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Consultation Request

From: Ministry of the Attorney General (Court Services Division)

Date: April 15, 2026

Subject: Consultation on Improving Information-Sharing Between Criminal and Family Courts

Purpose of consultation

Victims of intimate partner violence (IPV) may find themselves navigating both the family and criminal court systems simultaneously. Currently, minimal information is shared between the two court systems. As a result, victims may be required to attend multiple proceedings in different courts pertaining to the same or related issues, the different courts may issue inconsistent orders, and there may be gaps in protection.

This consultation seeks input from justice stakeholders on potential options to improve the sharing of information between family and criminal courts. The input will help the Ministry of the Attorney General to better understand the complex legal, privacy and operational issues that could arise if information-sharing between family and criminal courts were to be enhanced.¹

The overall goal of this work is to explore how information-sharing can support criminal and family courts to make the most informed decisions, avoid conflicting orders, and enhance victim safety.

Executive summary

¹ The scope of this paper is limited to exploring information-sharing between criminal and family courts. While the ministry recognizes that family violence may engage the child protection system in addition to the criminal and family systems, consideration of these issues is beyond the current scope of this paper. The issue may, however, be considered in the future.

To explore options for information-sharing between family and criminal courts, a jurisdictional scan was conducted and identified the following categories of practices:

i. One family-one judge models

This model involves the coordination of eligible criminal and family proceedings affecting the same family to be heard by a single judge. This model may be supported by other information-sharing processes, such as support from court coordinators and access to information technology (IT) tools.

ii. Direct judicial communication

This model involves direct information-sharing between courts where a family is involved in multiple proceedings which are not heard within a one family-one judge model. Information-sharing practices may be established by legislation, local court rules, and other local court procedures.

iii. Court coordinator models

In this model, family and criminal matters are still heard in separate courts, but the proceedings are supported by a court coordinator. Responsibilities of a court coordinator can include identifying related proceedings, collecting information and/or orders, and sharing relevant information to judges.

iv. Information technology models

Numerous jurisdictions have introduced IT solutions for information-sharing in the form of databases. The scope of these solutions ranges from systems that scan and match potentially related cases, systems that include case information from different justice sectors, and systems that contain protection orders to assist law enforcement.

Request for input and timeline

We kindly ask for your review of **Part 1: Promising practices from other jurisdictions** to provide responses to the questions in **Part 2: Consultation questions**. Background information about intimate partner violence is provided in **Appendix A – Current context**.

We are requesting your responses to be provided by April 30, 2026. For any inquiries, please contact Maretta Miranda, Counsel, at maretta.miranda@ontario.ca.

Table of Contents

Part 1: Promising practices from other jurisdictions.....	4
i. One family-one judge models.....	4
ii. Direct judicial communication	5
iii. Court coordinator models.....	8
iv. IT solutions.....	10
Part 2: Consultation questions	12
Appendices	14
Appendix A – Current context.....	14
Intimate Partner Violence.....	14
Current legal protections for family violence	14
Challenges with inadequate information-sharing between courts	16
Current approaches and ongoing challenges.....	18
Appendix B1 – New Zealand <i>Family Court Rules 2002</i>	20
Appendix B2 – New Zealand <i>Criminal Procedure (Transfer of Information)</i> <i>Regulations 2013</i>	23
Appendix B3 – New Zealand <i>Family Violence Act 2018</i>	25
Appendix C1 – California Rules of Court	26
Appendix C2 – Superior Court of California, County of Butte Rules	28
Appendix C3 – Superior Court of California, County of Fresno Local Rules.....	30

Part 1: Promising practices from other jurisdictions

To explore options for information-sharing between family and criminal courts, a jurisdictional scan was conducted and identified the following categories of practices:

- i. One family-one judge models;
- ii. Direct judicial communication;
- iii. Court coordinator models; and
- iv. Information technology models.

i. One family-one judge models

One family-one judge models involve coordination of eligible criminal and family proceedings affecting the same family, with generally a single judge assigned to hear all the related cases involving the same family.² This model provides the benefits of more informed judicial decision-making as the assigned judge would have more information about the issues affecting the family. This model also helps avoid the issuance of conflicting orders and supports more efficient use of court resources, reducing burdens on families navigating the court system. Examples of jurisdictions that have implemented a one family-one judge model include Ontario³, Idaho⁴, and New York State⁵.

The Ontario Integrated Domestic Violence Court (IDVC) is a specialized court of the Ontario Court of Justice which allows one judge to hear a family matter and a criminal matter at the same time if certain criteria are met.⁶ The Ontario IDVC is the first and only one of its kind in Canada and operates in Toronto.⁷ For family matters, the IDVC will hold case conferences, hear motions, and may conduct short trials; for criminal matters, the IDVC will hear bail variation applications, conduct pre-trial meetings, accept guilty pleas, and may conduct trials.⁸ While the establishment of the IDVC is an important

² In the Idaho Domestic Violence (DV) Court model, the Policies and Procedures recommends that if a single DV Court judge is unable to preside over all the related cases, the judge should have access to information concerning all related cases and consult with the other judges assigned to hear the related cases: State of Idaho Judicial Branch, “Idaho Domestic Violence Court Policies and Procedures” (October 2022) at 12, online (pdf):

<https://isc.idaho.gov/dv_courts/DVCPoliciesProcedures_Approved_Oct2022.pdf> [State of Idaho, “Idaho Domestic Violence Court Policies and Procedures”].

³ Ontario Court of Justice, “Specialized Courts of the Ontario Courts of Justice”, online: <<https://www.ontariocourts.ca/ocj/criminal-court/specialized-courts-of-the-ontario-courts-of-justice/>> [Ontario Court of Justice, “Specialized Courts of the Ontario Courts of Justice”].

⁴ State of Idaho Judicial Branch, “Domestic Violence Courts”, online: <<https://isc.idaho.gov/domestic-violence/dvc-home>>.

⁵ New York State Unified Court System, “Domestic Violence (DV) & Integrated Domestic Violence (IDV) Courts”, online: <<https://ww2.nycourts.gov/Admin/OPP/dv-idv/index.shtml>>; New York State Unified Court System, “FAQ’s - IDV Court”, online: <<https://ww2.nycourts.gov/courts/6jd/Broome/idv/faqs.shtml>>.

⁶ Ontario Court of Justice, “Specialized Courts of the Ontario Courts of Justice”, *supra* note 3.

