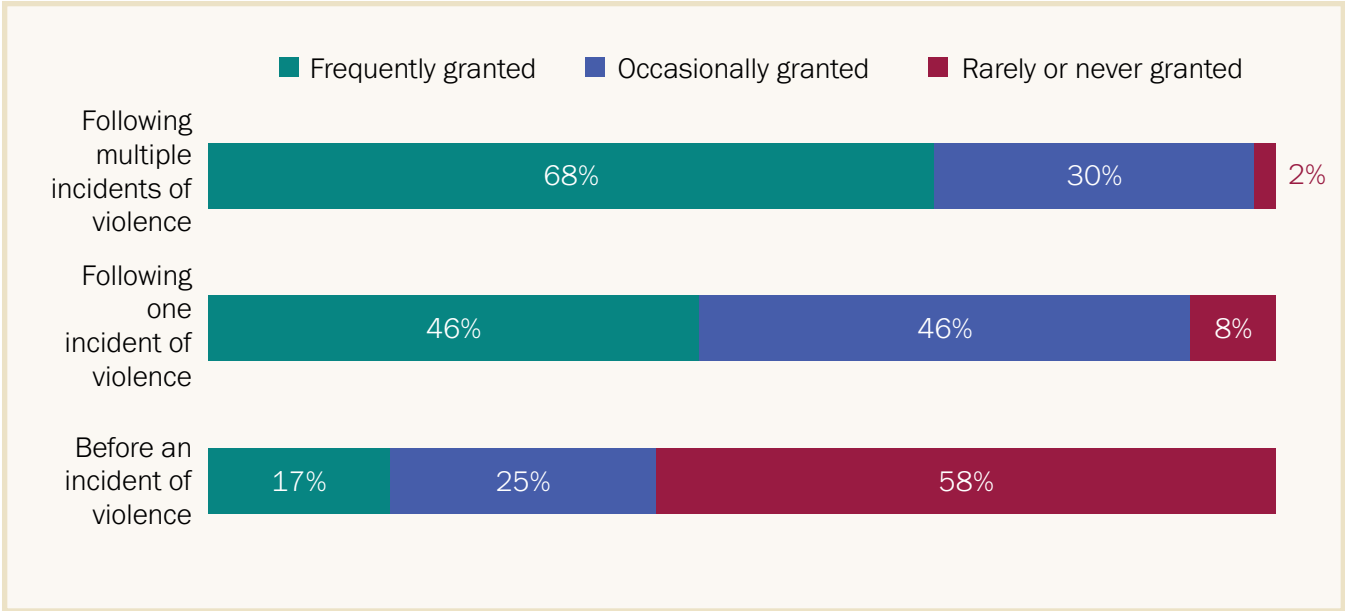


The likelihood of being granted a protection order also correlated with the number of violent incidents (see Fig. 8).

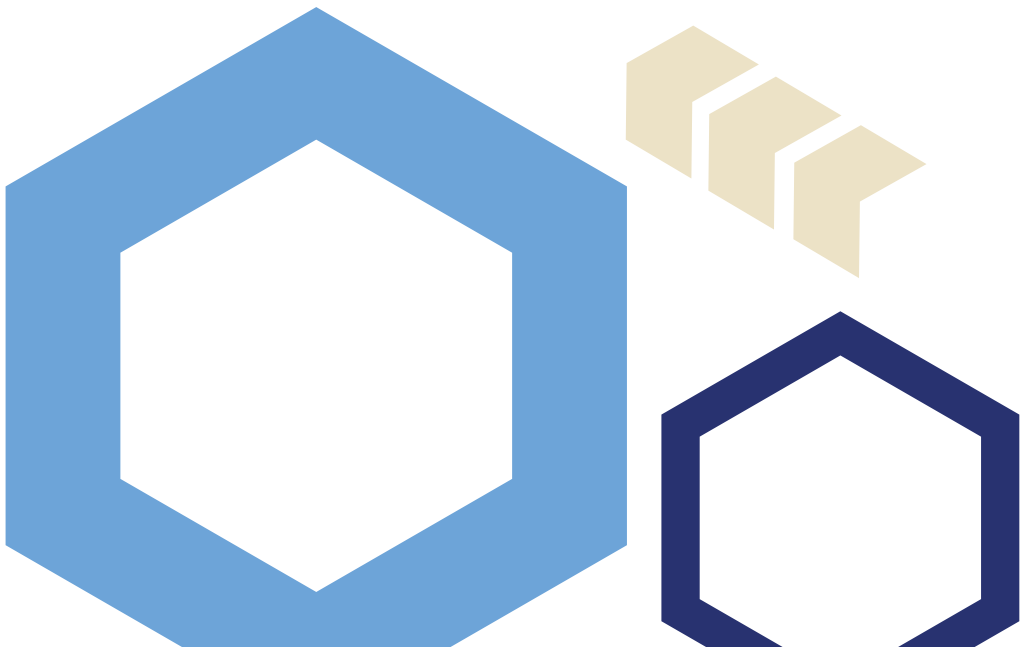
- 68% of the professionals in our study said protection orders are frequently granted after multiple incidents of violence, with 30% saying occasionally granted after multiple incidents, and 2% saying rarely or never.
- Frequency was lower when it came to a single incident of violence, with 46% of professionals saying orders are frequently granted after a single incident, 46% saying occasionally granted after a single incident, and 8% saying rarely or never.
- Conversely, over half of participants (58%) reported that protection orders are rarely or never granted before an incident of violence despite a fear of violence occurring, with 25% saying occasionally granted before an incident of violence, and 17% saying frequently granted before.

These findings are significant given that protection orders are intended to be preventative, yet in most cases survivors need to go through multiple violent incidents before being granted protection.

Figure 8: How frequently are protection orders granted before and after violent incidents?



Sample = 169



Challenges or barriers to obtaining a protection order

When we asked participants what challenges or barriers to obtaining protection orders they typically see in their roles, five major themes emerged:

- Limited access to legal representation was a key barrier, for example: survivors who can't find a lawyer even though they are eligible for legal aid; can't afford a lawyer; or can't complete the process unrepresented.

"Over half of family court litigants are unrepresented. This is problematic under most circumstances but especially for survivors of IPV."

~ Victim Services Worker

- Ongoing violence or threats of violence during the application process, for example: survivor's fear of retaliation; experiences of threats, pressure, or intimidation; or ongoing violence affecting the survivor's ability to complete the process.

"Protection orders that require the victim to serve notice to the abuser increase risk."

~ Victim Services Worker

- Legal barriers, such as: the legal system is confusing and difficult to navigate; survivors' limited knowledge of their legal rights; negative experiences with police upon reporting; mistrust of the legal system; or difficulty collecting sufficient evidence.
- Structural barriers, including: lack of safe and affordable housing alternatives when living with the abuser; lack of supports like transportation or childcare to foster independence; mental health or substance use disorders affecting either party; and history of trauma.
- Myths and stereotypes, for example: the survivor is not believed; victim-blaming; and myths about gender-based violence in the legal system.

How long does it take to obtain a protection order?

We also asked participants how long it typically takes to obtain different protection orders:

- Bail release orders and/or undertakings were mostly issued within 48 hours, according to 80% of participants.
- The length of time to obtain a peace bond was more varied. 7% said within 48 hours, 17% said more than 48 hours but less than 1 month, 23% said 1-3 months, 35% said 4-11 months, and 17% said it can take 1 year or longer.
- Restraining orders under the *Family Law Act* and *Children's Law Reform Act* were even more varied, ranging between 48 hours to 1 year or longer, with the largest concentration (30-40%) falling around the 1-year mark.
- Most participants (56%) said it takes 1 year or longer to obtain protective conditions in criminal sentences such as conditional sentences, probation orders, and/or parole orders.

When it came to high-risk situations:

- A majority of participants said the time to obtain a protection order is generally faster in high-risk situations (56%).
- A noticeable proportion of professionals (24%) said, to their knowledge, there is no current court process to identify or triage high-risk situations among the cases they encounter.
- 20% said it generally takes the same time whether high-risk or not.

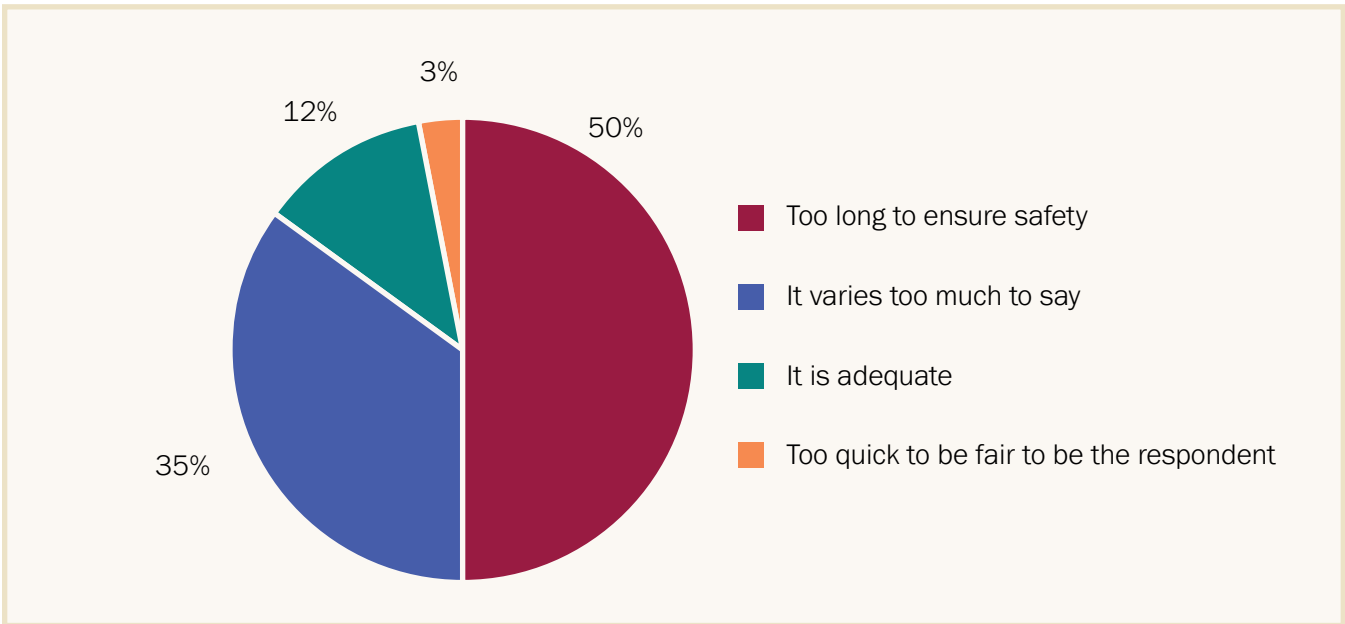
In their qualitative comments, some professionals elaborated on different factors that can make the process faster:

- Several explained how, if charges are laid, there will often be a no contact order imposed by default. So in urgent situations it can be advantageous to involve police providing there are sufficient grounds for a charge.
- Seeking an order on an ex parte basis in family and child protection court was similarly named as a strategy by some for getting an order more quickly in high-risk situations.

Obtaining a protection order “takes too long” to ensure safety

We also asked professionals for their perspectives on the time it takes to obtain a protection order (see Fig. 9). 50% of professionals in our sample said getting a protection order takes too long to ensure the survivor’s safety. Among the remaining participants, 35% said it varies too much to say, 12% said the time to obtain is adequate, and 3% said it’s too quick to be fair to the respondent.

Figure 9: Is the typical length of time to obtain a protection order too long, too quick, or adequate?



Sample = 158

Some professionals described significant discrepancies in how long it can take to obtain a protection order, depending on factors like geographic region, the type of order being sought, whether survivors can find a lawyer in time, and how informed they are of their options.

“In the criminal court process, there are huge discrepancies based on region and the police process for triaging/identifying high risk situations.”

~ Child Protection Worker

“Generally, the only way to get an urgent order is to represent yourself... If they have a legal aid certificate, they will not find a lawyer to assist them quickly, it often takes months for them to find someone.”

~ Social Worker

“Peace bonds take FOREVER.”

~ Healthcare Provider/ Counsellor

“When a client applies for an urgent order in family court, there are times that they are able to get an order within 48 hours. However, many clients don’t know they can do this.”

