

Supplemental Material

Tab #9: Asking about Specific Forms of Family Violence

This document contains examples of:

1. questions you could ask in relation to family violence; and
2. different forms of family violence that you may want to ask about.

These examples are designed to accompany the information provided in [HELP Guide Section H.4](#) regarding how to explore family violence with clients.

Do not treat the examples as a checklist, but rather ask questions about family violence sensitively and in a way that follows the flow of the discussion with your client.

Use your judgment when considering what to ask each client. Ask questions that make sense based on your client's responses. Also, when reviewing the examples of questions and different forms of conduct, bear in mind the *Divorce Act's* definition of family violence. See [Overview – What is family violence?](#)

Incidents of family abuse or violence should not be interpreted in isolation without also considering patterns of behaviour, including coercive and controlling behaviour.

In addition to identifying different forms of family violence that your client may have experienced, you should also try to understand the nature, seriousness, frequency, duration and impacts of family violence; this may affect the advice you give.

As you engage in discussions with your client, you will want to gather details, such as:

- ▶ Have there been multiple incidents? Multiple incidents increase the harm created by earlier abusive incidents.
- ▶ Is the person who engaged in the violence the one who holds the power in the relationship?

- ▶ Is there a pattern of coercive and controlling behaviour? Coercive controlling violence is a pattern of abusive behaviour people use to control or dominate another family member. It often includes the use of multiple forms of abuse (e.g. physical, sexual, psychological, social, financial) that cause the victim to live in fear of their partner or ex-partner; it gives the abuser power and control over them. Coercive controlling violence may or may not involve physical violence.
- ▶ Do the incidents occur periodically? The abusive behaviours do not need to occur on a daily or regular basis to constitute a pattern of IPV. Some victims experience a cycle of violence, where there is a period of tension-building, leading up to an explosive incident, followed by a period of peace and harmony. The periods of calm do not negate the danger, harm and cumulative effects that new incidents can have on victims. Other victims may experience constant fear, control and domination as a constant presence in their lives, as they are conditioned by past incidents to live with instilled fear.
- ▶ If the violence against your client was an isolated incident, could it be part of the ex-partner's pattern of abusive behaviour against others? For example, if there is any indication of the ex-partner engaging in abusive behaviours with other former or current partners, the isolated incident for your client may actually be part of a behaviour pattern.
- ▶ If your client engaged in abusive behaviours, was it in response to abuse from their ex-partner? Was it a reaction to coercion and control exerted by their ex-partner?
- ▶ For how long have these incidents been occurring?
- ▶ Has your client experienced abuse recently? When did the last incident occur?
- ▶ Are the frequency and severity of incidents increasing?
- ▶ Was the abuse instigated or exacerbated by separation? Following separation, an abuser may use different ways to try to assert control over their former partner, either directly or through the children. For example, an abusive spouse may attempt to assert control by:
 - threatening their former partner with the loss of parenting time with a child;
 - sharing inappropriate information with children;
 - excessively e-mailing, phoning or texting the former partner;
 - stalking, harassing, or threatening to hurt someone; and/or
 - filing false reports with the police or a child protection agency.
- ▶ Have there been any incidents directly related to the family law case?
- ▶ Have other family members engaged in abusive behaviour in relation to the family law case? Consider your client's situation, and background when thinking about violence by extended family members. A focus solely on the acts of the ex-partner may not be enough depending on the broader context of the family, especially if they live in a multi-generational household.
- ▶ What is/was the impact of the abusive behaviour on your client and on the client's children? This does not apply only to physical impacts, but also to psychological, emotional, cognitive, financial and other impacts.

1. Sample questions

Sample questions about forms of family violence that are included in the *Divorce Act's* definition are set out below. The questions are designed to help you engage in discussion with your client, not to be asked as a checklist.

Note that the forms of family violence and the sample questions provided in this document overlap; for instance, questions about psychological abuse may also apply to coercive and controlling behaviours.

In general, it is good to use an open-ended questioning style, even if there are some points at which you need to ask more specific yes/no questions. This approach is an effective way to gather information and allows your client to elaborate on their own experiences.

