

Domestic violence in Ontario: End of the beginning part two | Michael Cochrane

By **Michael Cochrane**

Law360 Canada (January 22, 2025, 1:08 PM EST) -- In the previous four columns I have tried to look at the scourge of domestic violence from some unusual angles, considered it an economic problem for families and society, scrutinized some ill-conceived proposed solutions and pondered ways in which we might prevent it from infecting relationships to begin with.

What if we made it more challenging to get married and qualify for the tax benefits of marriage than simply filling out an application for a licence and forking over \$75. What if we steeped young people in relationship red flags so they know when to run away from trouble.



Michael Cochrane

What ifs.

In two books that I wrote some time ago dealing with marriage contracts and cohabitation agreements (*Do We Need a Marriage Contract? Understanding How a Legal Agreement Can Strengthen Your Life Together* (Wiley) and *Do We Need A Cohabitation Agreement?* (Wiley)) I included chapters about due diligence and relationship building. The due diligence advice was intended to make couples ask each other for complete disclosure so they would be going into the relationship with eyes wide open. Did they know everything about each others health? Finances? Criminal past?

Someone might think twice about marrying a person who has serious health problems, a track record of financial mismanagement and yes, even a criminal record. I recount the tale of the couple who married and had kids. They really wanted to go to Disney in Florida but dad always had an excuse for why it couldn't happen. Mom finally learned that the fellow she'd married had multiple convictions for a variety of criminal offences and could never cross the US border. It hurt the marriage.

So, the reasoning goes — eyes wide open at the outset means fewer problems later.

The relationship building chapter on the other hand takes couples through some basic questions:

1. Do you know what makes up a mature relationship? (I identify what I consider 10 fundamentals.) Most people stumble through a list that includes things like uh, honesty? Financial security? These days love is not enough.
2. Do you have realistic expectations about some of the hard times that can come down the road during a marriage? (Your wife's being deported. Your husband was just fired because he had child porn on his office computer. You're losing your home because of an unexpected bankruptcy. Tough stuff.) Most people don't expect anything bad to happen to them. But it does.
3. Do you have good problem-solving skills that will help you deal with reality when it slams into your relationship? Is your marriage going to break an axle the first time it hits a pothole? This one really stumps people. They say things like "we'll talk it out... be honest..." Unfortunately it's a little more involved than that. These days couples need to have genuine problem-solving skills. Again, I set out 10 elements, including correctly naming the problem faced, tracing how the problem arose, timelines they may face, whether there are alternative ways to solve the problem, what are the pros and cons

of each proposed solution and so on. But we don't offer any such training to support people as they enter intimate relationships.

Which brings me to, of all places, Alabama. Out of 50 U.S. states Alabama's education system ranks 45th in academic achievement and 47th in school safety. (There's a saying in Alabama — "Thank God for Mississippi.")

Yet Alabama has had the foresight to bring forth a new requirement that high school students must complete a course in non-violent conflict resolution, understand the consequences of violent behaviour, learn peer mediation skills, and among other things, develop responsible decision-making before they can graduate. One of the worst states in the U.S. for education is going to have that kind of skills development for its young people. Bravo.

What if every Canadian high school student had training in conflict resolution and problem-solving skills not just for the benefit of their future relationships but for life in general. That's one way we can build a civil society and reduce the likelihood of domestic violence at the same time.

What if.

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