⁷ *Ibid.*

⁸ *Ibid.*

initiative, given that the IDVC currently operates in Toronto only, the scope of the court is geographically limited.⁹

Other jurisdictions demonstrate how the one family-one judge model can be also supplemented with other information-sharing processes, such as support from court coordinators and access to IT tools:

- **New York, USA:** At the New York Integrated Domestic Violence (IDV) Court, the IDV Coordinator and other designated personnel are responsible for identifying eligible cases by checking relevant databases.¹⁰ If a case is transferred to the IDV Court, an IDV case file is created for each family to include all of the family's related cases.¹¹
- **Idaho, USA:** In the Idaho Domestic Violence (DV) Court, authorized court personnel (including deputy clerks and DV Court Coordinators) are responsible for advising the judge about related criminal or civil cases, including issued orders and administrative information, and linking related cases in the Idaho Courts Case Management System (Odyssey).¹² The DV Court judge also has access to the criminal histories of the parties available through the Idaho Courts Case Management System (Odyssey), the Statewide Portal (iCourt), and NCIC (National Crime Information Center).¹³

ii. Direct judicial communication

Direct communication between courts facilitates information-sharing where there are multiple proceedings involving the same family that are not heard within a “one family-one judge” model. Examples of this type of model include legislation facilitating information-sharing where there are certain types of concurrent proceedings, local court rules addressing the coordination of multiple proceedings or orders, and other local court procedures for coordination between judges. There may be overlap with court coordinator models where designated court staff are involved in facilitating the communications.

⁹ It is important to note that there may be some smaller court locations in Ontario with judges who hear both criminal and family matters (colloquially referred to as “two-hatter” judges). In those sites, judges hear both criminal matters and family matters involving the same parties. While the processes within these courts are not as streamlined as with the IDVC, the end result is greater information-sharing and coordination of multiple proceedings.

¹⁰ Databases include the IDV Automated Case Identification System (ACIS) application, the Domestic Violence Registry, the Universal Case Management System (UCMS), Criminal Record Information System (CRIS), the Sex Offender Registry, the IDV Court application and Civil Computer Information System (CCIS) for matrimonial matters: State of New York Supreme Court, “Integrated Domestic Violence Court - Protocols for Sustainability 2021” at 2, 4-5, online (pdf):

<<https://www.nycourts.gov/legacyPDFS/Admin/OPP/IDV-protocol.pdf>> [State of New York Supreme Court, “Protocols for Sustainability”].

¹¹ *Ibid* at 7.

¹² State of Idaho, “Idaho Domestic Violence Court Policies and Procedures”, *supra* note 2 at 10.

¹³ *Ibid* at 11.

The focus is not on the merits of the proceedings, but on the process that each is following. Judicial communications must be conducted in a manner which affords procedural fairness to all parties, particularly the accused in the criminal justice system.

The objective of direct judicial communication is to provide for enhanced coordination and therefore better outcomes for families and to provide a more consistent approach to safety and risk assessment.

Legislation directly setting out information-sharing requirements

In Canada, the *Divorce Act* was amended in 2021, to introduce new duties on the court. Pursuant to section 7.8(2) of the *Divorce Act*, a court has a duty to consider if any of the following are pending or in effect, unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so:

- (a) a civil protection order or a proceeding in relation to such an order;
- (b) a child protection order, proceeding, agreement or measure; or
- (c) an order, proceeding, undertaking or recognizance in relation to any matter of a criminal nature.

The purpose of this section, as outlined in section 7.8(1), is two-fold: to facilitate the identification of orders that may conflict with any orders made under the *Divorce Act* and the coordination of proceedings.

The *Moving Ontario Family Law Forward Act, 2020* introduced amendments to the *Family Law Act* and the *Children's Law Reform Act* to mirror amendments made to the *Divorce Act*, including imposing similar duties on the court.¹⁴

In New Zealand, a number of legislative tools directly provide for information-sharing between criminal and family courts:

- The *Family Court Rules* provide that if a respondent to an application for a protection order or a party to certain types of applications has been involved in a criminal proceeding, the *Criminal Procedure (Transfer of Information) Regulations 2013* may apply, such that information about that individual's offending will be available to the family court.¹⁵
- A criminal court registrar may obtain information about a defendant's concurrent family violence or child protection proceeding, and if such information is obtained, it must be made available to the criminal court.¹⁶

¹⁴ See s. 47.4 of the *Family Law Act* and s. 33.3 of the *Children's Law Reform Act*.

¹⁵ *Family Court Rules 2002* (NZ), SR 2002/261, Rules 316A, 416HB [New Zealand *Family Court Rules 2002*]; *Criminal Procedure (Transfer of Information) Regulations 2013* (NZ), SR 2013/177, ss 6A, 7A. See Appendices B1-B2 for the full text of these provisions.

¹⁶ New Zealand *Family Court Rules 2002*, *supra* note 13, Rules 432, 432A. See Appendix B1 for the full text of these provisions.

- If a protection order is issued pursuant to the *Family Violence Act 2018*, a copy of the order will be provided to the family court nearest to the residence of the person for whose safety the police safety order and temporary protection order were issued. Upon receipt of a copy of an order, the family court registrar must enter the order in the family court records.¹⁷

Local court rules setting out information-sharing practices

In Ontario, pursuant to the *Family Law Rules*, parties to a parenting case have a positive obligation to disclose any outstanding criminal/civil orders as part of Form 35.1: Affidavit (decision-making responsibility, parenting time, contact). In Form 35.1, the parent seeking an order for decision-making responsibility, parenting time or contact, is asked to provide information about other family, civil, criminal and child protection orders/hearings.¹⁸

Rule 5.445(c) of the *California Rules of Court* states that every superior court must adopt local rules setting out a procedure for communication among courts issuing criminal court protective orders and courts issuing orders involving child custody and visitation.¹⁹

Appendices C2-C3 include excerpts of Superior Court of California local court rules. Some examples of provisions to address communication between criminal and family courts include:

- Court duties to inquire about related cases, counsel and self-represented party duties to inform the court about related cases, and prosecutor duties to investigate and inform the court of any related cases.
- When a court becomes aware of a related case, the court must notify the appropriate courts about the related cases. This notification may be through a court coordinator or other designated court staff.
- If a court order is made in one case, the order shall be sent to the appropriate courts for the related cases.
- Specifying which order takes precedence if a conflicting order is made.

¹⁷ *Family Violence Act 2018* (NZ), 2018 No 46, s 53. See Appendix B3 for the full text of these provisions.

¹⁸ *O Reg 114/99*, s 35.1. Form 35.1 is available here: Ontario Court Forms, “Family Law Rules Forms”, online: <<https://ontariocourtforms.on.ca/en/family-law-rules-forms/>>.

¹⁹ *California Rules of Court*, Title Five, Family and Juvenile Rules, Rule 5.445(c). See Appendix C1 for the full text of these provisions.

Other local court procedures

Some jurisdictions have noted that local information-sharing procedures have been implemented or are in the process of being developed, but with limited publicly available information as to the details of such procedures:

- **Illinois, USA:** The Winnebago County Domestic Violence Coordinated Courts (DVCC) is comprised of a dedicated criminal and civil court which hear all intimate partner-related criminal and civil cases.²⁰ While specialized procedures have been implemented to reduce conflicting orders affecting the same litigants and/or family and to coordinate cases involving the same parties between judges²¹, further information about these procedures was not identified.
- **Australia:** The *Family Violence and Child Protection Systems* (“National Framework”) supports two-way information exchange between the family law courts with the state and territory courts, child protection, policing, and firearms agencies by setting out the parties, principles, and high-level processes for such information-sharing.²² While the National Framework notes that processes to support requests for information between the courts will be developed based on existing processes and legislative frameworks²³, further information about these processes was not identified.

iii. Court coordinator models

A court coordinator model is where family and criminal matters are still heard in the respective courts by different judges, but the proceedings, evidence, and related services are supported by a court coordinator. The responsibilities of a court coordinator can include identifying related proceedings, collecting information and/or orders from related proceedings, and sharing relevant information to judges.