As you talk with your client about family violence, they may question whether their experience is abusive. Below are some suggestions for what you could say to the client:

- ▶ *“There are many different ways that people can be abused. Sometimes, a person isn’t even aware it is happening to them — for example, where a person is experiencing very controlling behaviour.”*
- ▶ *“Abuse and violence are not only physical; they can be financial, sexual or emotional, including controlling behaviour.”*

Physical violence

Most clients will have some idea of what types of physical acts are abusive. You can start the conversation by telling the client: *“There are many ways in which a person can be physically hurt or threatened. Please tell me about any ways in which your ex-partner has physically hurt or threatened to hurt you.”*

Depending on the response from your client, you could ask more specific questions about the physical violence. For example, you could ask questions about whether the violence involved being slapped, hit with an object, punched, kicked, bitten or beaten in any way and about threats to harm the client physically.

You could also ask about other physically abusive behaviours that might be less obvious, such as stopping them from leaving the house.

Note that strangulation is strongly associated with intimate partner homicide, so you should ask about this as well.

Sexual abuse

Asking the client about sexual abuse can be particularly distressing and triggering, and many clients will not want to address this form of family violence within the context of their family law matter. However, sexual abuse can be a very harmful form of family violence and is considered a risk factor for continuing IPV.

Clients may not identify with the words sexual abuse, sexual assault or rape, particularly in the context of intimate relationships. Also, they may have a narrow sense what sexual abuse includes (see the table below for examples of the range of behaviours that may constitute sexual abuse). One way to ask would be:

- ▶ *“When someone feels like they cannot say no to a sexual activity, this can be a sign of abuse. Have there been situations where you have felt like that?”*

Probing the client’s response can provide the details you might need for the case:

- ▶ *“Did you feel like you could say no to your ex-partner when they wanted to have sex?”*
- ▶ *“Sometimes one partner does not let the other partner use birth control or may force them to have sex if they want money or to be able to leave the house. Have situations like this ever come up for you?”*

Threats

This form of family violence can cause significant psychological harm to your client and any children who are affected.

You could say: *“Family violence includes threats from your ex-partner towards you or others you care about. This can include threatening to hurt or kill you or themselves, threatening to take your children away, or threatening to hurt or kill pets, or destroy your personal items. Have you experienced anything that is similar to what I just described?”*

You can also ask the client: *“Has your ex-partner done or said things that make you feel as if they might hurt you or hurt someone or something you care about?”*

Threats related to the family law case may also arise and can be part of legal bullying behaviour. You can probe about threats that the ex-partner has made regarding the family law case. For example, you could ask: *“Has your ex-partner made any threats to you that have come up around your separation or divorce, such as threats about preventing you from seeing your children? If so, can you tell me about them?”*

Psychological (emotional) abuse

Psychological abuse may include verbal or non-verbal behaviour and may be difficult for your client to identify without some specific questions. You might start by saying: *“Part of the definition of family violence includes psychological abuse. This could include your ex-partner bullying you or often saying things that make you feel bad about yourself, for example that you’re stupid or lazy. It could also include criticizing your personal appearance. Does this type of behaviour seem familiar to you?”*

Probing further, you could say: *“Some other behaviours that you might have experienced could include your ex-partner consistently blaming you for things that you have no control over or that you had no part in or denying that conversations or events happened, making you question your memory or mental state. Can you think of any times where this might have occurred?”*

Financial abuse

Financial abuse is a common form of IPV, often used to gain or demonstrate power and control over the other person. It may co-occur with other forms of violence. Examples include withholding money, threatening to cut up bank or credit cards, or incurring debts in someone’s name without their knowledge.

You can ask the client: *“Did your ex-partner control your finances and/or decisions about money? Did they ever take money that is yours, or take away your wallet or your credit cards?”*

You could probe further by asking: *“Financial abuse also includes situations where someone is prevented from going out to work, or they lose their job because they were made to miss work. Has anything like this happened to you?”*

Harassment and stalking

Remember that harassment in the form of stalking is a risk factor for intimate partner homicide.