~ Social Worker

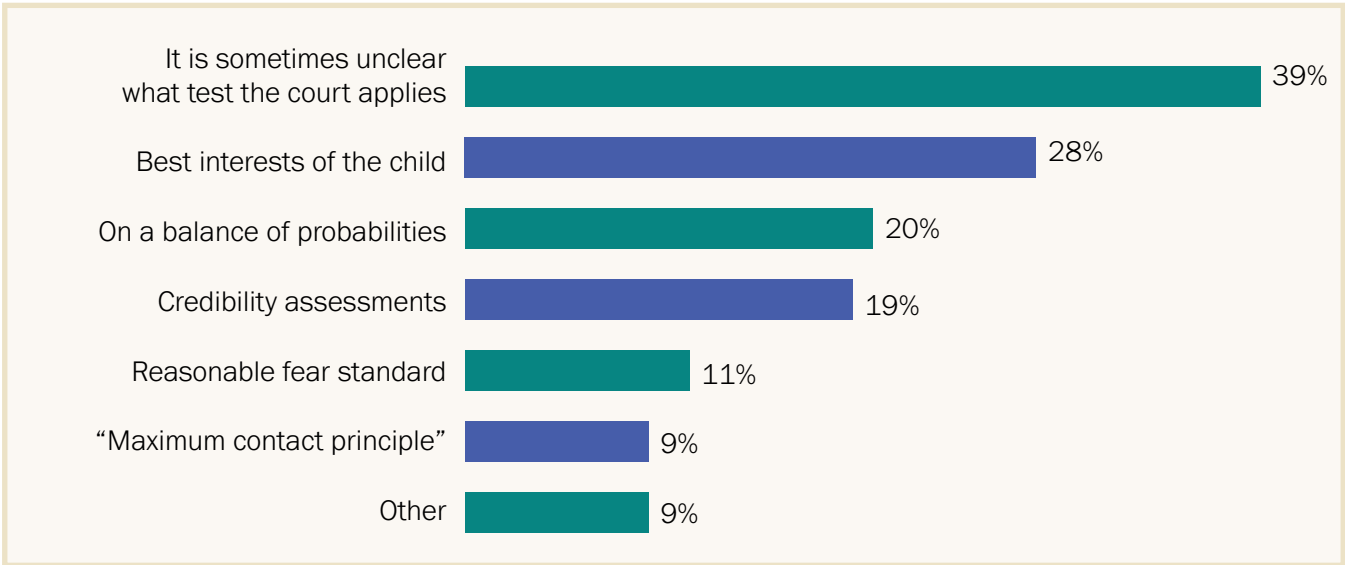


3: Evidence in Protection Order Proceedings

We asked participants with experience in family law protection orders how applications are generally evaluated by the courts (Fig. 10). The most common response was that it is sometimes unclear what test the court applies to the evidence (39%). This was consistent for both legal and non-legal professionals.

While we expected the reasonable fear standard would be a common answer for family court restraining orders because it is the statutory test, only 11% of participants selected this option. Professionals were more likely to report evidentiary tests like best interests of the child (28%), on a balance of probabilities (20%), and credibility assessments (19%).

Figure 10: How is evidence for family law protection orders generally weighed or evaluated by the courts? (Select all that apply)



Sample = 137

In addition to family courts, we asked participants how protection order evidence is being weighed in child protection and criminal cases. For protection orders in child protection cases, the most common response was that it is “sometimes unclear what test the court applies” (29%).

When it came to criminal law protection orders, there was again a sizeable portion of professionals (32%) who said it is “sometimes unclear what test the court applies” to evidence. Some noted that it depends on the type of hearing or the nature of the order being sought.

Evidence challenges

We asked professionals about the most common challenges getting evidence before the courts in protection order proceedings (see Table 2).

100% of the participants who answered this question said that it is especially difficult to produce evidence of non-physical violence. Similarly, 100% said that trauma, disability, mental health, language, or other factors affect survivors' abilities to collect or present evidence.

Other common challenges had to do with the burden of compiling evidence falling on the survivor, difficulties producing evidence of IPV/FV, and survivors not always understanding what evidence they need to show the court to get a protection order (selected by 92-96% of participants). 83% of participants further highlighted the lack of corroborating evidence and witnesses to IPV/FV.

70% of professionals said the evidentiary requirements are too onerous or difficult to meet.

Table 2: Evidence challenges

What are common challenges or barriers to getting evidence before the court to prove the need for protection orders? (Select all that apply)	% of survey participants
It is especially difficult to produce evidence of non-physical violence	100%
Trauma, disability, mental health, language or other factors affecting the victim-survivor's ability to collect or present evidence	100%
Burden to compile evidence on the victim-survivor	96%
Difficult to produce evidence of violence	94%
Many victims-survivors do not understand what evidence they need to show the court to get a protection order	92%
Often a lack of corroborating evidence	83%
Witnesses to IPV/FV are rare	83%
Requirements are too onerous/ difficult to meet	70%
Page limit and/or court time is not long enough to present evidence	50%

Sample = 146

When invited to elaborate in qualitative comments, many professionals emphasized the challenges of collecting and/or corroborating evidence due to the nature and impact of IPV/FV:

“The word Intimate in IPV is relevant here. Rarely are there witnesses. If there is a witness, rarely do they want to get involved because they are also fearful. It’s so difficult to capture all the details of the abuse and the timelines. Trauma is not linear, but the court process is.”

~ Family Lawyer

“Access to evidence is lost - IPV offenders often damage/destroy victims’ phones where evidence may be stored.”

~ Family Court Support Worker

Some described specific barriers experienced by survivors living in rural communities, or for those who may not have access to resources or skills necessary to collect the type of evidence required.

“No access to transportation and limited access to technology (i.e. no printer or don’t know how to get texts off of phone).”

~ Manager, Victim Services

Some professionals noted that legal system actors who are not trained to recognize important evidence may miss risk factors for serious harm or lethality. A victim services worker, for example, noted how *“evidence of pets being abused as part of a larger pattern of coercive control can be overlooked.”*

Myths and stereotypes

We also asked professionals about common myths and stereotypes they have encountered during the protection order application process and analysis of evidence. Several themes emerged:

Credibility

Many participants noted that the survivor’s credibility and whether the survivor is believed are major issues. One Family Court Support Worker described some of the myths used to discredit survivors:

1. *The victim is using the criminal process to gain an advantage in family court - even though if you are abused and want to leave your abuser, you have to go through family court.*
2. *If she stayed, she wasn’t being abused.*
3. *If she fights back, it was a toxic relationship, and he was acting in self-defence.*
4. *Victim is seen to be exaggerating because the things that happened to her are inconsistent with behaviours people experience in healthy human relationships, but the behaviour makes sense when seen through the lens of coercive control.*
5. *IPV towards a woman does not impact on children and should not impact on the perpetrator’s parenting ability.*
6. *That the victim reported abuse to gain easier access to services or housing.*

In some cases, courts unfairly impugn survivors’ credibility due to a lack of understanding about trauma and IPV dynamics, such as when the failure to seek a protection order *“in a timely way”* is interpreted as evidence the survivor must be lying or trying to manipulate the situation.



A Crown prosecutor said myths and stereotypes about IPV are one of the “*biggest barriers*”:

“In my experience prosecuting these cases, one of the biggest barriers to obtaining a conviction is pervasive myths and stereotypes about IPV and victim blaming... There still isn’t a case taking judicial notice of the cycle of abuse for example. The accused is also constantly using family court proceedings against the victim in a criminal trial. Also, there is a lack of understanding about how re-occurring abuse can impact on a victim’s memory. Of course she is going to get details mixed up when this has happened over and over again. She may also have a traumatic brain injury, but it would be impossible to call expert evidence to prove that in every case.”

Myth of the “ideal” victim (by race, class, sexuality, age, ability etc.)

Stereotypes of the “ideal” victim also influence courts’ perceptions of survivors’ credibility. Professionals noted that these stereotypes are used to discredit racialized and Indigenous survivors, and survivors who do not fit common tropes due to ability, class, sexuality, immigration status, age, or other intersectional characteristics.

“Survivors are stereotyped as not being credible, especially if she is poor, Indigenous, Black, racialized, member of 2SLGBTQ+, has disability, little or no education, immigrant or newcomer.”

~ GBV/ Victim Services/ Family Law Court Worker

“Indigenous people are not viewed as credible (no matter how well-spoken, educated, impeccably dressed).”

~ Manager, Indigenous Support Services

Myths about violence

Some professionals noted that the myth that non-physical forms of violence are not as serious as physical violence is prevalent in Ontario’s legal system. Others have observed cultural stereotypes being used to justify or dismiss violence as part of the accused’s culture, or to inform judicial decisions about protection order conditions like weapons prohibitions.

“[The myth that] if there hasn’t been physical violence then there’s no reasonable fear of harm.”

~ Health Care Provider/ Counsellor

“[There is] no recognition of the seriousness of emotional abuse and that it generally escalates to physical abuse.”

~ Social Worker

“[The belief that] Indigenous men hunt every day to feed their families and therefore cannot be prohibited from weapons. The reality is – the few who do hunt, only need one week in the fall and they freeze the meat. We also only need one deer or one quarter of a moose to feed our family for the whole year.”

~ Manager, Indigenous Support Services



Sexist double standards

Many professionals emphasized the double standards applied to women and men when it comes to credibility, parenting conflicts, or thresholds for what counts as abusive behaviour. Participants described a higher standard of scrutiny for the survivor compared to their alleged abuser.

“The threshold for abusive or bad behaviour seems to be pretty darn high in family court. And often this is a very gendered application that works for men. Women/moms are held to a very different standard when it comes to protection orders. It’s bizarre.”

~ Family lawyer

“Wanting the victims to be perfect victims (i.e. no addiction issues, no previous criminal records themselves etc.) in order for their safety to be important. The whole Madonna/Whore dynamic...”

~ Child Protection Worker

“Victim/Survivor not heard or believed because he presents as likeable to outside entities.” ~ Social Worker

“Men who represent VERY well in all aspects (career, personably, financially, etc.) but are horribly abusive to their wives who are seeking custody of their children will absolutely manipulate the system to ‘win’ when they don’t actually want the children, they just want to continue hurting the children and having access to the victim. Very scary.”

~ Counsellor, Child Protection/ Child Youth Advocacy

Myth of parental conflict and over-emphasis on parenting rights

The myth of parental conflict, in which situations of IPV/FV are downplayed or misinterpreted as mutual “parental conflict”, was another common theme identified by participants. This myth led some judges to disregard harms to children from IPV/FV, or to preserve the alleged abuser’s parenting time above the safety needs of their intimate partner and children. A related myth participants reported is that a parent perpetrating IPV against their adult partner does not cause harm to children or place them at greater risk.

“The system at large (court, family court judges, lawyers, children’s aid society) seems to view Intimate Partner Violence or Family Violence as “Parental Conflict”. And the myth of Parental Conflict is incredibly prohibitive in protecting women and children in cases of family violence.”

~ Family Lawyer

“The myth I encounter often is that dads who hurt mom don’t pose a threat to the children’s well-being and that they aren’t in fact hurting their children. There is more concern about parent access for dads within the whole of the system that totally floors me.”

~ Family Lawyer

Some professionals noted that women’s attempts to protect their children from a violent parent may be negatively misinterpreted as parental alienation:

“If women are trying to protect the kids it’s seen as parental alienation (if they keep them from a visit, if they try to safety plan with their child when the child is in the offender’s care, if they talk about the abuse that occurred in the home).”

~ Family Lawyer

Several professionals described the serious impacts of courts' over-emphasis on the alleged abuser's parenting rights as a form of re-victimization and a missed opportunity to protect women and children from further harm.

"Children who have experienced various types of abuse (especially sexual abuse): the concerns are not taken seriously/ investigation takes a long time. In the meantime, the child is expected to still have unsupervised parenting time with abuser."

~ Academic/ Lawyer/ Mediator

"We see a lot of Family Court Judges overriding protections on criminal court release orders under the guise of 'parenting time' needed for the child, typically when the other parent hasn't been involved for YEARS with that child and is clearly using FC [Family Court] to further abuse their partner/family."

~ Frontline Service Provider

"Respondent's parenting time is given more importance as compared to Child mental and physical safety. Sometimes Court does not give enough time to children to heal from the trauma of witnessing the violence."

~ Social Worker



When do professionals typically recommend seeking a protection order?

Given the significant access, process, and evidence barriers outlined above, we asked professionals when they recommend (or discourage) applying for a protection order. Many described a fraught and frustrating process of weighing the need for safety with the risks of escalation, re-victimization, and negative consequences.

A few reported never recommending protection orders because of their inefficacy, as well as the risks of escalation and negative family court consequences. As one family lawyer explained: *“I cannot in good conscience recommend seeking them... Moms lose custody to the abuser ALL the time.”* Other reasons for recommending or not recommending protection orders are summarized below.

Common reasons for recommending:

- Protection of vulnerable groups (those experiencing IPV, sexual assault, child abuse).
- Clear threats or risk indicators, including risk assessment findings.
- Situations involving human trafficking or coercive control, generally seen as high-risk.
- High-risk periods such as separation, stalking, or after a parenting order is granted.
- When criminal charges or police involvement make orders more attainable and enforceable.
- When there is physical violence, multiple documented incidents, or clear evidence (such as video or bystander reports).
- Some professionals also stated a preference for restraining orders or release conditions over peace bonds.

Common reasons for not recommending:

- Survivor not consenting or not choosing to pursue a protection order.
- Concerns that an order could escalate danger—especially when children are involved or an abuser has a history of non-compliance.
- Survivor reliance on the abuser (housing, income, transportation), which can allow abusers to weaponize the order.
- Mistrust of police, lack of evidence, or fear of not being believed.
- Lack of recognition of non-physical abuse in court, and risks of cost orders. As one legal advocate warned: *“Courts do not recognize emotional, financial, tech abuse... women risk a Cost Order if there is no physical abuse.”*
- Inefficiency or harm within family court processes, including custody risks.
- Won't recommend if there are known judicial barriers or regional challenges (e.g., client lives in a geographic area where there are judges known to not believe survivors in family court, rural enforcement, unsafe options for transferring children safely between parents).
- Challenges if partners reconcile, as both parties risk breaching the order.
- Some professionals cautioned that protection orders should never be seen as a standalone strategy and must always be paired with broader safety planning as well as broader violence prevention strategies.