Examples of court coordinator models in different jurisdictions include:

- **British Columbia, Canada:** In May 2024, the Government of British Columbia implemented an independent systemic review of the BC legal system’s treatment of sexual violence and intimate partner violence (“the Review”). In the resulting report, it was recommended that British Columbia’s Ministry of Attorney General and courts work together (in consultation with relevant experts and practitioners) to create a Court Coordinator role to gather and manage information across

²⁰ 17th Judicial Circuit Court - Winnebago County and Boone County, “Domestic Violence Coordinated Courts”, online: <<https://illinois17th.com/public-info/domestic-violence-coordinated-courts>>.

²¹ Center for Justice Innovation, “Winnebago County Domestic Violence Coordinated Court”, online (pdf): <https://www.innovatingjustice.org/wp-content/uploads/2017/12/CJI_DVMC_FactSheet_Winnebago_06042025.pdf>.

²² Australian Government, “National Strategic Framework for Information Sharing between the Family Law and Family Violence and Child Protection Systems” (updated 18 May 2023) at 1, online (pdf): <<https://www.ag.gov.au/families-and-marriage/publications/national-strategic-framework-information-sharing-between-family-law-and-family-violence-and-child-protection-systems>>.

²³ *Ibid* at 5.

different legal systems.²⁴ This report adopted the recommendations as suggested in the 2020 Quebec Report²⁵ including the development of guidelines for consistent information-sharing and case coordination measures to streamline court processes including sharing publicly available documents (such as court orders that relate to the same parties subject to privacy and safety concerns).²⁶

- **New Brunswick, Canada:** The Moncton Domestic Violence Court is a provincial court dealing solely with criminal matters.²⁷ The court coordinator consults the family court information system on a weekly basis to cross-reference potential overlapping domestic violence cases which are scheduled to appear in Domestic Violence Court.²⁸ To prevent conflicting court orders, the court coordinator shares information about existing orders between the criminal and family divisions.²⁹
- **Florida, USA:** The Miami-Dade County Domestic Violence (DV) Court has concurrent jurisdiction over civil injunction/orders for protection, criminal misdemeanors involving domestic violence, and injunction violation cases.³⁰ If a family is identified by the DV clerk or DV case management as having other related cases in the Family and/or Juvenile divisions, the family will be transferred to those other division judges.³¹ For civil injunction/orders for protection cases, judges will have an assigned case manager who collects and provides relevant information including ad litem reports, batterers intervention program compliance, child welfare agency reports, and any pending motions in the case.³²
- **Ohio, USA:** The Cuyahoga County Domestic Relations Court, Domestic Violence Department hears domestic violence civil protection cases.³³ As Ohio is

²⁴ *Independent Systemic Review: The British Columbia Legal System's Treatment of Intimate Partner Violence and Sexual Violence, Final Report* of Dr. Kim Stanton, June 2025.

²⁵ <https://www.quebec.ca/justice-et-etat-civil/systeme-judiciaire/processus-judiciaire/tribunal-specialise-violence-sexuelle-violence-conjugale/rapport> ("the Quebec Report"). See the English language summary of the Québec Report: <https://cdn-contenu.quebec.ca/cdn-contenu/adm/org/SCF/publications/violences/Synthese-Rapport-Rebatir-confiance-VA.pdf>.

²⁶ *Ibid*, Recommendation 154.

²⁷ Department of Justice Canada, *Programming Responses for Intimate Partner Violence* (Ottawa: Department of Justice, 2016) at 29-30, online (pdf): <<https://www.justice.gc.ca/eng/rp-pr/jr/ipv-vpi/ipv-vpi.pdf>> [Justice Canada, *Programming Responses for Intimate Partner Violence*].

²⁸ Department of Justice Canada, *Making the Links in Family Violence Cases: Collaboration among the Family, Child Protection and Criminal Justice Systems - Report of the Federal-Provincial-Territorial (FPT) Ad Hoc Working Group on Family Violence* (Ottawa: Department of Justice, 2013) at 81, online (pdf): <<https://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/mlfvc-elcvf/mlfvc-elcvf.pdf>> [Justice Canada, *Making the Links in Family Violence Cases*].

²⁹ Justice Canada, *Programming Responses for Intimate Partner Violence*, *supra* note 21 at 30.

³⁰ Center for Justice Innovation, "Miami-Dade County Domestic Violence Court" at 1-2, online (pdf): <<https://www.innovatingjustice.org/wp-content/uploads/2017/12/miami-dade.pdf>> [Center for Justice Innovation, "Miami-Dade County Domestic Violence Court"].

³¹ *Ibid* at 2.

³² *Ibid* at 3.

³³ Center for Justice Innovation, "Cuyahoga County Domestic Relations Court, Domestic Violence Department" at 3, online (pdf): <<https://www.innovatingjustice.org/wp-content/uploads/2017/12/cuyahoga.pdf>>.

not a unified court state, protocols were developed with each court in the county to identify points of contact and to check internal databases for any other civil or criminal orders affecting the family.³⁴ Information is gathered by Domestic Relations Court Staff and shared with the hearing officers as part of the court paperwork.³⁵

Oklahoma, USA: The Tulsa County Domestic Violence (DV) Court is a criminal domestic violence court that coordinates with Protective Order and Family Court to increase victim safety and offender compliance.³⁶ In order to reduce the risk of conflicting court orders, DV Court staff track any co-existing cases involving DV Court litigants and inform all judges about their status and resolution.³⁷

iv. IT solutions

Numerous jurisdictions have introduced IT solutions to enhance information-sharing in the form of databases. These range from systems that match potentially related cases, systems that integrate case information from different justice sectors, and systems designated for protection orders to assist their enforcement.

- **Systematic case matching:** At the New York State Integrated Domestic Violence (IDV) Court, the Automatic Case Identification System (ACIS) reads and matches cases from the criminal and family law databases on a daily basis, and the information is used by the IDV Coordinator to cross-reference other databases and identify IDV-eligible cases.³⁸ When a match is confirmed, a family number is assigned to track the family for the purpose of all proceedings.³⁹
- **Integrated case database:** Missouri⁴⁰ and Florida⁴¹ are examples of jurisdictions which have implemented an integrated database for criminal and family court

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ Tulsa County District Court, “Integrated Domestic Violence Court”, online: <https://www.tulsacountydistrictcourt.org/accountability_courts.html>.

³⁷ *Ibid.*

³⁸ Justice Canada, *Making the Links in Family Violence Cases*, *supra* note 22 at 83; New York Supreme Court, “Protocols for Sustainability”, *supra* note 9 at 4-5.