Questions should include in-person and remote or virtual forms of harassment and stalking. You may also find that other family members (e.g. the ex-partner’s parents or siblings) engage in these behaviours, particularly in the context of separation or divorce.

You can say: *“If someone keeps track of your whereabouts, follows you, or constantly bothers or contacts you, we call that harassment and stalking. Engaging in these behaviours can be a form of family violence. These behaviours might include following you when you leave your house or calling you on your phone. It is also common now for abusive behaviours to include monitoring, stalking, intimidation and harassment using technology such as computers, cell phones and other tracking equipment. Tracking can occur through social media and other apps that are installed on your phone or devices (e.g. Facebook, Snapchat). Have you experienced any of these kinds of behaviours?”*

You can probe further by asking: *“Another form of harassment is posting intimate photos/videos or inappropriate messages about someone on social media or sharing them in other ways. Have you experienced anything like this from your ex-partner?”*

Coercive controlling violence

Coercive controlling violence is more likely than other forms of IPV to continue and to escalate after separation. Risk often increases after separation because the abuser feels a loss of control.

You might say: *“Coercive control is pattern of abusive behaviour that someone uses to control or dominate another person and cause them fear. It can involve any of the forms of abuse we have talked about today, but the goal is to intimidate and control the other person. Within an intimate relationship, a controlling partner often tries to use the children to assert control. For example, they might threaten to never let the victim see the children again if the victim leaves. Have you experienced anything like this with your ex-partner?”*

You can probe this with your client: *“Sometimes controlling behaviour is not seen as abusive by those experiencing it because the control is exerted on all areas of life. Were there situations with your ex-partner where you felt controlled or powerless?”*

If you need to probe further, you can ask: *“Some other examples of coercive control might include monitoring your phone calls or reading your texts or emails, preventing you from seeing others when you want to, or preventing you from seeking medical care or any type of health care for physical or emotional health needs. Have you experienced anything like that with your ex-partner?”*

You can also ask: *“Are you afraid of your ex-partner? Please explain what concerns you about their behaviour.”*

Failure to provide the necessities of life

Neglect is often thought of in terms of children’s needs, but your client may also experience neglect by their ex-partner. This form of abuse may be experienced more frequently by your clients who have a disability or other mental or physical health condition.

You can tell your client: *“Neglect is also abuse and involves not giving you what you need to survive, such as food, clothing, medical care, or shelter. Has your ex-partner withheld basic things you need, such as food or money?”*

If the client has a disability or other mental or physical health conditions, you can ask questions, such as:

- ▶ *“Has there been a situation when your ex-partner withheld basic care from you, such as assistance with bathing or dressing, taken away your mobility device (wheelchair, walker, etc.) or refused to give you medication?”*

Family violence and children

Children's experiences of family violence are highly relevant in the family law context, including both family violence directed at them and exposure to family violence in the home. Often, it is the impact of the violence on the children that prompts victims to take action.

Most children are aware of abuse going on in the home, even if their parents do not realize it. Children are harmed simply by being present in the home – whether or not they directly witness or experience family violence.

Violence directed at children

In addition to asking about family violence directed at the client, ask your client about abuse directed at their children. Remember to inform your client of any disclosure obligations you have regarding child abuse.

You can ask: *“Considering the types of behaviours we have talked about, would you say that your child(ren) have experienced abuse by your ex-partner or other family members? Can you tell me about it?”*

You can probe further: *“Some behaviours that might not be seen as abuse by some people could include keeping children in a room, basement or garage, or using locks or restraints to prevent them from getting out, being cruel to the family pet in front of the children, or undermining the children in other ways. Have any of these sorts of things happened to your children?”*

Children's exposure to violence

Children may be direct witnesses to IPV because they are in the room and see what is happening or are close enough to hear it. They may get in the way of the abuser during a physical assault or if they try to stop the abuse. Even when they are not direct witnesses, children can be exposed to and affected by family violence in the home. For example, they may see a parent's physical injuries, observe changes in a parent's behaviour, or know about police or child protection involvement with the family. See [Tab #5: Children's Experiences of Family Violence](#).