Overall, professionals recommend protection orders cautiously and contextually. While many see them as essential tools in cases of clear and severe risk, they also recognize that without proper enforcement and systemic support, these orders can expose survivors to further harm.

4: Protection Order Conditions & Duration

Conditions

We asked professionals about the types of protection order conditions they typically see, for those with experience in the family, child protection, and criminal law domains.

There were many common conditions mentioned by professionals working in each of these legal areas (see Table 3). Conditions limiting contact and restraining movement were the most common. Somewhat common conditions included behaviour modification or rehabilitation types of conditions, such as no substance use or mandatory counselling, as well as weapons prohibitions.

Table 3: Common protection order conditions

Most Common Conditions (across family, child protection, and criminal law protection orders)	
No contact conditions	• Some specified that this includes no direct or indirect contact • Some mentioned having “<i>written, revocable consent</i>” for direct contact
No go conditions	• Some mentioned having specific distance provisions or radius provisions • Some included specific sites where the bound person is not to go, including home, school, workplace, doctor, sports team, etc.
Conditions relating to parenting	• Requiring a third party for contact relating to parenting • Requiring a third party to supervise parenting time
Common rehabilitative/behavioural conditions	• No substance use • Mandatory rehabilitation, including counselling, anger management, Caring Dads program, substance use rehabilitation
Weapons prohibitions	• No weapons
Boilerplate/limited conditions	• A few participants mentioned that they often see no details provided, just “<i>keep the peace and be of good behaviour.</i>”

Sample = 92



Professionals working in family law observed other specific protections, such as:

- Conditions not to speak badly about the other parent to the children
- Conditions not to have adult conversations in earshot of the children
- Orders for the exclusive possession of the matrimonial home

Professionals working in criminal law also mentioned specific criminal protection order conditions, such as conditions requiring compliance with a probation order, conditions stating that a probation officer must consent to contact between the bound person and the protected person, and bail release orders that prohibit contact except “pursuant to a family court order”.

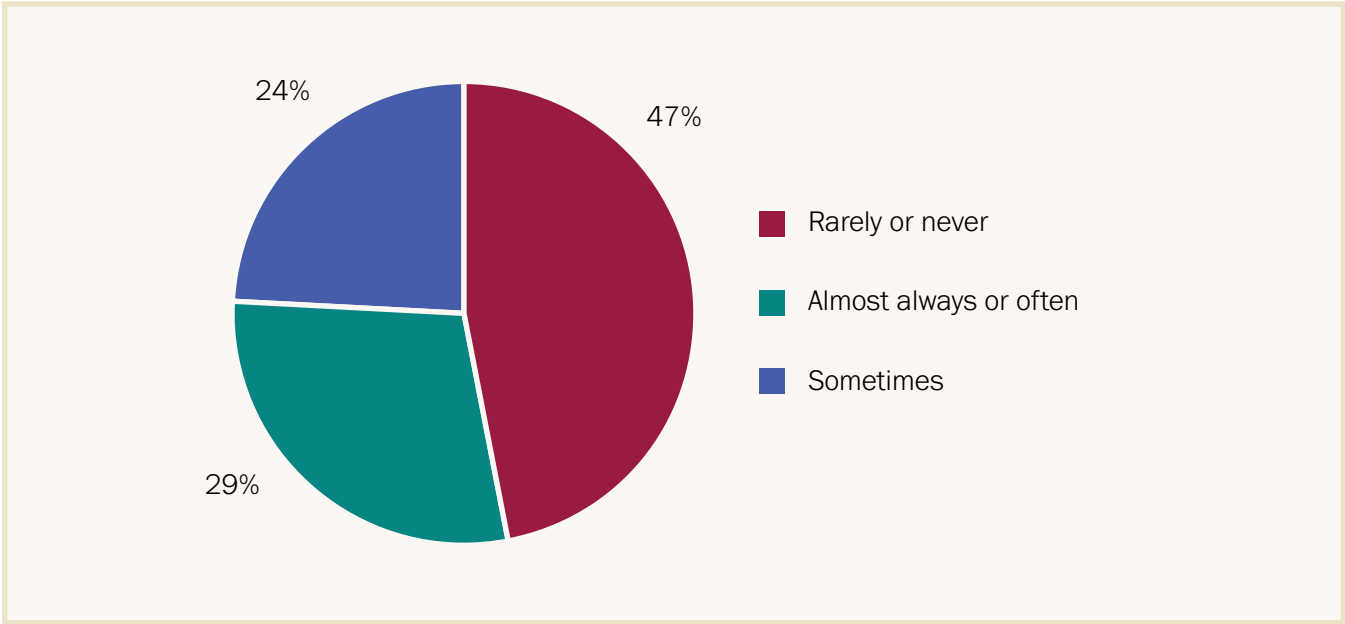
Other criminal court conditions imposed on the bound person included:

- One time collection of belongings from property
- Notify authorities of any change of address or employment
- Curfew
- No posting about the protected person on social media
- Donation to women’s shelter
- Volunteer work/ community service

Use of tailored vs. boiler plate conditions

We asked professionals if protection order conditions are typically tailored to the specific needs of the protected person or case (see Fig. 11). Results were somewhat mixed. 47% said they are rarely or never tailored to the specific needs of the protected person or circumstances of the case. 29% said they are almost always or often tailored, and 24% said they are sometimes tailored.

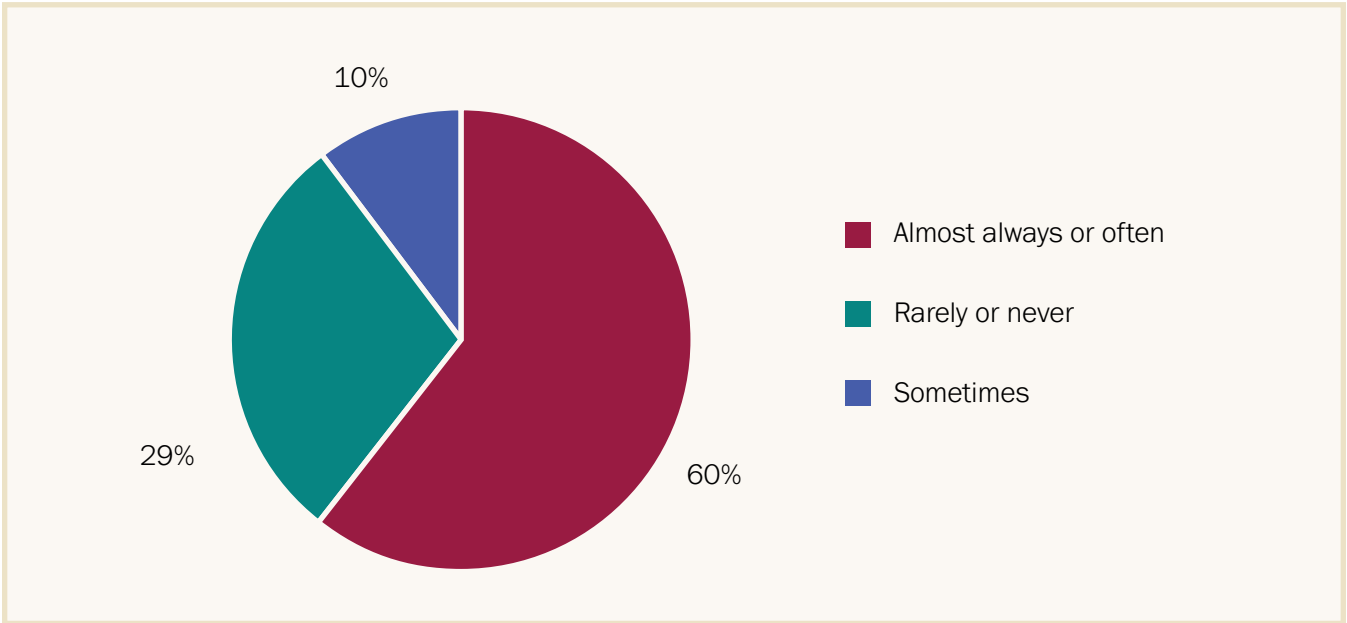
Figure 11: Are protection order conditions typically tailored to the specific needs of the protected person and/or the circumstances of the case?



Sample = 142

We also asked participants how often they see courts using “boiler plate” conditions (Fig. 12). 60% of participants said that boiler plate conditions are frequently used, with 29% saying rarely or never, and 10% saying they are sometimes used.

Figure 12: How often do you see courts imposing conditions that are boilerplate, i.e. not customized to the survivor’s needs or the circumstances of the case?



Sample = 142

Duration

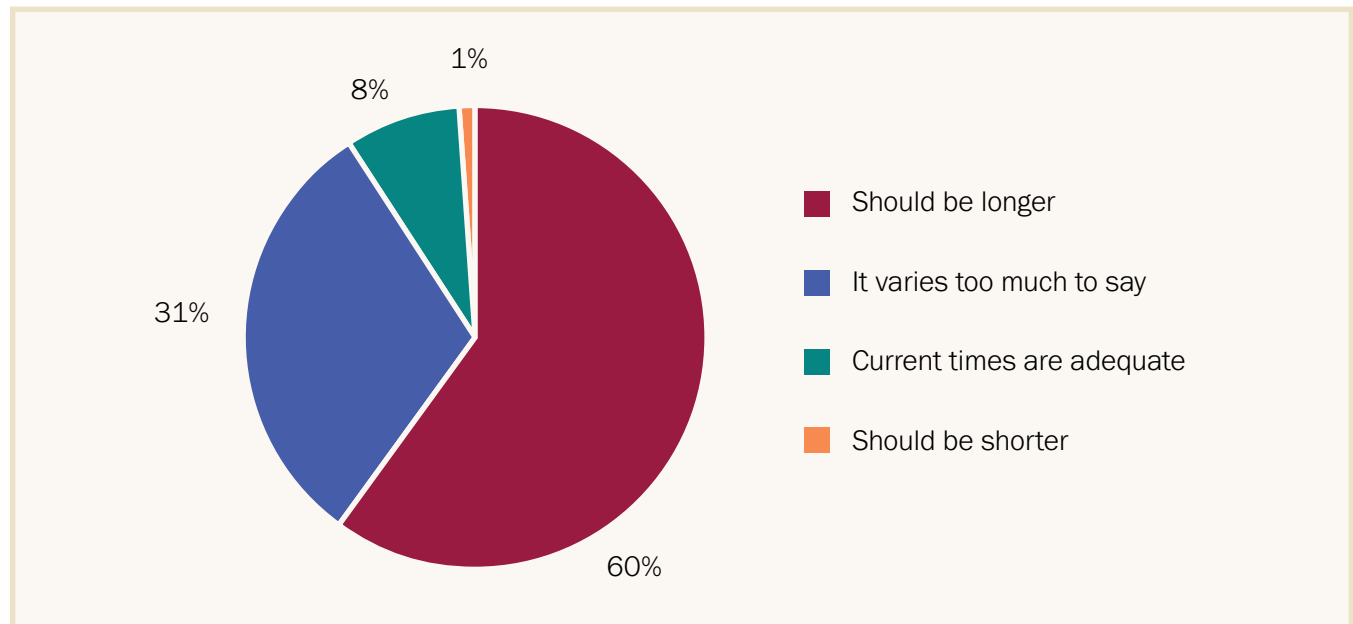
Given that the length of protection orders in Ontario can vary, we asked the professionals in our study how long they typically see different protection orders being granted for.

Most professionals reported that protection orders typically last for 1 year, or that “it is too varied to say.” For example:

- 93% of participants said that peace bonds typically last for 1 year.
- Restraining orders under the *Family Law Act* were much more varied, with most saying they typically last 1 year (43%) or that it is too varied to say (29%).
- Criminal sentences with protective conditions were likewise varied, with 45% saying they typically last 1 year, 20% saying they can last 2 years or longer but not permanently, and 29% saying it varies too much to say.
- Over half (52%) of participants said the duration of bail release orders and/or undertakings varies too much to say.

When asked how long the average duration of a protection order should be (see Fig. 13), only 8% thought current durations are adequate. 60% said the duration should be longer. 1% said they should be shorter. A sizeable number (31%) said it varies too much to say and depends on the situation.

Figure 13: Should the average duration of protection orders be longer or shorter?



Sample = 133

When we invited participants to elaborate, the most common response was to say duration should be *“tailored to the situation.”*

Among those who thought duration should be longer, many focused on the impacts to survivor safety:

- As one family lawyer noted: *“Longer is better. We know that the risk to women extends past a one-year mark and that sometimes offenders are just waiting out the restrictions and then they will re-engage.”*
- Others described the impact on survivor’s lives when they have to repeatedly apply for protection orders that expire too quickly. As one Crown explained: *“Victims don’t feel safe to move on with their lives when they know the protection order is coming to end. Just when they start to live their life, they have to start thinking of safety again and that becomes the priority in their life so they can’t focus on kids or employment or mental health.”*
- One frontline provider suggested that as long as the issue is before the courts, a protection order should *“always be in effect”* unless there is a variance granted that doesn’t impact the survivor’s safety. Asking survivors to repeat the process each year while the matter is still before the courts is, as they put it, *“ridiculous.”*

5: Breaches & Enforcement of Protection Orders

Most protection orders in Ontario are enforced by the police. Once judges grant protection orders, court staff are usually responsible for sharing protection orders with law enforcement. It is then left to survivors to report breaches of protection orders to the police. However, some survivors do not know they can report a breach, and others are reluctant to call the police on their intimate partner. Even when the police are called, the officers who respond to protection order breaches may not be specialized in intimate partner and family violence, and the police may not take action.

