

Family-law changes will save lives: advocates

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By Lindsay Kines and Rob Shaw, timescolonist.com November 15, 2011 7:57 AM

The family law changes introduced in the B.C. legislature Monday have the potential to save lives by creating tough new tools to deal with domestic violence, advocates say.

The Family Law Act defines family violence for the first time and requires that judges take evidence of violence into account when deciding what is in the best interest of a child.

The legislation also makes it a criminal offence to breach a protection order, which is often used to bar contact between spouses in family-violence cases. In the past, restraining orders had little teeth and were often ignored by abusive spouses and disregarded by police, Tracy Porteous of the Ending Violence Association said.

"I think we're beginning to realize in this province that these are life-and-death situations, that if we see those kinds of breaches, that kind of disregard for the law, we have to take it seriously," she said.

"So I think that this is phenomenally progressive that we're actually seeing co-ordination between family court and criminal court on breaches."

Porteous said she believes the changes, if properly acted upon, will make the lives of women and children safer. "I completely believe that this legislation has the potential to save lives," she said.

The changes are a direct result of recommendations by representative for children and youth Mary Ellen Turpel-Lafond in her report on a murder-suicide in Oak Bay.

Peter Lee stabbed to death his six-year-old son Christian, wife Sunny Park, and her parents, Kum Lea Chun and Moon Kyu Park, before taking his own life in 2007.

Turpel-Lafond concluded that the system failed the boy because of a lack of co-ordination among police, social workers and the courts. She called on the government to define domestic violence in family law and make protection orders against abusive spouses more accessible, with stiffer consequences.

Turpel-Lafond praised the government Monday for acting on the recommendations in her report, Honouring Christian Lee.

"Certainly on a day like today I can't help but think about Christian and had this system been in place, would he be a 10-year-old in Grade 5 today, as opposed to what happened to him and his mother and his grandparents," she said.

"So I take it as a very serious and important step forward after some deep thinking about how the system was deficient."

Turpel-Lafond cautioned, however, that simply changing the law is not enough. It will take leadership and effort to put the changes into effect.

Attorney General and Solicitor General Shirley Bond called the new protection orders "a very important tool" for the judiciary and law enforcement. The orders can restrict access to a broader group of people than just a spouse, and will carry the weight of a Criminal Code charge if they are violated, she said.

"That's very critical because a breach becomes a Criminal Code offence, so the RCMP can take that very seriously," said Bond. "Restraining orders weren't working very effectively."

Bond's staff said police told the government they were often confused about the seriousness of a restraining order, and whether it was linked to domestic violence or child custody.

Bond stopped short of saying the Lee murder-suicide could have been prevented if these proposed changes had been in place at the time.

"We certainly have learned lessons from those circumstances, and the child and youth representative in particular has made very compelling arguments about the importance of looking at family history, making sure that we're actually asking those very significant questions about violence in one's past," she said.

"So I think that is a very important addition to this bill, and I do believe it will make a difference."
The bill also mandates a Turpel-Lafond recommendation that background checks be done for non-guardians looking to become primary guardians of children.

lkines@timescolonist.com

rshaw@timescolonist.com

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