Although your client might not realize that the children can be affected by abuse they have not directly experienced, you should assume that they have been.

You can start by saying: *“Do you think that your children are aware of your partner's abusive behaviour toward you?”*

If the answer is “no” you might follow up with: *“Children can be affected by any abuse that is occurring in the home. For example, children may be direct witnesses to violence between their parents because they see it or hear it. Has your ex-partner ever engaged in abusive behaviours when your children have been in the house?”*

You can also say: *“Even when they are not direct witnesses, children are often aware of violence happening between their parents. For example, they can often tell when one parent is afraid of the other, no matter how hard that parent attempts to hide what is going on. They may see bruises or other injuries or notice changes in a parent’s behaviour, such as crying or anger, or they may know that police have come to the home. Do you think your children may have experienced anything like this?”*

Questions to follow after asking about specific forms of family violence

You can also ask the client whether there are any other ways in which they or their children have been harmed by their ex-partner that you have not asked them about:

- ▶ *“We have gone through a lot of questions together. Are there any ways in which you have been threatened, made to feel unsafe or hurt by your ex-partner that we haven’t discussed?”*
- ▶ *“What about ways your children may have been threatened or hurt by your ex-partner that we haven’t discussed?”*

2. Examples of different forms of family violence

Below is a list of examples of different forms of family violence that may help you explore your client’s experiences. The categories and the examples of behaviour in each category may overlap.

The specific types of family violence you ask about will depend on the responses from your client, along with other indicators you may observe. As noted above, not all examples below necessarily constitute family violence on their own but they may be part of a pattern of conduct that is family violence. Again, it is important to understand whether behaviour: 1) is violent; 2) is threatening; 3) forms a pattern of coercive or controlling behaviour; or 4) causes fear for safety.

The list of examples below is **not** meant to be a substitute for asking questions embedded in your client meetings or an exhaustive list of forms of family violence.

Examples of family violence

Physical abuse

- ▶ biting, scratching the client with their nails, using keys or other objects to hurt the client, throwing things at the client, or threatening any of these actions
- ▶ slapping, hitting, pulling the client's hair, pushing, kicking or twisting the client's arm, or threatening any of these actions
- ▶ pushing, shoving or dragging the client, or threatening any of these actions
- ▶ strangling, choking or holding the client down, or threatening any of these actions
- ▶ forcibly confining the client, for example by holding the client down or locking the client in a room, or threatening any of these actions

Sexual abuse

- ▶ pressuring or forcing the client to have sex or perform a particular sex act
- ▶ forcing the client to perform a degrading, humiliating or painful sex act
- ▶ forcing the client to watch pornography or to watch other people have sex or masturbate
- ▶ stopping the client from leaving the house or refusing to give the client money unless the client performs a sexual act
- ▶ forcing the client to have sex in a way that doesn't align with their gender identity
- ▶ unwanted sexual touching
- ▶ manipulation of birth control
- ▶ touching the client inappropriately when washing, bathing or dressing them (for clients with a disability)
- ▶ forcing public displays of affection in an area that is not 2SLGBTQ+ friendly to intimidate the client or to "out" them

Threats

- ▶ threatening to hurt or kill the client
- ▶ threatening to harm any children or take them away from the client
- ▶ threatening to hurt other people the client cares about
- ▶ threatening to hurt or kill themselves
- ▶ threatening the client in any other way
- ▶ threatening to harm animals or damage property
- ▶ threatening to "out" the client to their parents, children, other family members, friends, employers, faith communities, etc.
- ▶ threatening to report the client to immigration authorities or to law enforcement for receiving income under the table
- ▶ threatening the client with institutionalization

Psychological abuse

- ▶ humiliating the client or making the client feel bad about themselves
- ▶ constantly calling the client lazy, stupid, ugly or insulting the client in other ways (including using homo/bi/transphobic slurs or degrading language related to their disability)
- ▶ constantly criticizing personal appearance (e.g. weight, dress, hairstyle, makeup)
- ▶ posting or threatening to post intimate images of the client without the client's consent
- ▶ doing or saying things that make the client question their mental state or their memory (gaslighting)
- ▶ publically shaming the choices the client made or was forced to make in their previous country of residence (e.g. forced prostitution, choice of employment, forced marriage)