When it came to enforcement, 65% of the professionals in our study regularly observed how protection orders are enforced or not enforced by police or other authorities. We asked these professionals for their observations on why protection orders are breached, how frequently they are breached, and to what extent law enforcement responds to these breaches.

What causes non-compliance?

We asked professionals about the challenges or barriers that typically prevent individuals from complying with the conditions of a protection order (see Table 4).

- The most common barrier had to do with the bound person's refusal to take responsibility for the violence (selected by 88%) or malice/ failure to be deterred by potential consequences (80%).
- Systemic barriers were also commonly observed by participants, such as a lack of social infrastructure like safe and affordable housing and stable employment (71%), mental health or substance use disorders that affect the bound person's comprehension or ability to comply (69%), and lack of supports and services (64%).
- Factors relating to the interconnectedness of the protected person and bound person's lives were also identified by more than half of participants, including individuals reconciling (70%), shared parenting responsibilities (70%), or dependency/ enmeshment of lives (68%), all leading to breaches or inability to comply with conditions.
- Legal system failures were also identified by professionals as causing non-compliance, such as contradictory court orders (55%) or ineffective communication of the consequences for breaching an order (50%).



Table 4: Challenges complying with conditions

In your experience, what challenges or barriers typically prevent individuals from following the conditions of a protection order? (Select all that apply)	% of survey participants
Refusal to acknowledge or take responsibility for violence	88%
Malice/ not deterred by the potential consequences of non-compliance	80%
Lack of social infrastructure like safe and affordable housing and stable employment	71%
Individuals have reconciled	70%
Parenting responsibilities	70%
Mental health and/or substance use disorders that affect comprehension or ability to comply	69%
Dependency or enmeshment of lives	68%
Lack of supports and services	64%
Contradictory court orders	55%
Consequences of breaching the protection order were not effectively communicated or explained	50%

Sample = 131

Several participants expressed how multiple factors often work together to prevent compliance, for example the lack of safe housing contributing to feelings of guilt or responsibility on the part of the protected person, who may also be reliant on the bound person for help with rent or cost of living. Conditions can also create new complications for partners and families, affecting compliance.

“The accused needs somewhere sustainable to go when ordered not to return to a shared residence. This would absolve the victim of likely guilt for possibly contributing to their partner becoming homeless and minimize the possibility that they will reconcile for practical purposes like paying rent.”

~ Role not specified

“Additionally, victims may want to reconcile, and I have been told that the perpetrator of violence is someone that the victim relies on for safety against others (such as in situations where they are living in an encampment or involved with drugs and gangs).”

~ Role not specified

In terms of strategies for ensuring that protection order conditions are effective and abided by, many professionals suggested that the more tailored and specific the conditions, the better. While some wanted conditions to be as strict as possible, others wanted more input from survivors and flexibility for the realities of intimate relationships, including shared parenting, dependency, and reconciliation.

Impact, frequency & consequences of breaches

When asked about the effects of breaches, survey participants described observing major impacts in terms of harm to survivors, children, and others; loss of trust in the legal system; and lethality (see Table 5).

Table 5: Impact of breaches

What kinds of impacts do breaches cause? (Select all that apply)	% of survey participants
Harm to victims-survivors	100%
Victims-survivors lose trust in the legal system	100%
Harm to children	90%
Damage to property or possessions	83%
Professionals lose trust in the legal system	78%
Harm to extended family/ friends	73%
Lethality for victims	67%
Harm to pets/ livestock	64%
Lethality for children	55%

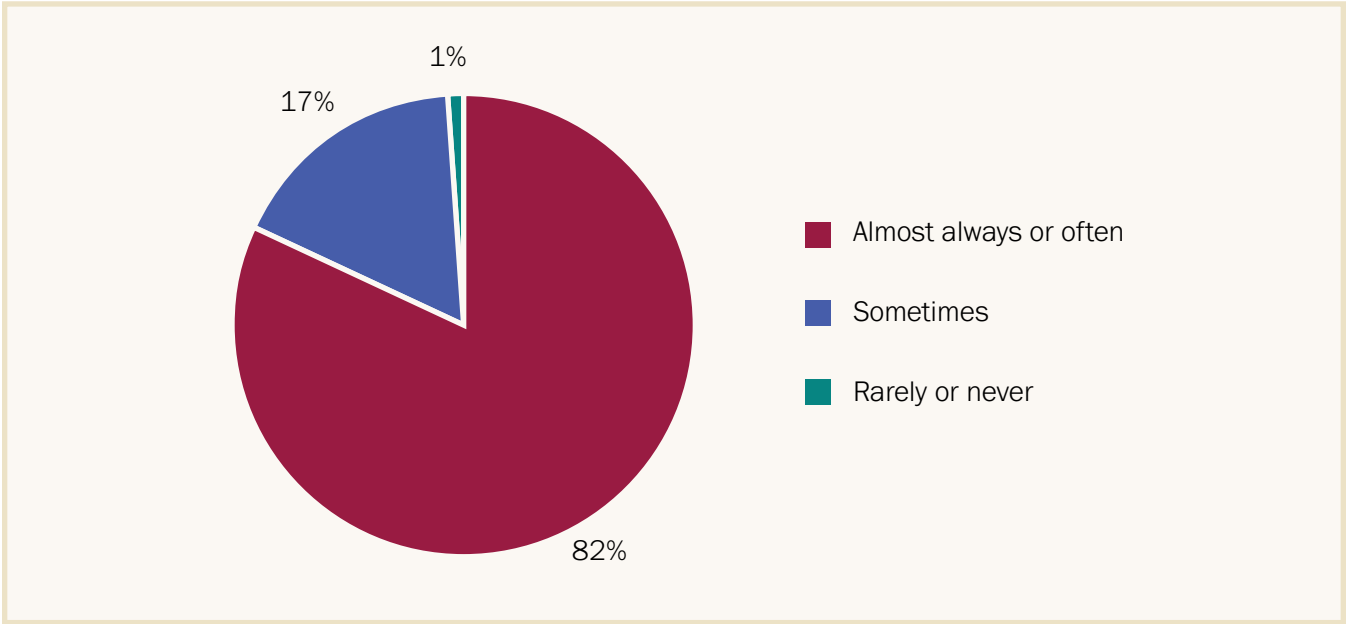
Sample = 131



How often do breaches happen?

82% of professionals in our sample reported that protection orders are “almost always” or “often” breached (see Fig. 14). 17% said they are “sometimes” breached, and only 1% said rarely/ never.

Figure 14: In your experience, how frequently are protection orders breached?



Sample = 135

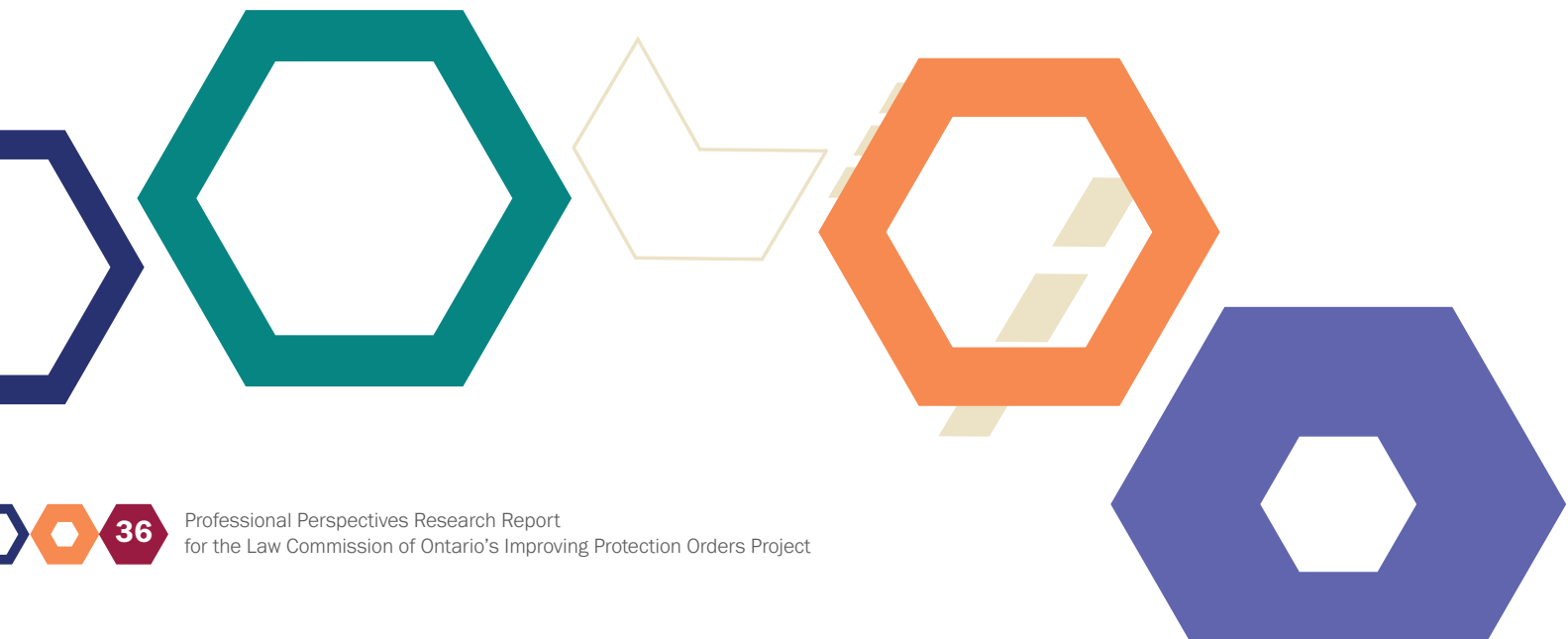
Some participants elaborated on the frequency and intensity of breaches for specific types of orders:

“Breaches of bail court orders are happening way too [often] and the reasons for the breach are more violent and dangerous i.e. use of weapons, break and enter, strangulation. Accused’s have too many rights.”

~ Victim Services Worker

“Occasionally an offender will follow the Restraining Order or conditions, but it’s shocking how often they do not.”

~ Family Lawyer



How often are charges laid?

We asked how often criminal charges are laid in cases of breaches. The results were mixed, and qualitative comments suggested many variations by region, area of law, and/or type of charge.

- When it came to charges for the breach itself (e.g. under Criminal Code s. 811 breach of peace bond, or s. 127 disobeying a court order), 43% of 102 participants said charges are occasionally laid for the breach itself, 30% said charges are rarely or never laid, and 27% said charges are frequently laid.
- When it came to charges for a new criminal act that caused or accompanied the breach (e.g. an assault charge), 49% of 92 participants said charges for a new criminal act are occasionally laid, 36% said frequently laid, and 15% said rarely or never laid.

Some professionals explained that the frequency of charges really depends on the type of breach (i.e. charges are more likely when the breach is a form of physical violence), or on the area of law (i.e. charges are more frequent for criminal protection orders). As one family lawyer explained: *“I have different answers for s. 811 and s. 127 [breach charges] because they are handled very differently: s. 811 is way more common than s. 127.”*

What are typical consequences for breaching protection orders?

We also asked about the typical consequences or outcomes of protection order breaches (participants could select all that apply):

- The most common consequences reported were that a new protection order is imposed (39%), followed by a jail sentence (35%), verbal reprimand (32%), conditional discharge (31%) or a modification of the existing protection order (30%).
- 26% of participants said there are rarely any charges or consequences for breaching.
- One of the least common consequences reported was a monetary fine (21%).

The notion of *“catch and release”* was also a key theme that emerged from professionals’ qualitative comments on enforcement. One Crown prosecutor related how consequences have become less of a deterrent over time: *“Sigh. 20...even just 10 years ago, the bench imposed stiffer punishments. It’s a joke now. Catch and release.”*



Enforcement challenges & strategies

We asked participants to describe typical barriers to protection order enforcement (see Table 6).

According to the 89 professionals who responded to this question, the most common challenge is breaches not being reported to police (selected by 88%). Other common responses included the challenges of proving breaches, survivors' mistrust of police, insufficiently deterrent penalties, the lack of ongoing monitoring of compliance, and police inaction.

Table 6: Challenges or barriers to effective enforcement

In your experience, what are typical challenges or barriers to the effective enforcement of protection orders? (Select all that apply)	% of survey participants
Breaches are not being reported to police	88%
Breaches are difficult to prove	76%
Difficult to attribute indirect breaches to the respondent (e.g. if respondent's friend harasses the victim-survivor)	73%
Victim-survivor mistrusts police and/or does not cooperate with police	72%
Existing penalties are not an effective deterrent for preventing breaches	71%
No standardized monitoring of compliance	62%
Multiple warnings given by police, but without concrete action	62%
Police minimize, dismiss, or ignore breaches	59%
Lack of training in IPV/FV among those enforcing protection orders	58%
Victim-survivor does not know they can report breaches or how to report	55%
Police are reluctant to intervene	50%

Sample = 89

In their qualitative comments, many professionals elaborated on why survivors may not want to report breaches, and why breaches can be difficult to prove.



