



WOMEN'S LEGAL EDUCATION AND ACTION FUND

FONDS D'ACTION ET D'EDUCATION JURIDIQUES POUR LES FEMMES

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## MEDIA RELEASE

### SUPREME COURT HOLDS MEN ACCOUNTABLE TO THEIR FAMILY LAW OBLIGATIONS

#### Supreme Court of Canada has Decided that Men Who Refuse to Comply with Family Court Orders Can be Held in Contempt of Court

On February 9, 2007 the Supreme Court of Canada released its decision in *Dickie v. Dickie* in which the Women's Legal Education and Action Fund (LEAF) intervened. *Dickie* is a family law case that deals with the recourses and remedies available when parties, overwhelmingly men, are in breach of family court orders. The case specifically addresses whether the default of an order to provide security for costs or security for the payment of support obligations is punishable by a contempt of court order.

The respondent in this case, Dr. Kenneth Dickie, is a man of means and resources, who, rather than meet his obligations to his former wife and children chose instead to use the courts to further their disadvantage. Dr. Dickie did not appeal the outstanding support orders against him, nor did he apply to vary them – he simply refused to comply with them.

The Supreme Court's decision is consistent with LEAF's position that men such as Dr. Dickie who continue to disobey family court orders should be found in contempt of court. 97% of parents trying to avoid child support payments are men, and the problem of women and children living in poverty following the relationship breakdowns has been recognized by the Supreme Court. "This ruling should have a significant impact on the ability of women to resolve the problem of men who abuse the family justice system so as to perpetuate the exercise of power and control over them" says Llana Nakonechny counsel for LEAF.

LEAF argued that the decision about what recourses and remedies are available when men are in breach of family court orders should be made in consideration of the sex inequality so often associated with support orders, and in a way that is consistent with section 15 *Charter* equality values. LEAF argued that for family law to work for women, contempt of court proceedings must be available to be applied to men who refuse to comply with family court orders – LEAF is pleased that the Supreme Court reached the same conclusion.

LEAF's factum is available at: <http://www.leaf.ca/legal-facta.html>

Justice Laskin's decision from the Court of Appeal is available at:  
<http://www.canlii.com/on/cas/onca/2006/2006onca10024.html>

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