Financial abuse

- ▶ trying to control or controlling the client's finances and money (including disability income cheques)
- ▶ preventing the client from working or forcing the client to work
- ▶ controlling access to the client's bank account, income or benefits
- ▶ controlling how the client spends money
- ▶ incurring credit card debts in the client's name
- ▶ controlling ownership of property (real and personal) (e.g. it has to be in partner's name alone)
- ▶ committing fraud against the client and/or in the client's name

Harassment and stalking

- ▶ harassing the client or making the client feel scared or intimidated by contacting the client, following the client, or monitoring the client's activities
- ▶ constant or unwanted calling, emailing, texting or messaging
- ▶ following the client when the client goes out
- ▶ watching the client's home or workplace
- ▶ monitoring the client through apps or video cameras or GPS trackers
- ▶ posting intimate photos/videos or inappropriate messages about the client on social media

Coercive and controlling behaviour

- ▶ trying to control the client or to force the client to do things they don't want to do
- ▶ preventing the client from working or forcing the client to work
- ▶ preventing the client from practising the client's religion, spiritual beliefs or culture (e.g. using religion to justify behaviour, stopping them from participating in community events and ceremonies, or preventing them from seeing an Elder)
- ▶ withholding money for basic necessities, such as food, medication or clothes, until the client does something the ex-partner wants them to do
- ▶ preventing or interfering with the client's ability to see friends and family
- ▶ controlling what the client wears
- ▶ threatening to turn the client's child(ren) against the client if the client doesn't do what they want
- ▶ refusing to comply with parenting orders unless the client does what they want
- ▶ questioning the client's child(ren) about the client's activities
- ▶ using the client's child(ren) to communicate abusive messages to the client
- ▶ physically isolating the client in a rural location
- ▶ controlling the client's use of the phone or taking the client's phone with them
- ▶ controlling access to important documentation, including immigration or sponsorship papers
- ▶ forcing power of attorney and substitute decision-making arrangements against their will (if the client has a disability)

Failure to provide the necessities of life

- ▶ withholding money for basic necessities, such as food and clothing
- ▶ failing to provide fuel for heating the home
- ▶ withholding medication or hormones for gender transition
- ▶ withholding basic care if the client has a disability (e.g. not assisting with personal care, not keeping mobility device charged, forcing them to live in an inaccessible setting)

Child(ren)'s experiences of IPV

- ▶ being in the home when violence occurred
- ▶ being aware of the violence
- ▶ seeing physical injuries (e.g. bruises, cuts) on client
- ▶ being present when the ex-partner physically hurts the client
- ▶ being present when the ex-partner verbally berates the client (e.g. calling them names, criticizing their parenting abilities)
- ▶ witnessing threats or harassing behaviour
- ▶ seeing social media posts about the other parent
- ▶ witnessing police or paramedics come to home
- ▶ being injured during an assault by one parent against the other

Direct child abuse

- ▶ physically hurting any child in the family
- ▶ sexually touching any child in the family or forcing them to engage in a sexual activity
- ▶ shaking, pushing, grabbing, throwing, hitting, punching, kicking, choking, strangling, burning or excessively restraining any child in the family
- ▶ failing to keep any child in the family safe
- ▶ failing to provide basic necessities, such as food, clothing, education and medical care
- ▶ being consistently hostile to any child in the family or frequently insulting them
- ▶ refusing to send children to school
- ▶ refusing to allow any child in the family to participate in activities
- ▶ denying a child's reality by saying "I didn't say that, I didn't do that"
- ▶ keeping a child in a room, basement or garage with locks or restraints to prevent them from getting out
- ▶ being cruel to the family pet in front of a child

Violence toward animals or property

- ▶ threatening to hurt or kill pets or other animals, including farm animals
- ▶ threatening to harm or destroy the client's property or belongings

Harm to animals or damage to property

- ▶ harming or killing pets or other animals, including farm animals
- ▶ damaging or destroying the client's property or belongings