Breaches not being reported to police

Many professionals gave reasons for why survivors may not report breaches. These include:

- Mistrust of police rooted in systemic discrimination and harm, particularly among Indigenous and racialized communities.
- Breaches not being taken seriously by law enforcement, leaving some survivors to lose faith in reporting breaches or to abandon claims altogether.
- Women survivors' fears that if they report too much or too soon, they will lose protection from police or be seen as "annoying" or aggressive.
- The process of reporting is onerous or creates stigma for the survivor or their family.
- Some survivors do not want criminal enforcement: they just want the violence to stop.
- Some survivors do not know they can report breaches or how to report breaches.

"These systems have historically been used to oppress, colonize, and harm" leading to a "palpable disconnect between how courts/ the justice system works and how Indigenous people 'believe' it works."

~ Manager, Indigenous Health & Legal Services

"What I have personally observed is the client losing faith in the process and abandoning their claims or conceding on other parts of their court case."

~ Frontline Service Provider (Government)

"Women are really afraid of pissing the police off and that they won't help them at a time they really need."

~ Family Lawyer

"To report a non-emergency breach, the victim has to call the police, and often has to wait hours at home for police to respond because the call is not a priority. Victims also often don't want police showing up at their house, neighbours seeing, kids seeing police etc."

~ Police

Because of the range of reasons why survivors might not report breaches, professionals suggested multi-pronged strategies to address this issue by educating and informing survivors, making the process to report breaches easier or more straightforward, building trust and accountability, and listening to survivors and other experts about what will genuinely keep survivors safe.

"Victims must receive more information about breaches, why it can be important to report, how to report. They must feel better supported when reporting breaches and have clearer understanding of what the consequences will be and confidence that there will actually be consequences. Victims also need to be listened to, and their voices must be respected and taken into consideration when they tell us what conditions will and won't be helpful to them."

~ Frontline Service Provider, GBV Sector

"There's got to be a better process to streamline/action breaches that doesn't deter victims from reporting. Such as online availability to report non-emergency breaches."

~ Police

Proving breaches

Some professionals elaborated on why breaches can be difficult to prove or enforce, including:

- Bound persons knowing how to “*skate the line*” so they can continue to harass or threaten the protected person without breaching or getting charged for breaching.

“There seems to be little fear on the offender’s part of being caught or held accountable. Lots of skating the line - like knowing the distance of the number of feet he has to be and then straddling that line, or being on the street or sidewalk (public, not on property) as a way to keep to the order but still send a message of intimidation/threat.”

~ Family Lawyer

- In some cases, bound persons use technology to hide breaches.

“Many abusers are sophisticated and are able to use technology to hide their breaches.”

~ Social Worker

To address this issue, several professionals wanted to see more regular monitoring of bound persons, particularly in high-risk cases, as well as clearer consequences and harsher punishments for breaches.

“We need harsher consequences for breaching an order, and automatic extension of protection conditions proportional to the number of breaches incurred.”

~ Victim Services Worker

“GPS ankle monitoring should be a requirement in extreme cases for peace bonds. They are used in criminal domestic violence cases but only for the most serious cases where pretrial detention is inappropriate. An option for this should be added to standalone protection orders.”

~ Lawyer for Victims-Survivors

“Increase compliance checks for the individual who is on a protection order to ensure they are complying and know that police are keeping an eye on them. Implement an offender paid GPS monitor. Have more steep repercussions for breach charges in criminal court. Increased financial loss when breaching - must pay promise to pay amount when released for bail, set fine for breach of other orders.”

~ Family Court Support Worker

Other professionals called for more supports for bound persons as a way to mitigate the risk factors that can contribute to an escalation of abuse, such as loss of employment, substance use, and depression. At times, these recommendations for wellness supports seemed at odds with the calls for stricter punishments noted above, although a number of professionals called for both strategies:

“More community support for offenders after charges and released from police... If they are stabilized, it reduces the risk of breaching, harm to victim, improves community safety, reduces workload for police and justice partners. Example: A community agency contacts offenders within 1-2 days of release and asks questions like: do you have a place to stay, do you know how to connect with Legal Aid/Duty Counsel, do you have any immediate medical needs, are you feeling suicidal/ wanting to self harm or harm others, do you currently have a drug or alcohol program? And provides community resources.”

~ Police



Inconsistent enforcement standards

Several professionals described a lack of standardized enforcement protocols, such as:

- No standardized monitoring of compliance with protection orders
- Little consistency as to whether and when breaches warrant enforcement
- No standards or consistency on consequences for breaching

Some observed that this can cause the police to under-react or over-react to breaches:

“There is often either an under reaction to a breach, but also often an over reaction. There are no real standards as to where to draw the line between serious and lesser breaches, or what the consequences should be.”

~ Academic/ Educator

More standardization could encourage the reporting of breaches, and strengthen compliance:

“There needs to be a clear and standard consequence for breaching these orders. A survivor who is concerned about a violent person breaching the order should be able to know that, if there is a breach, then there will be an appropriate consequence to the breacher. The breacher should know this as well as it provides more incentive to not breach the order.”

~ Social Worker, GBV sector

Lack of training or understanding of IPV/FV risk factors and dynamics

Professionals consistently reported a lack of training in IPV/FV among legal system actors:

The lack of training [results in] fundamental lack of competencies among police, child service agents, legal professionals and judges and related staff.”

~ Manager, Indigenous Health & Legal Services

“Literally, I have witnessed police not know what ‘coercive control’ even meant; [they] have thrown documents in the garbage; have failed to report reports of IPV/FV as such; have victim blamed the person reporting in the police records showing clear bias and prejudice by the officer that the court and lawyers and child service agents don’t have the training to see.”

~ Manager, GBV Sector/
Victim Services/ Indigenous Services



Participants described several ways a lack of understanding of IPV/FV undermines enforcement:

Failure to recognize risk and context: Participants reported that police and courts often do not recognize risk factors or acknowledge the nuances of violence in intimate relationships.

“Because it happens so frequently, breaches are not seen as the risk factor for harm that they are. Courts are also lenient – JP’s [Justices of the Peace] release perpetrators that have breached multiple times.”

~ Manager, Victim Services

“Sometimes police won’t view the increasing calls for help as signs of a bad situation escalating. They view it as the person is just increasingly annoying them. So even when a criminal charge could be laid, often the police won’t lay the charges.”

~ Manager, Legal Services/ Indigenous Services

“It is important to understand that these people do have an actual relationship, including everything that comes along with intertwining their lives. It is often more isolating for the victim when others reduce that relationship only to violence or power and control.”

~ Former Criminal Law Professional

“Catch and release” approach or dismissal of breach reports by police and courts: Participants described cases where breach reports are dismissed even when there is evidence and support from a lawyer; where only verbal warnings are issued without any charges or further action; where Crowns withdraw charges in plea bargaining; and where the bound person is held and released almost immediately after a charge, even when there are multiple charges.

“Police often dismiss the concerns or say that it’s not enough. Even when it is enough to charge. I will encourage [survivors] to document everything themselves and follow up with police. Sometimes this still does nothing :(”

~ Family Lawyer

“Our police are required to lay charges in all IPV cases. These can be hours of work to prepare the documentation. The evidence can be good, but the crown will still withdraw the work. Breaches are being dismissed as a plea bargain, or in diversion.”

~ Law Enforcement

“IPV is an epidemic. Victims are being seriously hurt as accused are not following court conditions and protection orders. Breaching occurs as accused know their rights and that they can apply for bail every time they are arrested and charged. THIS IS NOT OK!!!!”

~ Child and Youth Advocacy Counsellor/Provider

Emboldening people causing harm: Several professionals noted that some people who cause harm are emboldened to commit or escalate violence any time they “*get away*” with it, meaning enforcement failures can generate further violence against the protected person.

“Once abusers get away with breaches that may not impact the victims’ immediate safety they will then progress to physical contact at times, or the victim will give up on reporting since nothing is done, and this enables the abuser to think they can do anything.”

~ Social Worker



6: Coordination

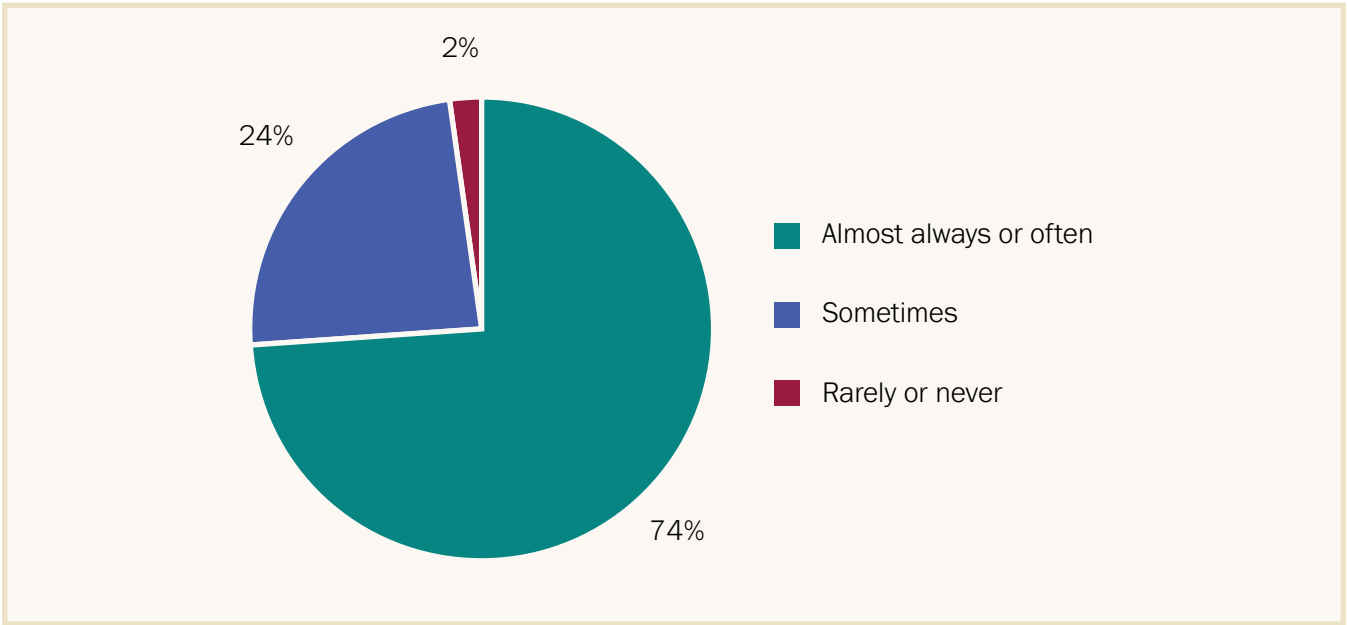
The survey included multiple questions on coordination within the protection order landscape, including coordination between courts working with the same intimate partners or family members, as well as coordination among professionals and communication with survivors.

Coordination between courts

We asked participants about when and how coordination happens across different courts.

First, we asked how often the same intimate partners or family members are involved in multiple different court or administrative proceedings (see Fig. 15). 74% of the professionals in our study said the same partners or family are almost always or often involved in multiple proceedings. 24% said this was sometimes the case, and 2% said this was rarely or never the case.

Figure 15: How often are the same intimate partners or family members involved in multiple different court or administrative proceedings?

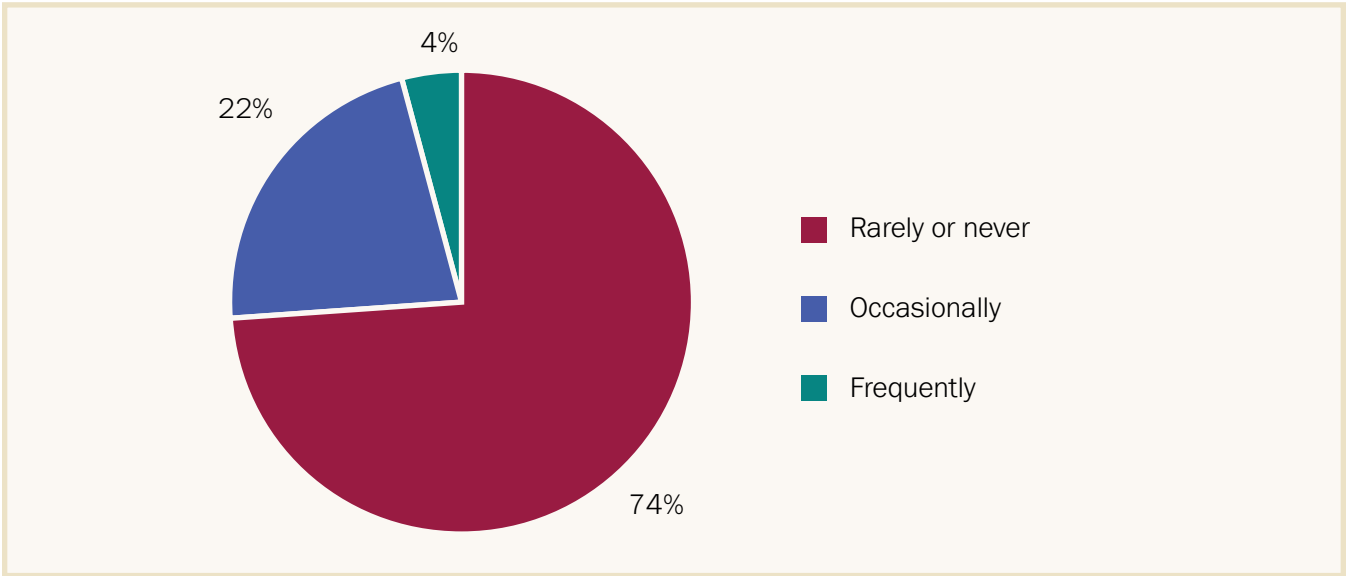


Sample = 126



When we asked how often there is coordination between different courts for cases involving the same intimate partners or families, 74% of the professionals in our sample said coordination rarely or never happens (see Fig. 16). 22% said there is occasionally coordination in such cases, and 4% said coordination happens frequently.