³⁹ *Ibid.*

⁴⁰ In Missouri, the St. Louis County Domestic Violence (DV) Court centralizes the handling of civil Order of Protection domestic violence cases between current or former intimate partners. The Missouri Case Net system allows court staff to access state-wide court information on open/pending domestic, juvenile, and criminal court cases that may be related to the current case parties: Center for Justice Innovation, “St. Louis County Domestic Violence Court” at 1-3, online (pdf): <https://www.innovatingjustice.org/wp-content/uploads/2017/12/CJI_DVMC_FactSheet_StLouis_06042025.pdf>.

⁴¹ In Florida, the Miami-Dade County Domestic Violence Court has concurrent jurisdiction over civil injunction/orders for protection, criminal misdemeanors involving domestic violence, and injunction violation cases. Once a case is processed, the network database searches for all pending or connected civil, family, juvenile and misdemeanor criminal court cases, and this information is included in the petition for the injunction. Judges also have access to civil injunction/order for protection and criminal

cases, allowing court staff to search for cases that may be related to specific parties. In 2013, New Brunswick was reported to be exploring the feasibility of integrating NOTA, the electronic court case management system for the Court of King's Bench, with the existing criminal court database to enable staff to conduct manual searches and cross-reference connected cases.⁴² Further information about NOTA was not identified.

- **Protection order database:** In British Columbia, the Protection Order Registry (POR) is a confidential database containing all protection orders issued in the province, including family law protection orders and *Criminal Code* peace bonds or bail conditions.⁴³ While the POR does not facilitate direct information-sharing between family and criminal courts, it supports the enforcement of civil and criminal protection orders and can be a valuable tool to assist police in investigations and Reports to Crown Counsel.⁴⁴

Additionally, the Ministry of the Attorney General has partnered with the Ontario Superior Court of Justice (SCJ) and the Ontario Court of Justice (OCJ) to procure and implement a new digital justice solution.⁴⁵ The Courts Digital Transformation (CDT) initiative is part of Ontario's Justice Accelerated Strategy⁴⁶ that will modernize and consolidate the technology of the SCJ and the OCJ. This initiative will replace most legacy technology, increase standardization of processes, and achieve integration of systems between courts for all lines of business. The court case management system will include the capability to conduct separate searches for family cases and criminal cases and to link related cases together.

misdemeanor cases through online and file-based case information management systems: Center for Justice Innovation, "Miami-Dade County Domestic Violence Court", *supra* note 24 at 1-3.

⁴² Justice Canada, *Making the Links in Family Violence Cases*, *supra* note 22 at 82.

⁴³ British Columbia, "What is the Protection Order Registry?" (updated 20 February 2025), online: <<https://www2.gov.bc.ca/gov/content/life-events/divorce/family-justice/keeping-your-family-safe/protection-order-registry>>.

⁴⁴ Justice Canada, *Making the Links in Family Violence Cases*, *supra* note 22 at 71-72.

⁴⁵ Ontario Newsroom, "Ontario Investing in Digital Justice Platform" (18 July 2023), online: <<https://news.ontario.ca/en/release/1003292/ontario-investing-in-digital-justice-platform>>.

⁴⁶ Ontario Newsroom, "Ontario Unveils Plans to Accelerate Access to the Justice System" (11 March 2021), online: <<https://news.ontario.ca/en/release/60641/ontario-unveils-plans-to-accelerate-access-to-the-justice-system>>.

Part 2: Consultation questions

1. Do you often encounter families navigating criminal court and family court proceedings simultaneously?
2. In your view, do current practices (e.g., pursuant to the rules and duties set out in family law legislation, the *Criminal Code*, the *Canadian Charter of Rights and Freedoms*, common law, etc.) sufficiently facilitate information-sharing?
3. What do you perceive as barriers to information-sharing?
4. If, in your view, current information-sharing practices are not sufficient, what additional information would be helpful to litigants in navigating between the criminal and family courts?
5. At what stage of the criminal justice proceedings would it be most beneficial to share information and why?
6. What type of information would you recommend being shared at these various points in the criminal justice proceedings?
7. Among the four categories of information-sharing models, which would:
 - a. Facilitate the most comprehensive communications between criminal and family courts?
 - b. Be most feasible to integrate into existing processes and roles within the court?
 - c. Ensure that the presumption of innocence is protected.
8. Are there concerns as to potential impacts on judicial independence? Is there a defined scope of information that could be shared between the courts that would reduce the concerns regarding judicial independence?
9. Are there concerns as to potential impacts of prejudice to the accused person in a criminal proceeding? Is there a defined scope of family court information that could be shared with the criminal court that would not prejudice the accused person?
10. What safeguards could be put in place to uphold the principles of fairness, natural justice and to protect the presumption of innocence?
11. We are aware of the challenges faced by “cross-over youth” – i.e., children and youth who start off in the child protection system and end up in the youth criminal justice system.
 - a. Would greater information-sharing between the child protection and youth criminal justice court systems assist children and youth in these cases?

- b. If so, what information could be shared, at what point in the proceedings should it be shared, and in general, by what process could it be shared?
12. What safeguards, specific for cross-over youth, could be put in place to uphold the principles of fairness, natural justice and to protect the presumption of innocence?

Thank you in advance for any input you may provide. Your advice and input will help inform decisions about if and how the Ministry may proceed with a proposal to enhance information-sharing between family and criminal courts.

Appendices

Appendix A – Current context

Intimate Partner Violence

While family violence⁴⁷ can take many forms, such as intimate partner violence, child abuse and neglect, and elder abuse,⁴⁸ this paper will focus primarily on intimate partner violence, including violence by both current and former spouses and partners. This paper includes references to “domestic violence” where this term is used in the names of particular courts, policies/programs, or laws.

While intimate partner violence impacts people of all genders, ages and socioeconomic, racial, educational, ethnic, religious and cultural backgrounds, women are overrepresented among victims, and this type of violence is most often perpetrated by men.⁴⁹ Police-reported data in Canada indicate that in 2022, 78% of victims/survivors of IPV were women and girls, and girls accounted for 63% of child and youth victims of family violence.⁵⁰ Between 2011 and 2021, two thirds of gender-related homicides of women and girls in Canada were perpetrated by an intimate partner.⁵¹ Additionally, Indigenous women are particularly overrepresented among victims of IPV, with the 2021 rate of gender-related homicide of Indigenous victims more than triple the rate gender-related homicides of women and girls overall.⁵²

Current legal protections for family violence⁵³

The *Criminal Code* does not include a specific offence of family violence but does include offences that may encompass acts of family violence, such as offences related to physical and sexual violence (e.g., assault, sexual assault, etc.); offences related to the administration of justice (e.g., a breach of recognizance/peace bond, failure to

⁴⁷ Family violence is any violent or threatening behaviour by an individual against a family member, including someone with whom they had or have an intimate relationship, that is part of a pattern of coercive and controlling behaviour, or that causes the other family member to fear for their own safety or for the safety of someone else: Ministry of the Attorney General, “Violence in the family” (updated 01 November 2024), online: <<https://www.ontario.ca/page/violence-family>>; Department of Justice Canada, “About Family Violence” (updated 17 May 2024), online: <<https://www.justice.gc.ca/eng/cj-jp/fv-vf/about-apropos.html>>.

