



The Keeping Children Safe Act

Explainer prepared by the National Association of Women and the Law (NAWL)

Introduced by Hamilton Mountain Member of Parliament Lisa Hepfner, Bill C-223, *An Act to amend the Divorce Act (Keeping Children Safe Act)* is a groundbreaking bill that aims to strengthen protections for children and families experiencing family violence and post-separation abuse.

The purpose of the bill:

This bill will amend the *Divorce Act* to require legal advisors to assess the risk of family violence, to give the court the means to assess the impact of coercive control on the parent-child relationship, to ensure that the child's views and preferences are taken into account, and to prevent parenting decisions from being influenced by myths or stereotypes about domestic violence.

What the bill does:

- Centers decision-making about children on their best interests only, eliminating myths and stereotypes about family violence.
- Mandates that lawyers representing parents in divorce cases screen for family violence and take the safety of parents and children into account.
- Clarifies that there is no presumption of shared parenting, each decision being based on the best interests of the child.
- Prevents courts from blaming women who are victims of domestic violence for not actively working to improve their children's relationship with their abuser.
- Stops the practice of disregarding children's views and preferences under the pretense that they have been "manipulated" or "alienated" by a parent.
- Requires parents who have committed family violence to show that they have taken steps to change their behavior and improved their ability to care for the child.
- Allows judges, in certain circumstances, to hear evidence directly from the child without the parents present.
- Prevents judges from issuing orders that restrict parenting time with a parent to whom the child is bonded in order to improve the child's relationship with the other parent.
- Prohibits courts from forcing a child to attend reunification therapy.
- Removes judges' power to deny a divorce because they believe the spouses could reconcile.

Why is this law reform necessary?

Victims of domestic violence, particularly mothers, are disproportionately vulnerable to accusations of parental alienation. [Research shows](#) that mothers are twice as likely as fathers to face such allegations, even when the child shows no resistance to contact.

Protective actions by mothers who are victims of violence, such as opposing a child's contact with a violent ex-partner or expressing their fears, are often reframed in court as "alienating" behavior. Yet [research shows](#) that domestic violence is the rule, not the exception, in parental alienation cases. Ignoring this reality within family law decisions reflects systemic and institutionalized sexism.

Judges are currently free to issue drastic orders reversing a child's parenting time and primary residence, not because the child is neglected, but to force a closer relationship with the other parent. Instead of prioritizing the child's best interests, courts prioritize parental rights and sometimes force children to undergo "reunification therapies," even in situations where family violence is documented. In extreme cases, courts will place children with violent fathers, leading to tragedies such as the [death of a girl from Granby](#).

[Nearly 300 organizations](#) across Canada have joined NAWL in calling for a reform of the *Divorce Act* to ensure that decisions about children are guided solely by their best interests, free from myths and stereotypes about family violence. This recommendation is grounded in extensive research and echoes the conclusions of the [United Nations Special Rapporteur on violence against women and girls, its causes, and its consequences](#) and the [Committee on the Elimination of Discrimination against Women](#).

Where can I get more information?

Follow MP Lisa Hepfner and the National Association of Women and the Law on Instagram, Facebook, X and Bluesky.