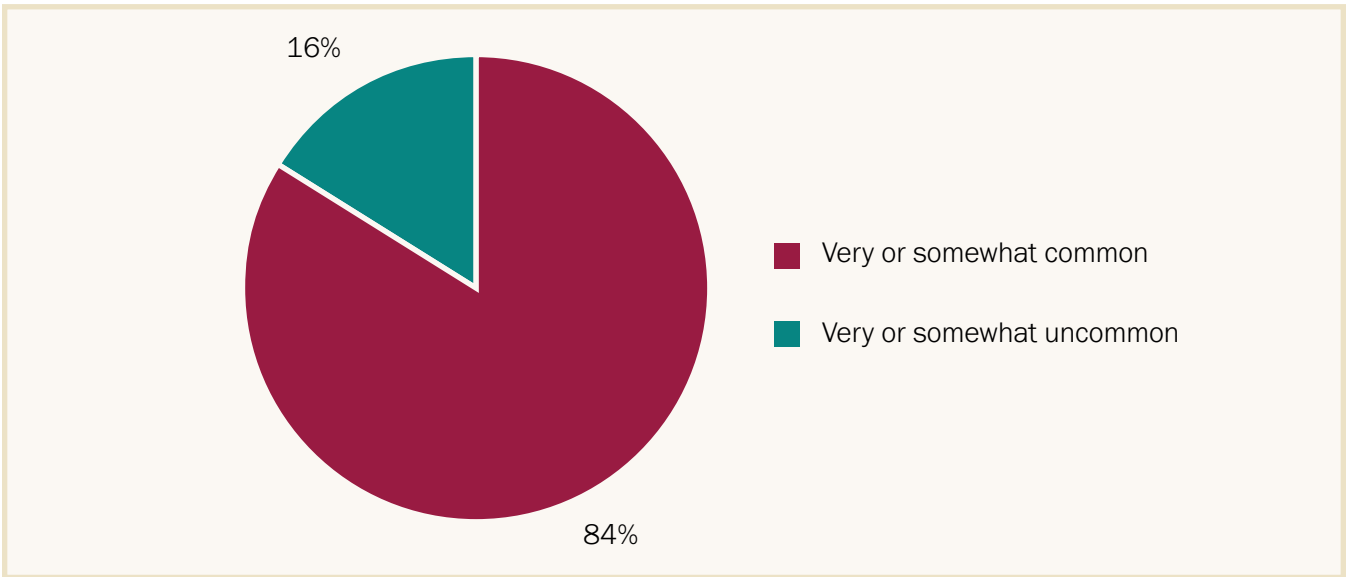
Figure 16: How often does coordination happen between different courts dealing with the same intimate partners or family?



Sample = 130

We also asked professionals how often they see conflicting orders or expectations for the same family across different courts or proceedings (see Fig. 17).

Figure 17: How common are conflicting court orders or expectations when the same intimate partners or family members are involved in different proceedings?



Sample = 130

84% said conflicting orders or expectations are common for families or partners involved in different proceedings, compared to 16% who said conflicting orders or expectations are uncommon.

Inconsistent rules and practices for conflicting orders create confusion

In their qualitative comments, several professionals mentioned rules and practices that can influence the priority of orders and help avoid conflicts, if used correctly. However, legal system actors apply these rules inconsistently, and the rules themselves can create confusion and uncertainty for families and partners who do not know which order takes precedence:

- One social worker explained that newer orders are meant to supersede previous orders. As they noted: *“many of the orders will say ‘until a new order is made.’ Sometimes it is not clear that the newest order supersedes the previous, which causes confusion for the parties involved.”*
- A Crown lawyer explained that criminal orders always trump family and civil orders, even if the orders do not make that clear: *“Criminal orders trump the family / civil orders, so they don’t conflict per se even when they appear on their face to conflict.”* But a family lawyer described a different reality: *“Family court doesn’t consider the criminal court. Facilitating access to children is expected - which requires contact both remotely and in person!”*
- Similarly, a frontline service provider said *“it is common for our highest risk victims to be forced to be in the same room at the same time as their abusers, even while there are active Criminal Court release orders, in order to provide supervised access [to children]. While this is done at a supervised access centre, it is wholly unsafe for the survivors involved.”*
- In the experiences of one government legal services worker: *“everyone understands that bail conditions override pre-existing orders and the crowns defer to the family court for contact terms”,* while a victim services worker reported that *“bail conditions don’t take into account Family Law Orders and so an abuser might still be able to attend and exercise his parenting time.”*

- A police officer said in their view, the criminal court is responsive to changing family court orders: *“Criminal court conditions are pretty black and white. Family court orders evolve/ change. We often have to do amendments so there aren’t conflicting orders.”*

Communication breakdowns

Several participants reported that a lack of communication between different courts is a key cause of conflicting orders. Professionals described some of the barriers to effective information sharing between courts, such as outdated information and a rotation of Crowns or judicial officers:

“We are often not aware of all the court orders, particularly child protection or family court orders. Sometimes even CPIC [Canadian Police Information Centre] is out of date on people’s existing criminal court orders.”

~ Family Court Support Worker

“Criminal court and family court need to communicate so there are not conflicting orders... Changing of crowns and Justice of the peace complicates the systems and places the victims at risk.”

~ Healthcare Provider/ Counsellor



What are the biggest barriers or challenges to effective coordination?

When we asked participants about what prevents coordination, most (81%) said that different courts have competing priorities (see Table 7). This suggests that some professionals see these issues as ingrained in how the legal system is organized, making reforms challenging.

Other common factors were that courts often operate independently (79% selected), and that there is a lack of standardization that might support coordination (78%). Some professionals attributed the lack of coordination to the realities of complex and intersectional needs of survivors and their families (77%). Participants also reported inadequate IPV/FV training or understanding as a common barrier to coordination (75%).

Table 7: Coordination challenges

In your experience, what are the biggest challenges or barriers to effective coordination? (Select all that apply)	% of survey participants
Different/ competing priorities of the family, child protection, and criminal legal systems	81%
Courts and administrative bodies often operate independently with little communication or coordination	79%
Lack of standardized practices, policies, and/or protocols for coordination	78%
Complex and/or intersectional needs of victims-survivors and their families (e.g. housing, immigration, mental health, substance use)	77%
Lack of training/ inconsistent understandings of IPV/FV	75%
Limited consideration of the effects of decisions in one legal context on other legal proceedings	71%
Procedural concerns (e.g. respecting privacy rights, rules of evidence, different standards of proof)	67%
Safety concerns (e.g. relating to disclosure requirements, confidentiality, risk of provoking violence)	65%
Organizations/ courts/ administrative bodies/ police have distinct databases, case management systems, and/or technological platforms	59%
Lack of funding/ capacity for partnership-building and coordination	55%
System is too complex for effective coordination	51%

Sample = 126

Some professionals tied the system complexity and resulting lack of coordination to issues in the design, training, and resourcing of protection order processes, with one Indigenous health and legal services manager noting: *“The complexity is due to the system not being planned based on evidence-based practices and emergent academic knowledge”*, in addition to a lack of training and funding.

Other participants noted that the siloing of professional roles and responsibilities makes communication more difficult, and the legal system does not always account for this.

There was also a strong perception among some participants that other professionals are not willing to communicate or are not equipped to collaborate effectively. These were not unique to any one group but involved perceptions of multiple legal and non-legal system actors:

“No one talks to each other and it’s always the family that suffers for it.”

~ Frontline Service Provider, Health & Legal Services

“The lack of contact between organizations is a big problem - the lack of a coordinated risk assessment and safety plan, the common language used in each area of work (sometimes not known to all or not accessible to all). [Contact is vital to] keeping the victim informed, educated, and supported.”

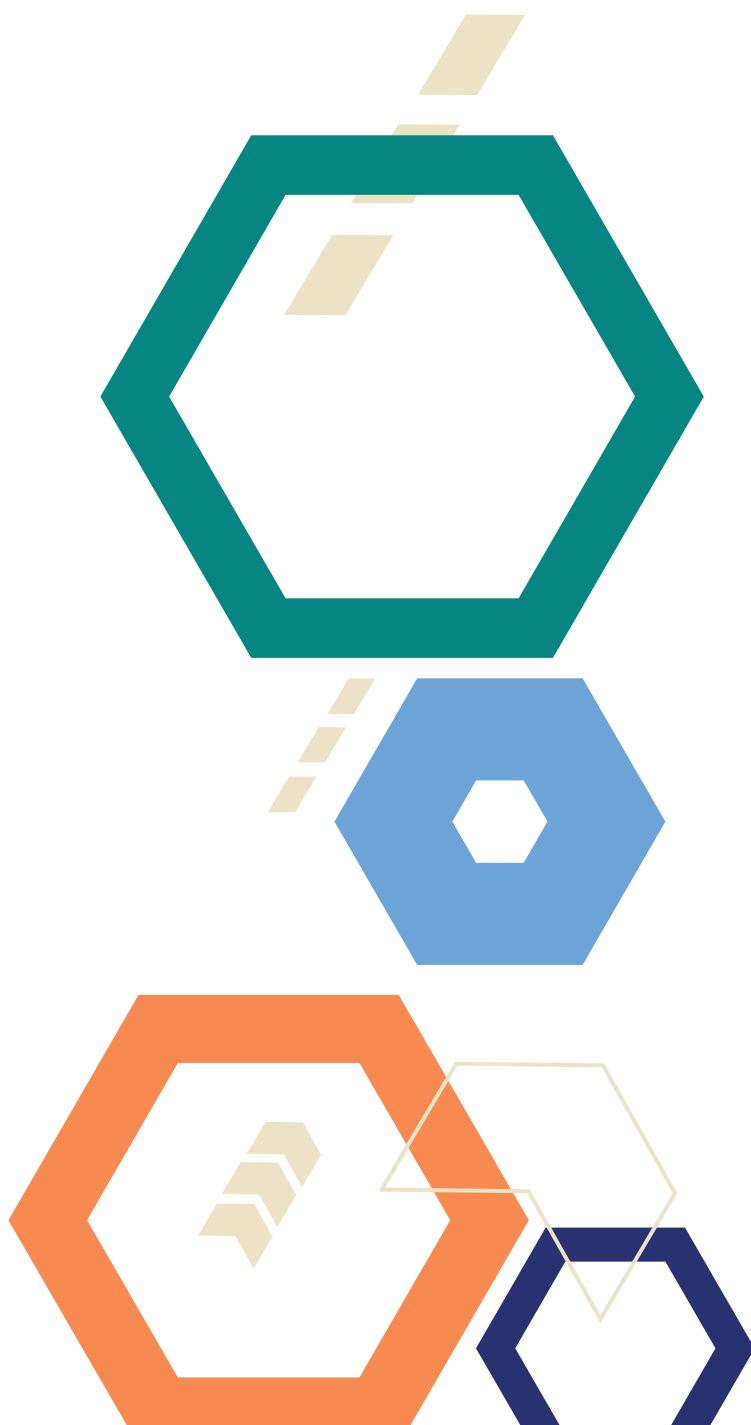
~ Family Lawyer

“CJS [Criminal Justice System] will not communicate with anyone outside of the CJS which means the support services (VAW [Violence Against Women], Victim Services etc.) have no ability to communicate in court cases even if they have critical high-risk information. They are not welcome at DV [Domestic Violence] High Risk tables because of this, and this barrier ensures the system stays broken.”

~ Manager, Victim Services

“I find that both police services and Children’s Aid don’t behave in a collegial way with IPV/Violence against women services.”

~ Family Lawyer



How can coordination be improved?

In their qualitative comments, professionals gave examples of coordination that is working well, including high-risk tables, case conferencing, and community hubs:

“Our region has high risk committees, situation tables, and embedded workers from CAS [Children’s Aid Society] and the shelter within the IPV unit, we also have a Hub and ongoing working relationships with collaboratives for Human Trafficking, IPV and sexual violence, which has created close connections with the shelter, SADV [Sexual Assault/Domestic Violence] treatment centre, women’s centre, counselling agencies for GBV, etc. We also maintain close relationships with VWAP [Victim/Witness Assistance Program], Probation/Parole and immigration/settlement services, as well as the FCSW [Family Court Support Worker] and legal services clinic.”