⁴⁸ *Ibid.*

⁴⁹ Government of Canada – Women and Gender Equality Canada, “Intimate partner violence” (updated 09 January 2025), online: <<https://www.canada.ca/en/women-gender-equality/gender-based-violence/intimate-partner-violence.html>> [Women and Gender Equality Canada, “Intimate partner violence”].

⁵⁰ *Ibid.*; Statistics Canada, “Trends in police-reported family violence and intimate partner violence in Canada, 2022” (updated 21 November 2023), online: <<https://www150.statcan.gc.ca/n1/daily-quotidien/231121/dq231121b-eng.htm>>.

⁵¹ Women and Gender Equality Canada, “Intimate partner violence”, *supra* note 43.

⁵² *Ibid.*

⁵³ This section refers to “family violence” since family violence encompasses intimate partner violence and the protections discussed are not restricted to situations of IPV (i.e., they may protect children as well).

comply with a condition of an undertaking); and other offences of emotional, psychological or financial abuse (e.g., threats, criminal harassment, theft, etc.).⁵⁴

The *Criminal Code* also includes provisions to protect victims in different ways. In determining the issue of bail, the Court must consider any relevant factors, including whether the accused person is charged with an offence where violence was used, threatened, or attempted against their intimate partner.⁵⁵ The *Criminal Code* creates a “reverse onus” provision when the accused person is charged with an offence in which violence was allegedly used, threatened or attempted against their intimate partner, and the accused has been previously convicted or discharged of an intimate partner violence offence (use, threat or attempt). In these “reverse onus” circumstances, the accused person shall be detained in custody unless they show cause why their detention in custody is not justified.⁵⁶

The Court may also impose victim safeguards when determining bail, including but not limited to conditions prohibiting contact or communication with victims and/or witnesses, and a condition prohibiting the possession of weapons.⁵⁷

The *Criminal Code* also has provisions authorizing the Court to impose preventative orders (recognizances) based on fear in certain circumstances, including but not limited to circumstances where a person fears that another person will cause personal injury to them or to their intimate partner or child, or will damage their property, or will share an intimate image or video without consent.⁵⁸ A preventative recognizance can also be ordered by the Court in circumstances where there is fear of domestic violence.⁵⁹

In addition, there are sentencing provisions in the *Criminal Code* that are specific to offences against vulnerable persons (including but not limited to children) and offences of intimate partner violence. For example, when the Court imposes a sentence for the abuse of a person under the age of eighteen years or a person who is vulnerable because of personal circumstances (including because the person is Aboriginal and female), the Court must give primary consideration to the objectives of denunciation and deterrence.⁶⁰ Section 718.2 provides, among other sentencing principles, that evidence that the offender, in committing the offence, abused the offender’s intimate partner or a member of the victim or the offender’s family, shall be deemed to be an aggravating circumstance at sentencing.⁶¹

Provincial and territorial civil statutes also provide protections to victims of family violence, which may complement the protections in the *Criminal Code*. A family court

⁵⁴ A list of offences organized by category is available at: Government of Canada – Department of Justice, “Family Violence Laws” (updated 17 May 2024), online: <<https://www.justice.gc.ca/eng/cj-jp/fv-vf/laws-lois.html>>.

⁵⁵ *Criminal Code*, RSC 1985, c C-46, s 515(3)(a) [*Criminal Code*].

⁵⁶ *Ibid*, s 515(6)(b.1).

⁵⁷ *Ibid*, s 515.

⁵⁸ *Ibid*, s 810.

⁵⁹ *Ibid*, s 810.03.

⁶⁰ *Ibid*, ss 718.01, 718.04.

⁶¹ *Ibid*, s 718.2.

may grant orders for the exclusive possession of the matrimonial home pursuant to the *Family Law Act* (FLA), as well as restraining orders pursuant to both the FLA and the *Children's Law Reform Act* to limit a respondent's actions, where they may go, and who they may contact.⁶²

Coroner's inquests

Multiple domestic violence death reviews and coroner's reports/inquests have raised concern regarding the lack of coordination among officials in the different justice systems as a contributing factor in family homicides.⁶³

Most recently, the 2022 Inquest into the deaths of Carol Culleton, Anastasia Kuzyk, and Nathalie Warmerdam examined the circumstances of the deaths of three women who were killed by a man who was known to them.⁶⁴ The jury's recommendations addressed various aspects of intimate partner violence. Recommendation 11 directed the Government of Ontario to study the feasibility of, and implement if feasible, justice sector participants having access to relevant findings made in family and civil law proceedings for use in criminal proceedings, including at bail and sentencing stages.⁶⁵

Challenges with inadequate information-sharing between courts

While Ontario has some legislative mechanisms to address family violence, challenges arise because although a family may be involved in sequential or simultaneous proceedings in both court systems, the legal system overall is not designed for coordinated responses to IPV.

The criminal and family courts have different legal standards and procedures and raise different priorities. In the context of family violence, criminal justice priorities such as due process and public safety may not align with the family law system's focus on the best interests of the child.⁶⁶ Families may experience inconsistencies across the legal systems, which can increase distress on the family as well as result in inadequate responses to family violence.

The 2013 report, *Making the Links in Family Violence Cases: Collaboration among the Family, Child Protection and Criminal Justice Systems*, provides a comprehensive

⁶² *Family Law Act*, RSO 1990, c F3, ss 24, 46; *Children's Law Reform Act*, RSO 1990, c C12, s 35.

⁶³ Justice Canada, *Making the Links in Family Violence Cases*, *supra* note 22 at 15.

⁶⁴ Ontario Newsroom, "Inquest Date into the Deaths of Carol Culleton, Anastasia Kuzyk and Nathalie Warmerdam Announced" (20 May 2022), online: <<https://news.ontario.ca/en/release/1002153/inquest-date-into-the-deaths-of-carol-culleton-anastasia-kuzyk-and-nathalie-warmerdam-announced>>.

⁶⁵ Ministry of the Solicitor General, "2022 coroner's inquests' verdicts and recommendations" (updated 05 June 2025), online: <<https://www.ontario.ca/page/2022-coroners-inquests-verdicts-and-recommendations>>.

