



WOMEN'S LEGAL EDUCATION AND ACTION FUND

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

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## **MEDIA ADVISORY**

### **DO WOMEN HAVE LEGAL RECOURSE WHEN MEN REFUSE TO COMPLY WITH FAMILY COURT ORDERS?**

#### **LEAF to Intervene at the Supreme Court of Canada in Support of Women's Right to Equality within the Family Justice System**

**On January 17, 2007** the Women's Legal Education and Action Fund (LEAF) will appear before the Supreme Court of Canada in *Dickie v. Dickie*. *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 has chosen instead to use the courts to further their disadvantage. Dr. Dickie has not appealed the outstanding support orders against him, nor has he applied to vary them – he has simply refused to comply with them.

It is LEAF's position that inherent in the issue of support, as in much of family law, are fundamental sex equality issues. In the majority of support cases women are owed support by men and when they do not receive it, women and children are disadvantaged. The economic disadvantage that is overwhelmingly experienced by women upon relationship breakdown is a sex equality issue. "When spouses are allowed to abuse the family justice system, for example, by willfully breaching court orders, the power of abusive men gets perpetuated and women are disadvantaged as a result." says Llana Nakonechny, lead counsel for LEAF.

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

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