~ Frontline Service Provider

“[High-risk table] members can call conferences of all relevant parties to discuss risks of harm and safety (police, Crown Attorneys, Victim Services, Child Protection, etc.). These are meaningful.”

~ Child Protection Worker/ Counsellor

For participants who did not necessarily have access to shared tables or networks for coordination, many suggested implementing similar strategies, such as:

- Making efforts to break down silos among professionals. Some participants suggested strategies to build those relationships, such as doing trainings together, or identifying shared goals to break through “us vs. them” mentality.
- Centralization or standardization to encourage more coordination. Some participants suggested working with existing tables or centres to enhance collaboration.

Improving communication with survivors

Participants in our study offered many suggestions for improving communication with survivors. Key themes included:

- Improving access to information about court orders and case developments so that survivors understand the process, are consulted on protective conditions, and are aware when people causing harm are being released or are in potential breach of their orders:

“Talk with them [victims-survivors]. Explain what’s happening and what’s going to happen and provide interpretation.”

~ Social Worker

“Police need to inform victims of release orders.”

~ GBV Counsellor

“Open communication [is needed]. In the past, one of the victims was killed as she was not notified her perpetrator had been released. He went after her the day he was released. There were similar stories of such.”

~ Family Court Support Worker

- Ensuring professionals know how and when to provide information using trauma-informed approaches:

“This is difficult, many victim/survivors are dealing with the trauma and are given A LOT of information at a time when they are not processing properly.”

~ Social Worker

“[Professionals should] speak with [survivors], break down the legalese when they are speaking with them, use a trauma-informed approach and understand quickly rushing through, or speaking down to them, is going to impact how they understand the conversation.”

~ Victim Services

- Some participants suggested there is a need to create more specialized roles, like navigators or case managers who can help families involved in multiple court proceedings:

“Someone has to own that job. Everyone thinks it’s some one else’s responsibility and then it doesn’t get done.”

~ Manager, Victim Services

“More staff available to assist victims at police stations, court houses, domestic violence agencies and hospitals to help assist victims [to] navigate legal options and next steps. Also inform them about potential community supports available to assist with financial matters/ filing motions through court, etc.”

~ Victim Services

- Many professionals noted that funding is a necessary precursor to effective coordination, whether that means funding new navigator roles or better resourcing existing positions:

“Greater coordination and communication with victims-survivors requires an investment in supports and services, recognizing that current funding models operate on the basis that professionals will spend as little time as possible in coordination/communication to maximize efficiency.”

~ Academic/ Educator

“Funding is needed to rapidly scale up the number of family court support workers so that victim-survivors have someone who can be the constant, the touchstone and support and advocate at every step, no matter what aspect of their matter needs to be addressed. A truly holistic approach by specialized support workers who can manage the entire operation in support of the victim-survivor.”

~ Frontline Service Provider

“We need more resources. I can’t personally meet with every victim or even try, if I am managing 350 IPV cases - that is not an exaggeration.”

~ Family Court Support Worker

- Other participants saw ineffective coordination as a systemic flaw in a system that was never designed with gender inequality and the root causes of IPV/FV in mind. They wanted more of a reckoning with this systemic inequity to advance fundamental change:

“Have the capacity to accept that the system is failing because actual justice and accountability is now expected. The system was not designed to protect women and children and other victims. It was designed to allow 9/10 abusers to go free (according to my law school and academic education).”

~ Manager, Indigenous Health & Legal Services

“When police are required to share information, they are more forthcoming, but when working with other agencies, the accused’s rights are disproportionately protected [such] that it impacts the role other service providers play in ensuring safety and proper planning.”

~ Counsellor, Child Protection/ Youth Advocacy



7: Suggested Reforms

When it came to protection order reforms, we asked participants what is working well in the current landscape that they would want to keep, and what are the most important and urgent areas for reform.

What is working well: legal processes, practices, and general awareness trends

We asked open-ended questions about what is working well that professionals would want to see replicated or maintained within any reforms.

Several professionals insisted that there is “*nothing*” in the current landscape that is working well. Others focused on specific legal processes, promising practices, and positive trends in general awareness, as elaborated below.

Legal processes:

- Automatic no contact conditions: Many participants noted that the automatic no contact condition imposed after criminal charges have been laid is a helpful strategy they would want to keep because it is quick and can keep survivors safe, although one police officer noted that “*not all victims like it.*”
- Filing requirement for written revocable consent: Several professionals brought up the requirement to file written revocable consent with a probation officer as a positive practice:

“The process ensures that victims have to connect with a professional that can provide information, support, education and assistance towards vulnerable victims and create a check in and compliance plan in a manner that works and feels safe for victims.”

~ Victim Services

Promising practices:

- Some professionals described support services for survivors as being helpful in advocating for survivors’ rights and providing support. However, they said these services are stretched or limited due to funding and capacity constraints.
- A handful of participants mentioned specific examples of courts coordinating well, such as by stipulating in a criminal court order that parenting arrangements will be addressed in family court. Others talked about instances where criminal courts communicated regularly with victims about upcoming court dates or other pertinent information.
- Some participants mentioned specific times police were effective when contacted, or that police in their jurisdiction had improved their responses over time.

Trends in GBV awareness:

- Some professionals noted a growing awareness about mental health, trauma, and violence, such as a greater recognition of non-physical forms of GBV or increasing awareness of IPV/FV dynamics particularly among newer judges.
- One also mentioned “*the new phrasing to the Children’s Law Reform Act about what Family Violence is*” as a positive indication of growing awareness in law.
- Some qualified that these shifts are still piecemeal considering ongoing issues.

“Some judges (newer and younger ones) have some basic understanding of IPV/FV but not nearly enough to fix the issues.”

~ Manager, Child Protection

“We’ve seen a shift towards recognizing harm outside of physical harm when possible.”

~ Counsellor, Intervention Program Staff

What reforms do professionals want to see implemented immediately?

Several themes emerged when we asked participants to prioritize immediate reforms.

Stronger enforcement:

- Many professionals saw stronger enforcement as critical for ensuring that protection orders are not just a piece of paper, but rather a sufficient deterrent. Participants called for swifter consequences, standardized protocols, more access to information about active protection orders, and more communication with protected persons and bound persons.

“Swifter consequences for non-compliance, so it doesn’t allow offenders to think they can get away with it. Also, a database that citizens can use to look up if their partner/or themselves have an active protection order.”
~ Family Court Support Worker

“There would be standard protocol with breaches. The survivor and perpetrator should know what will happen if it is breached. They would all be police enforceable. Some orders are not - this takes away their value.”

~ Police

IPV/FV training:

- Because of the myths and stereotypes prevalent in the system, many professionals saw increased training and education around IPV and FV for law enforcement and legal system actors as an immediate, priority reform.

“Enhanced training for police and judicial system, trauma informed intervention.”
~ Family Lawyer

“HAS TO BE PROPER EDUCATION!!!! Have to ensure this cannot be used as a tool by the abuser to further abuse survivor.”
~ Victim Services Worker

Coordination and centralization:

- A more integrated court system was another common reform participants identified, as it could lead to more organized and accessible protection orders.

“Easy to access and a centralized body or system for protection orders.”
~ Family Court Support Worker

“An integrated court system in our area would be nice.”
~ Family Lawyer

Increased support for all parties:

- Other professionals called for more support for both survivors and people who cause harm as a violence prevention strategy, in part through promoting the use of and adherence to protection orders. Participants emphasized that these supports need more funding.

“Non-profit GBV/VAW [Violence Against Women] organizations front-line staff who act as advocates. More funding for these roles would likely be helpful.”
~ Victim Services Worker

“A research project done in London, ON showed when offenders get support there was a 70% reduction in recidivism.”

~ Police

Other reforms:

Participants made other suggestions to improve safety, such as through bail reform, automatic legal representation for children in protection order proceedings, and strengthening supervised parenting time.

“The criminal bail court system is not working in ONT... it needs to change and change soon. STOP protecting the accused start supporting the victims.”

~ Frontline Provider

“OCLs [Office of the Children’s Lawyer] should automatically be requested when children are involved.”

~ Counsellor, Child Protection/ Child Youth Advocacy

“Supervised access centers could do MUCH more in ensuring the safety and comfort of children having access with their parent who may be wonderful parents but terribly manipulative and abusive to the other parent.”

~ Counsellor, Child/Youth Advocacy

Civil Protection Order Legislation

The LCO’s Improving Protection Orders project is exploring whether Ontario should have standalone civil protection order legislation for IPV/FV. Ontario is one of the only Canadian jurisdictions that does not have this type of pathway to protection orders. In other provinces and territories, civil protection orders are generally available on an emergency basis, for many different types of intimate and family relationships and covering a broad range of harms.

- 48% of survey participants were in favour of new civil legislation, while 39% said they were not sure. Only 4% were against this reform and 1% preferred not to say.



When it came to specific features of civil protection order legislation that exist in other provinces and territories, many more participants were in favour of specific features (see Table 8 below).

- Quicker access: The most popular feature was emergency access to protection orders, selected by 94% of participants. 90% also wanted 24/7 access to protection orders.
- Broader criteria: 92% of participants wanted broader criteria around the types of harms or types of intimate and family relationships that can be covered by a protection order.
- Authority: Participants also favoured more explicit and broader statutory authority, like the authority for judges to include weapons conditions and parenting conditions, and authorizing Justices of the Peace to grant protection orders.

Table 8: Most endorsed features of civil protection order legislation

Which of the following features of civil protection order legislation from other provinces and territories do you think should be considered for implementation in Ontario? (Select all that apply)	% of survey participants in favour
Emergency access to protection orders	94%
Accessible to people experiencing a wide range of harms (e.g. tech-facilitated violence, coercive control, stalking)	92%
Accessible to people in many different types of intimate and family relationships	92%
Access to protection orders outside court hours (e.g. 24/7)	90%
Authority to include conditions relating to weapons	87%
Authority to include conditions regarding children/ parenting	82%
Give Justices of the Peace authority to grant protection orders	82%
Third parties can apply on behalf of victims-survivors, with consent (e.g. police, Victim Services)	78%
Authority to order monitoring/ supervision	77%
Require decision on protection order in specific timeframe	77%
Applicants can apply over the phone	76%
Authority to order counselling to prevent IPV/FV	76%
Authority to include conditions regarding financial matters and/or essential services (e.g. relating to rent, utilities, necessities)	75%

Sample = 139

We also asked participants how new standalone legislation might help address gaps in the current protection order landscape, as well as any potential unintended consequences that should be considered.

Potential Benefits

The most common benefits had to do with improving access to justice and ensuring that the legal system is more trauma-informed:

Improved accessibility: Many participants commented on accessibility issues that could be addressed by dedicated standalone legislation, thus increasing safety.

“If my patients could reliably and quickly and easily access these orders, they would feel a lot safer to report their abuse and leave their abusive dynamics. Currently little to no protection is offered or at least felt by the victims and this is a huge barrier to exiting and reporting.”

~ Manager, Counselling Services

Trauma-informed: Professionals in our study saw the potential of standalone legislation in making protection orders more trauma-informed and empowering for survivors.

“It would help in so many ways, improving our legal system in Ontario, empowering more victims/survivors. Encouraging them that their concerns are being listened to and we are working to improve the system and process for them.”

~ Family Court Support Worker

“Being trauma-informed and helping people who are struggling to get out of the system rather than remain locked in it.”

~ Manager/ Executive

Limitations and/or Concerns

The most common concerns had to do with lowering the burden of proof so much that it could be used against survivors, and further complicating or duplicating existing laws and processes.

Litigation abuse: Some participants expressed concern that people causing harm might misuse the legal system to further abuse their intimate partners if the standard of proof is lowered.

There is “potential for misuse if it turns into a ‘you ask, you get’ system.”

~ Academic/ Educator

“My concern is that with a lower standard of proof, and the burden of proof being shifted to the respondent, abusers may weaponize this to harm the survivor. Especially if parenting conditions are included.”

~ Social Worker

Superficial reforms and duplication: Other participants worried that standalone legislation would not be substantive enough to address systemic issues, and might simply replicate existing issues or be used by politicians for virtue signalling. Some also noted that new legislation could create confusion by adding more complexity to an already complicated system.

“Potential that the legislation is used by politicians as ‘look what we are doing’ point, instead of being thoroughly considered.”

~ Academic/ Educator

“[This could just lead to] a continuation of the current uneven application of existing legislation... [There is already a] lack of public understanding of existing legislation, let alone new legislation.”

~ Academic/ Educator

Restorative Justice & Transformative Justice

Restorative Justice (RJ) processes seek to centre survivors' voices and agency to understand, acknowledge, and address harms, identify needs, and repair relationships and trust for affected individuals and communities.

Transformative Justice (TJ) builds on restorative justice by seeking to understand and transform the broader context that contributed to the harms, to help prevent future violence.

- 72% of participants were in favour of creating restorative and transformative justice options for people in need of protection. Only 3% were not in favour, with 16% not sure.

When asked how effective these options could be and if there are any concerns, results were more mixed. Like the proposal for standalone civil legislation, professionals expressed concerns about potential abuse or manipulation of RJ and TJ processes to further harm survivors, and concerns that such reforms would not substantively address core systemic issues.