⁶⁶ Linda C Neilson, *Enhancing Safety: When Domestic Violence Cases are in Multiple Legal Systems (Criminal, family, child protection) - A Family Law, Domestic Violence Perspective* (2013) at 3-4, online (pdf): <https://www.justice.gc.ca/eng/rp-pr/fl-lf/famil/enhan-renfo/neilson_web.pdf>.

overview of the impacts that may arise due to a lack of coordination between the family and criminal courts⁶⁷, which are summarized below:

- Families may be required to attend multiple hearings on different days to re-tell their story, during a very stressful time in their lives.
- When both courts are involved, each court only has a partial view of what occurred. This may often result in decisions made by each court without an appreciation of the family's full situation.
- Relatedly, inconsistent orders can result when judges in criminal court are not aware of the orders made by or the evidence presented to a family court hearing and vice versa. For example, a judge in criminal court may make an order for no-contact with all family members, while a family court judge may make an order for supervised access. Family members and law enforcement officials can be left confused about which order should be followed, and in some cases, inconsistencies can provide an opportunity for subsequent abuse.
- Further, because there is sometimes little or no coordination in terms of how long various orders are in effect, there may be gaps in protection. For example, the conditions contained in a peace bond may expire before a civil restraining order is ordered.
- Due to varying timelines, a family proceeding may be impacted by parallel criminal proceedings. For example, if there has been a criminal charge, the accused parent may be advised by counsel not to speak to anyone about the alleged incident until the trial is concluded or a guilty plea is negotiated.
- Counselling, and sometimes even negotiation, may be precluded in the family context because of no-contact provisions in a bail order.
- A lack of coordination between these proceedings may result in a duplication of efforts and inefficiencies where services are associated with both criminal and family courts.
- Victims can also be left confused about the different processes and protections for victims in each court system. For example, the *Criminal Code* sets out circumstances under which a judge may appoint a lawyer to conduct the cross-examination of a victim when the accused is self-represented. In contrast, for self-represented family litigants, judges have expressed discomfort with the ability of an alleged abuser to directly examine the alleged victim.
- In situations where families impacted by family violence also face other challenges such as unemployment or precarious employment, a lack of

⁶⁷ Justice Canada, *Making the Links in Family Violence Cases*, *supra* note 22 at 85-87. The report also discusses the need to share information to and from child protection matters. As previously noted, this is beyond the current scope being considered, but may be considered in future.

coordination between systems and a large number of court hearings can have a particularly adverse socio-economic impact on family members outside of the court process itself.

Current approaches and ongoing challenges

Currently, some information-sharing between Ontario criminal and family courts is facilitated through family law legislation and criminal prosecution policy.

The *Moving Ontario Family Law Forward Act, 2020* introduced amendments to the *Family Law Act* and the *Children's Law Reform Act* to help simplify the family law system. The changes included imposing duties on the court when making certain types of orders, including a duty to consider other orders or proceedings to avoid potentially conflicting orders and facilitate the coordination of proceedings, as applicable.⁶⁸

In addition, parties to a parenting case also have a positive obligation to disclose any outstanding criminal/civil orders as part of Form 35.1: Affidavit (decision-making responsibility, parenting time, contact) under the *Family Law Rules*. In Form 35.1, the parent seeking an order for decision-making responsibility, parenting time or contact, is asked to provide information about other family, civil, criminal and child protection orders/hearings.⁶⁹

For criminal proceedings, the Crown Prosecution Manual ("the Manual") includes guidance for intimate partner violence offences.⁷⁰ With respect to judicial interim release (bail), the Manual states that the prosecutor must ensure that any recommendations are necessary and appropriate to the circumstances of the alleged offence and the accused, having regard to the existence of any family court orders.⁷¹ Additionally, the prosecutor must ensure that efforts are made to notify the victim of any release order, and a copy of the court order must be provided to the victim on request.⁷²

Although helpful, these approaches do not constitute a comprehensive approach to information-sharing between the criminal and family systems. Generally, for a party in one proceeding to introduce information from another proceeding, they must request access pursuant to the relevant court rules, and the admissibility of that information for another proceeding will depend on the relevant statute or common law, as well as the trial judge's discretion.

From the perspective of court operations, Ontario is currently working with Thomson Reuters to develop a digital platform which aims to replace legacy technology and

⁶⁸ *Bill 207, Moving Ontario Family Law Forward Act, 2020*, 1st Sess, 42nd Leg, Ontario, 2020 (assented to 20 November 2020), SO 2020, c 25.

⁶⁹ *O Reg 114/99*, s 35.1. Form 35.1 is available here: Ontario Court Forms, "Family Law Rules Forms", online: <<https://ontariocourtforms.on.ca/en/family-law-rules-forms/>>.

⁷⁰ Ministry of the Attorney General, "Crown Prosecution Manual - D. 23: Intimate Partner Violence" (updated 16 January 2024), online: <<https://www.ontario.ca/document/crown-prosecution-manual/d-23-intimate-partner-violence>>.

⁷¹ *Ibid.*

⁷² *Ibid.*

increase integration of court systems. At this time, criminal and family case records in Ontario are maintained in different systems, without the technological capacity for the systematic matching between related cases.

Additionally, there may be various reasons why concurrent proceedings are not brought to the attention of the court by family members involved in the proceedings. As discussed in *Making the Links in Family Violence Cases*, family members may assume that all parts of the court system are connected to one another, and that there is an automatic sharing of information about cases or that the proceedings or orders are relevant to one another.⁷³ For example, an individual who has been assaulted, and whose intimate partner has been charged criminally may not realize that the courts will consider this as a factor in determining the best interests of the child in family proceedings.⁷⁴

While legal representation can assist with coordination by making it more likely that other proceedings are brought to the attention of the court, there are still challenges as a lawyer would require sufficient knowledge of the other proceedings to recognize where coordination is required.⁷⁵ Furthermore, as more litigants in family cases are self-represented⁷⁶, a large number of individuals may be navigating multiple proceedings without representation in at least one of their matters.⁷⁷

⁷³ Justice Canada, *Making the Links in Family Violence Cases*, *supra* note 22 at 75.

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*

⁷⁶ Statistics Canada, "Profile of family law cases in Canada, 2019/2020" (updated 31 May 2022), online: <<https://www150.statcan.gc.ca/n1/pub/85-002-x/2021001/article/00011-eng.htm>>; Department of Justice Canada, "Self-Represented Litigants in Family Law" (updated 21 December 2022), online: <<https://www.justice.gc.ca/eng/rp-pr/fl-lf/divorce/jf-pf/srl-pnr.html>>.

⁷⁷ In the federal Department of Justice 2019 national Survey of Lawyers and Quebec Notaries on Family Law and Family Violence in Canada, almost half of surveyed lawyers (47%) reported that they occasionally had family law cases involving family violence where their clients were involved in a current criminal proceedings as either the victim or accused, and 40% of lawyers reported that this situation happened often: Department of Justice Canada, "Identifying and responding to family violence in family law cases: Results from the 2019 Survey of Lawyers and Quebec Notaries on Family Law and Family Violence in Canada" (updated 16 October 2023), online: <<https://www.justice.gc.ca/eng/rp-pr/jr/irfvflc-rrvfardf/index.html>>. With the high rates of self-represented litigants in family cases, the prevalence of concurrent family and criminal proceedings related to the same family may be higher than the currently limited data suggests.

Appendix B1 – New Zealand Family Court Rules 2002

316A Information about respondent (to application under Act for protection order) available from criminal court

If a respondent to an application under the Act for a protection order is or has been involved in a criminal proceeding, the Criminal Procedure (Transfer of Information) Regulations 2013 may apply.

316B Proceedings on interim orders in respect of child of applicant's family to be dealt with on without notice track

(1) This rule applies to an interim order or orders—

(a) about the role of providing day-to-day care for, or about contact with, a child of the applicant's family; and

(b) made under section 105 of the Act.