Some professionals also worried that survivors might be forced into RJ and TJ processes if their choice and agency are not respected. Others pointed out that RJ and TJ processes are not suitable for all situations and should be carefully considered with support from trained professionals as one option among many. A few professionals saw RJ and TJ as fundamentally incompatible with the criminal legal system, and so these options would need to be housed separately.

"I'm concerned that restorative justice and transformative justice options may work to enhance the power imbalances present in some IPV and FV cases and may fail to effectively address the root causes that lead to violence as opposed to truly providing victims and survivors with agency and preventing future violence."

~ Crown Prosecutor

"I would be concerned that it could become mandated or an expectation of the court system to engage in restorative/transformative justice processes, so that the victim/survivor feels forced and it becomes another situation where their power and voice is being taken away. Again, this could be somewhat mitigated by appropriate training on when situations could benefit from the restorative/transformative approach and when they absolutely would not work."

~ Child Protection Lawyer

"Restorative justice can only be effective if it is properly staffed with trained individuals, standards and policies, and is not run by the Criminal Justice System which is motivated to work on behalf of the accused/offender (have had very negative experiences with this in a work context)."

~ Manager, Victim Services

"If these processes are truly victim-centred and led, they could be beneficial to their healing process. But they will not be applicable in all cases, so it should be carefully considered based on the circumstances and history of the parties involved."

~ Child Protection Lawyer



Creating an Independent Body

We also asked participants if they are in favour of creating an independent body to grant and/or oversee protection orders in Ontario (e.g. a tribunal).

- 41% said they were not sure, while 39% said yes and 10% said no.

We asked what this body might look like (for example, what powers or authority might it have)? The most common responses recommended it should:

- Have a centralized power to grant and monitor protection orders
- Be able to coordinate across different courts and sectors, including family court, bail court, child protection agencies, and the police
- Include a cross-section of professionals with expertise in IPV/FV
- Be designed with a survivor-centred approach

We also asked participants if they had any concerns or questions about this potential reform. Qualitative data showed that the main concerns were that similar barriers would arise within the new body, and that it would further complicate an already confusing landscape.

“The concern would be - are we now forcing victims who have to go to family court to also have to go to another system to get a protection order if there are no criminal charges, would the family court options still exist, or would the family court order conflict with the tribunal order? The effectiveness of a tribunal would also depend on the training received and how their decisions were monitored as well as whether there is appropriate funding as current tribunal systems often have significant delays.”

~ Social Worker

“[I have] so many questions about who it would be, how the decisions would be made, databases, changing conditions etc. Also, I would be very concerned that this would go the way of other tribunals (immigration, housing, etc.) and become overburdened and ineffective, leading to corruption and general uselessness.”

~ Child Protection Worker

“It would have to be accessible - in particular to those who are impoverished. If such a body existed, the decision-makers would need to be well educated on the lived realities of Indigenous people... [They should be taught by someone who has] the scars on their back to prove they have lived and breathed the challenges Indigeneity in Canada brings, and they’ve earned the wisdom to communicate cross-culturally on how to handle Indigenous folks today.”

~ Manager, Indigenous Support & Legal Services





Conclusion

The findings from this survey provide a clear and urgent picture: while protection orders are widely recognized as an essential safety tool in Ontario, the current system often fails to deliver real protection for survivors of IPV/FV. The challenges professionals describe are not isolated or technical—they are systemic, interconnected, and deeply consequential.

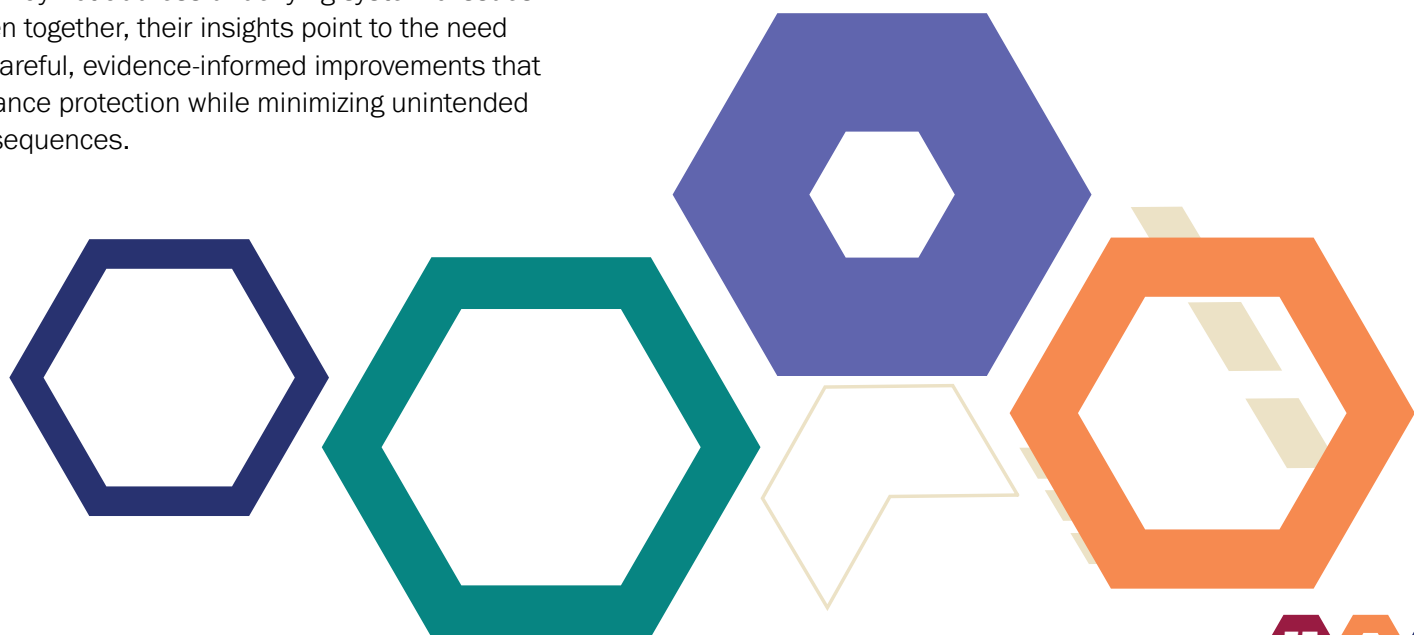
The range of suggested reforms—spanning stronger enforcement, improved training, greater coordination, standalone civil legislation, and alternative justice options—reflects a broad interest in approaches that better support safety and accountability. At the same time, participants raised concerns about potential misuse, added complexity, and reforms that may not address underlying systemic issues. Taken together, their insights point to the need for careful, evidence-informed improvements that enhance protection while minimizing unintended consequences.

Implications for policy and practice

The findings point toward several critical implications for the legal system, policymakers, and service providers:

To be an effective safety tool, protection orders must be enforced

Without consistent enforcement, protection orders cannot function as intended. Standardized protocols, timely consequences for breaches, clear communication, and investment in specialized training for enforcement authorities are necessary to restore confidence and reduce risk.



IPV/FV training must be mandatory and ongoing

Professionals across sectors highlighted the urgent need for comprehensive training on coercive control, trauma impacts, risk factors and lethality indicators, myths and stereotypes, cultural safety and systemic discrimination. Training must be embedded across police, courts, child welfare, and legal services.

Coordination between courts must be prioritized

Given the frequency with which families navigate multiple legal systems, coordinated approaches are essential. This may include centralized or integrated IPV courts, shared case management systems, regular inter-court communication protocols, and navigation supports for survivors.

Access to protection orders must be simplified and expanded

Ontario's protection order system must become more accessible, particularly for survivors facing barriers related to language, geography, disability, immigration status, or trauma. This could involve streamlined processes, 24/7 access, simplified applications, expanded use of technology, and better public information and outreach.

Tailoring conditions and supporting compliance is essential

Conditions must reflect survivors' specific safety needs and the lived realities of family life, housing, mental health, and parenting. Support for both survivors and people who cause harm can reduce breaches and improve long-term safety.

Features of civil protection order legislation in other jurisdictions could address major gaps

Many features of dedicated civil protection order legislation that exist outside Ontario could, if implemented here, greatly improve accessibility, consistency, and timeliness, as well as strengthen protective conditions and prevention.

Alternative justice approaches require careful development

There is support for creating restorative and transformative justice options, but these must be survivor-centred, voluntary, and culturally safe, with robust safeguards against coercion or misuse.

A moment for system transformation

Ultimately, professionals across sectors conveyed a shared belief that Ontario's protection order system requires meaningful, structural, and coordinated reform. The challenges are not simply procedural—they reflect deeper systemic issues involving gender inequality, colonialism, discrimination, and the historical design of legal institutions.

These findings underscore the need for:

- Evidence-informed policy reform
- Survivor-centred system redesign
- Stronger accountability mechanisms
- Cross-sector collaboration
- Sustainable funding for supports and services

Overall, while protection orders remain a critical legal tool, professionals overwhelmingly agree that Ontario's current system is fragmented, inconsistent, slow, and difficult to navigate. Without meaningful reform—particularly around access, enforcement, and coordination—the system will continue to place survivors at unacceptable risk.

More Information and How to Get Involved

The LCO's Improving Protection Orders project will produce an independent, evidence-based, and comprehensive analysis of protection orders in Ontario. The LCO's final report will recommend reforms to laws, policies, and practices where appropriate.

More information about this survey and the LCO project is available on our project website at <https://lco-cdo.org/en/projects/protection-orders/>. Project materials include our project Consultation Paper, an Executive Summary, and other background information. The Consultation Paper and Executive Summary are available in English and French.

The LCO's Improving Protection Orders Project Lead is Laura Snowdon. She can be contacted at LSnowdon@lco-cdo.org.

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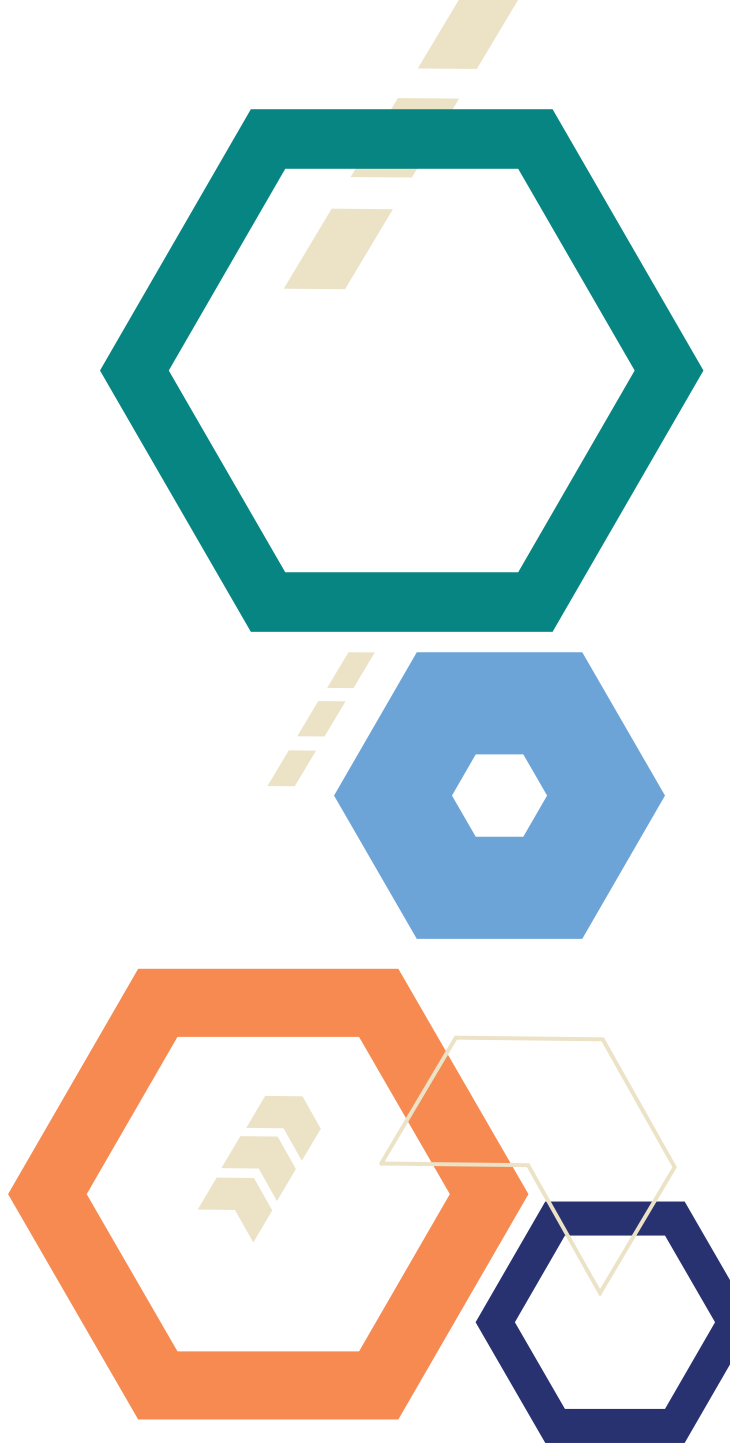
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