(2) Proceedings on the interim order or orders must be dealt with on the without notice track under Part 5A of these rules (see rules 416C(3)(b) and 416U) as if the proceedings were commenced by an application made without notice.

432 Information about family violence proceedings available to criminal court

(1) In this rule,—

civil proceeding means a proceeding in the Family Court under the Family Violence Act 2018

court file means a collection of documents that relate to a civil proceeding and are in the custody or control of a court

criminal proceeding means a proceeding for an offence against any enactment (including the Family Violence Act 2018) that consists of or includes conduct that is family violence

database, in relation to a civil proceeding, means any electronic system in or on which information about the civil proceeding is recorded

family violence has the meaning given to it in section 9 of the Family Violence Act 2018

protection order has the meaning given to it in section 8 of the Family Violence Act 2018.

(2) This rule applies if a defendant in a criminal proceeding—

(a) is a respondent in a civil proceeding in which an application for a protection order is pending; or

(b) has been a respondent in a civil proceeding and—

- (i) has currently in force against him or her a protection order; or
- (ii) has previously had in force against him or her a protection order.

(3) A Registrar of a court that is dealing with a criminal proceeding may obtain information about the civil proceeding referred to in subclause (2) from—

- (a) the court file relating to that proceeding;
- (b) any database relating to that proceeding.

(4) A Registrar of a court that is dealing with a criminal proceeding and who has obtained information under subclause (3) must make that information available to the court.

432A Information about CoCA proceedings available to criminal court

(1) In this rule,—

CoCA means the Care of Children Act 2004

CoCA information means information about a CoCA proceeding

CoCA proceeding means a proceeding under CoCA

court file means a collection of documents that relate to a CoCA proceeding and are in the custody or control of a court

criminal proceeding means a proceeding for an offence against any enactment (including the Family Violence Act 2018) that consists of or includes conduct that is family violence

database, in relation to a CoCA proceeding, means any electronic system in or on which information about the CoCA proceeding is recorded

event date, for an application, means, if allocated, the date and nature of a hearing or conference that is to be held next in respect of the application

family violence has the meaning given to it in section 9 of the Family Violence Act 2018.

(2) A Registrar of a court dealing with a criminal proceeding may request CoCA information from a Family Court Registrar to be used by the court when considering—

- (a) whether to grant bail; and
- (b) any conditions of any bail granted (for example, conditions imposed under section 30AAA of the Bail Act 2000).

(3) A Family Court Registrar may, in response to the request, obtain from the court file, or any database, relating to the CoCA proceedings, and disclose to the other Registrar if the defendant in the criminal proceeding is a party to the CoCA proceedings, the following CoCA information:

(a) whether there are any active CoCA proceedings:

(b) whether any orders made under CoCA are in force, and any conditions of those orders (including, for example, details of supervised contact):

(c) the next event date(s) for any applications made under CoCA.

(4) A Registrar of a court dealing with a criminal proceeding and who has obtained CoCA information under subclause (3) must make that information available to the court.

Appendix B2 – New Zealand Criminal Procedure (Transfer of Information) Regulations 2013

6A Information about party's offending available to court dealing with CoCA proceeding

(1) In this regulation,—

family relationship has the meaning given to it by section 12 of the Family Violence Act 2018

violence has the meaning given to it by section 9(2) of the Family Violence Act 2018.

(2) This regulation applies if a party to a CoCA proceeding—

(a) is a defendant in a criminal proceeding in which he or she is charged with—

(i) an offence against section 112 of the Family Violence Act 2018; or

(ii) an offence that—

(A) involves the use of violence; and

(B) is committed against a person with whom the party is, or has been, in a family relationship; or

(b) has been a defendant in a criminal proceeding in which he or she was convicted of—

(i) an offence against section 112 of the Family Violence Act 2018; or

(ii) an offence that—

(A) involved the use of violence; and

(B) was committed against a person with whom the party was, or had been, in a family relationship.

(3) A Registrar of the court that is dealing with a CoCA proceeding may obtain information about the criminal proceeding referred to in subclause (2) from—

(a) the court file relating to that proceeding;

(b) any database relating to that proceeding;

(c) the permanent court record relating to that proceeding.

(4) A Registrar of the court that is dealing with a CoCA proceeding and who has obtained information under subclause (3) must make that information available to the court.

6B Criminal record available to court dealing with CoCA proceeding

(1) A Registrar of the court that is dealing with a CoCA proceeding may obtain details of a party's criminal record (if any) from—

- (a) the court file relating to any criminal proceeding:
- (b) a database relating to any criminal proceeding:
- (c) the permanent court record relating to any criminal proceeding.

(2) A Registrar of the court that is dealing with a CoCA proceeding and who has obtained information under subclause (1) must make that information available to the court.

(3) In this regulation, **criminal record**, in relation to a party, means a record of any of the following:

- (a) charges laid against the party that have resulted in a conviction:
- (b) convictions entered against the party:
- (c) sentences imposed on the party:
- (d) orders imposed on the party as a result of a conviction.

Appendix B3 – New Zealand Family Violence Act 2018

53 Police safety order: contravention: protection order to be sent to Family Court

(1) Immediately after the issue of a protection order under section 46, the District Court must send a copy of the order to the Family Court nearest to the residence of the person for whose safety the Police safety order and temporary protection order were issued.

(2) On receipt of a copy of an order under subsection (1), the Registrar of the Family Court must enter the order in the records of the Family Court.

Appendix C1 – California Rules of Court

Rule 5.445. Court communication protocol for domestic violence and child custody orders.

(a) Definitions

For purposes of this rule:

- (1) "Criminal court protective order" means any court order issued under California Penal Code section 136.2 arising from a complaint, an information, or an indictment in which the victim or witness and the defendant have a relationship as defined in Family Code section 6211.
- (2) "Court" means all departments and divisions of the superior court of a single county.
- (3) "Cases involving child custody and visitation" include family, juvenile, probate, and guardianship proceedings.

(Subd (a) amended effective January 1, 2007.)

(b) Purpose

- (1) This rule is intended to:
 - (A) Encourage courts to share information about the existence and terms of criminal court protective orders and other orders regarding child custody and visitation that involve the defendant and the victim or witness named in the criminal court protective orders.
 - (B) Encourage courts hearing cases involving child custody and visitation to take every action practicable to ensure that they are aware of the existence of any criminal court protective orders involving the parties to the action currently before them.
 - (C) Encourage criminal courts to take every action practicable to ensure that they are aware of the existence of any child custody or visitation court orders involving the defendant in the action currently before them.
 - (D) Permit appropriate visitation between a criminal defendant and his or her children under civil court orders, but at the same time provide for the safety of the victim or witness by ensuring that a criminal court protective order is not violated.
 - (E) Protect the rights of all parties and enhance the ability of law enforcement to enforce orders.

(F) Encourage courts to establish regional communication systems with courts in neighboring counties regarding the existence of and terms of criminal court protective orders.

(2) This rule is not intended to change the procedures, provided in Family Code section 6380, for the electronic entry of domestic violence restraining orders into the Domestic Violence Restraining Order System.

(Subd (b) amended effective January 1, 2007.)

(c) Local rule required

Every superior court must, by January 1, 2004, adopt local rules containing, at a minimum, the following elements:

(1) Court communication

A procedure for communication among courts issuing criminal court protective orders and courts issuing orders involving child custody and visitation, regarding the existence and terms of criminal protective orders and child custody and visitation orders, including:

(A) A procedure requiring courts issuing any orders involving child custody or visitation to make reasonable efforts to determine whether there exists a criminal court protective order that involves any party to the action; and

(B) A procedure requiring courts issuing criminal court protective orders to make reasonable efforts to determine whether there exist any child custody or visitation orders that involve any party to the action.

(2) Modification

A procedure by which the court that has issued a criminal court protective order may, after consultation with a court that has issued a subsequent child custody or visitation order, modify the criminal court protective order to allow or restrict contact between the person restrained by the order and his or her children.

(3) Penal Code section 136.2

The requirements of Penal Code section 136.2(f)(1) and (2).

Appendix C2 – Superior Court of California, County of Butte Rules

LOCAL RULE 19 DOMESTIC VIOLENCE COORDINATION RULES (Effective 7/1/04)

19.1 COURT COMMUNICATION (Effective date 7/1/04)

A. Until the court has an operational case management system capable of automatically coordinating domestic violence orders, the court's criminal, family and juvenile law departments shall communicate and exchange information with each other prior to issuing protective orders and child custody and visitation order to determine if any such orders have already been issued as to the same parties or children in any other department (Effective date 7/1/04)

19.2 AVOIDING CONFLICTING ORDERS (Effective date 7/1/04)

A. No department or the family or juvenile court shall issue a protective order or custody order in conflict with an order of the criminal court. In the event such an order issues inadvertently, the orders of the criminal law proceeding shall control. (Effective date 7/1/04)

19.3 MODIFICATION OF CRIMINAL ORDERS (Effective date 7/1/04)

A. A court issuing a criminal court protective order may, after consultation with the appropriate department of the family or juvenile court, modify the criminal court protective order to allow or restrict contact between the restrained person and his or her children, spouse, or other protected person. (Effective date 7/1/04)

19.4 COEXISTING CRIMINAL AND FAMILY OR JUVENILE ORDERS (Effective date 7/1/04)

A. A family or juvenile court order may coexist with a criminal court protective order, subject to the following:

1. Any order that permits contact between the restrained person and his or her children shall provide for the safe exchange of the children and shall not contain language either printed or handwritten that violates a "no contact order" issued by a criminal court.

2. Safety of all parties shall be the courts' paramount concern. The family or juvenile court order shall specify the time, day, place, and manner of transfer of the child, as provided in Section 3100 of the Family Code. (Effective date 7/1/04)

19.5 ISSUANCE AND ENFORCEMENT OF RESTRAINING ORDERS (Effective date 7/1/04)

A. Upon granting of relief, (through initial petition, modification or termination), the clerk shall convey within 24 hours a certified copy of the order to the Butte

County Sheriff's Department (BCSO) for input into CLETS, a statewide computerized registration system for restraining orders. (Effective date 7/1/04)

Appendix C3 – Superior Court of California, County of Fresno Local Rules

4.1.15 Protocol for Communication Between Courts Regarding Domestic Violence Orders

A. Purpose

This rule sets forth the court communication protocol for Domestic Violence and Child Custody Orders as required by the California Rules of Court. This protocol is intended to avoid the issuance of conflicting orders when possible, and to permit appropriate visitation between a restrained person and the child(ren) who is/are the subject of a family, probate or juvenile proceeding, while providing for the safety of all victims and witnesses. Furthermore, the best interests of the child(ren), litigants and the Court are promoted by early identification and coordination of proceedings involving the same child(ren) or the child(ren)'s caretaker(s). To that end, this rule is also designed to ensure that all bench officers have information about the existence of overlapping cases. This rule recognizes the statutory requirement that criminal protective orders have precedence of enforcement over all other contract orders; however, it acknowledges that there are situations where it is appropriate to permit visitation between a criminal defendant and his or her child.

B. Notice of Pending Cases and Orders

1. Court Inquiry

Before issuing a criminal or non-criminal protective order, or a custody or visitation order, the Court should inquire of the parties or the attorneys whether there are any cases in which there are criminal or civil protective orders, or custody and visitation orders that involve the child(ren) in the current case.

2. Attorneys and Self-Represented Parties in Family, Probate and Juvenile Cases

All attorneys and self-represented parties involved in family law, probate and juvenile cases shall inform the Court about any cases in which there are criminal or non-criminal protective orders or custody and visitation orders that involve the child(ren) in the current case. The information shall be provided to the Court, all parties and all attorneys in the case.

3. Prosecuting Attorneys

Pursuant to Penal Code § 273.75, the District Attorney or City Attorney shall investigate whether there are any criminal or civil protective orders or custody and visitation orders that involve a child of, or under the care of, a participant in a domestic violence charge. Prosecuting attorneys shall inform the Court, all parties and all attorneys in the case of such orders.

C. Communication Between Courts

1. Communication Regarding Existing Cases in Other Departments

When any court becomes aware of the existence of another case involving the same child(ren), the judicial assistant shall notify the Domestic Violence Case Coordinator who shall then provide notification to the other court. The Domestic Violence Case Coordinator shall ensure that the appropriate trial courts receive written notice of overlapping cases. Prior to conducting a hearing in the matter, the trial judge will review the overlapping orders, if appropriate. Notice will be provided to the parties of the overlapping orders reviewed by the judicial officer.

2. Communication Regarding Protective Orders

a. Criminal Protective Orders

When the criminal court issues a protective order against a defendant who has a pending family, probate or juvenile case, the criminal court shall send a copy of the protective order to the appropriate court administrator who will send it to the trial court with the overlapping case. This may be accomplished by working through the Domestic Violence Case Coordinator.

b. Temporary or Permanent Non-Criminal Restraining Orders

When either the Family Court or Dependency Court issues a temporary or permanent restraining order and the restrained person or the protected person has another pending dependency, family, probate, juvenile or criminal case, the Family Court or Dependency Court shall send a copy of the protective order to the appropriate court administrator who will send it to the trial court with the overlapping case. This may be accomplished by working through the Domestic Violence Case Coordinator.

D. Modification of Criminal Protective Orders

Criminal protective orders take precedence over other contact orders. When a criminal protective order exists and either or both parties request a child custody order that is inconsistent with the criminal protective order, it is the obligation of the moving parties to seek a modification of the criminal protective order by placing the matter on the criminal domestic violence calendar. Notice must be provided to all parties, attorneys and probation or parole officers. No party shall seek a child custody or visitation order in family, probate or juvenile court that is inconsistent with an existing criminal protective order unless a judicial officer presiding over the criminal domestic violence matter has first granted the request to modify the criminal protective order.