

The coercive control lens: A new framework for family law decision-making

By **Lorne Fine and Daniel Dominitz**

Law360 Canada (July 22, 2026, 2:34 PM EDT) -- "Coercive control" is rapidly becoming one of the defining concepts of modern Canadian family law. Courts must now expand their focus of family violence and must consider whether one party exerted coercive control over the other party during the relationship. This novel legal concept is emerging as a critical part of the court's interpretive framework through which courts understand relationships, assess evidence, evaluate credibility and fashion remedies.

In its landmark ruling in *Ahluwalia v. Ahluwalia*, 2026 SCC 16, the Supreme Court of Canada explored the contours of coercive control, as part of its examination of the broader notion of intimate partner violence (IPV). Both majority and dissent rulings emphasized that it includes "methods of control that are less visible or subtle, such as economic control of the victim, isolation from friends and family, monitoring day-to-day movements, or exploiting vulnerability." The court added that coercive and controlling conduct has been deemed "the most serious type of violence in the family law context" (at paras. 119-120).

The *Ahluwalia* ruling was not just the culmination of many prior judgments acknowledging coercive control as a family law concept. It also entrenched a subtle but broad shift in judicial reasoning: courts are now using coercive control as the *lens* through which they understand certain family relationships and resolve family disputes. That evolution has significant implications not only for judges, but also for lawyers and policymakers alike.

Adjudicating through the coercive control 'lens'

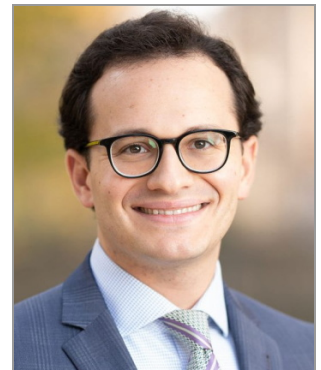
Recent Ontario cases show that once coercive control is established, it becomes more than a mere finding-of-fact in the broader family litigation. Instead, it provides the context through which the courts: 1) assess the parties' relationship; 2) determine the significance of individual events; 3) evaluate credibility; and 4) fashion post-separation remedies.

One example is *J.M.M. v. C.R.M.*, 2025 ONSC 3067. Following an extraordinarily lengthy family trial, the judge devoted substantial attention to the nature of coercive control and its impact upon both the victim and the parties' child. Rather than viewing family violence as a series of discrete incidents, the court emphasized that coercive control consists of a pattern of conduct designed to dominate another person and deprive that individual of autonomy — through intimidation, manipulation, surveillance, isolation and emotional or physical abuse. That broader understanding informed the court's analysis of the parties' ongoing communication, shared decision-making and post-separation interactions, ultimately leading to an order for parenting arrangements that would likely minimize the opportunities for continued control.

A similar approach was seen in *Smith v. Seyoum*, 2026 ONSC 3397. Although the court found the father had committed discrete acts of physical violence against both the mother and the child, it did



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not confine its analysis to those incidents. Instead, it scrutinized what it called “a pattern of coercive and controlling behaviour,” which included isolating the mother from family and friends, removing her from the matrimonial home, withholding the child from her, and repeatedly humiliating, belittling and psychologically abusing her.

The court was also concerned and noted that the father continued to “lash out to try and control the behaviour of others” and had developed no meaningful insight into his conduct. That broader, relationship-wide context played a central role in the court’s entire best-interests analysis, which resulted in various remedies that included a restraining order against the father.

The decision in *J.A. v. S.M.*, 2026 ONCJ 259 is yet another example of this broader judicial view-taking. The court noted that coercive and controlling behaviour may consist of numerous acts that, considered separately, “do not seem abusive or significant,” but that reveal “a very destructive relationship when viewed in their totality.” The significance of an incident can therefore be understood only “from the perspective of the larger picture,” the court said. It also emphasized that coercive control is especially concerning because its various forms can be more readily inflicted after separation (para. 59).

On that last point, courts also expressly recognize that coercive control can impact the post-relationship phase — including any subsequent family litigation. As the Supreme Court in *Ahluwalia* pointed out, “an abusive partner may seek to exploit past intimacy in other ways, such that the aftermath of the partnership is the site of controlling misconduct.... The mere fact that the parties have formally separated does not necessarily put an end to the intimate partner violence” (at para. 185).

The court goes on to acknowledge recent legal scholarship recognizing that “legal processes may inadvertently perpetuate existing power imbalances by requiring continuing interaction between survivors and former abusive partners” (at para. 185).

This means that courts are alert to the potential that — as a means of further exercising control — an abusive partner may attempt to weaponize or transform the family justice system itself into another instrument of abuse, using aggressive litigation, delay, financial pressure, parenting disputes and procedural manoeuvres to perpetuate the same pattern of domination that existed during the relationship.

Coercive control as a procedural factor

Perhaps the most interesting post-*Ahluwalia* development is that coercive control factors may influence not merely substantive outcomes, but the courts’ *procedural* decisions as well — most notably in support of urgent motion requests.

In *Abu Kibash v. Gamal*, 2026 ONSC 2969, the wife sought permission to bring an urgent motion in advance of a case conference, and requested financial preservation orders, the payment of household expenses and loans, and exclusive possession and sale of the matrimonial home. She alleged sustained verbal, emotional, psychological, physical, financial and sexual abuse by the husband, and — as a financially dependent stay-at-home mother — faced imminent mortgage enforcement and the loss of utilities and other essential services.

The court held that the traditional “urgency” analysis had to be applied in light of contemporary understandings of family violence, noting that “[f]amily law has expanded to consider family violence from the perspective of coercive control” (at para. 16). The question was therefore not simply whether an isolated financial emergency had arisen, but whether the husband’s alleged withholding of payment, control over the home and resistance to its sale formed part of a continuing pattern of power and control that jeopardized the wife’s autonomy and called for immediate judicial intervention.

Likewise, in *Gomez Duque v. Sanchez Hurtado*, 2026 ONSC 3744, the court accepted the central insight of *Abu Kibash*, that one party’s manipulation of finances or the court processes — especially through manufactured delay and withholding — could have a “serious and life-altering impact” when used as weapons of coercive control. The court also accepted that evidence of family violence may excuse the usual expectation that parties attempt settlement before seeking an urgent motion date

(at para. 7-10).

Read together, these decisions suggest that coercive control is beginning to reshape not only the remedies courts grant, but also the procedural pathways through which those remedies are obtained.

In the courtroom and beyond

The heightened awareness of coercive control is not confined to judicial decision-making. If coercive control has become the framework through which courts understand IPV, it necessarily changes how family lawyers should investigate their clients' facts, how experts assess them, and how policymakers evaluate the justice system itself.

For family lawyers, this means moving beyond an incident-based interview. It requires systematically exploring how a client's autonomy was constrained over time: what happened when the client resisted, whether finances or children were used to compel compliance, how communications were monitored, and whether those patterns continued after separation. A lawyer who approaches an IPV matter as merely another high-conflict separation seriously risks overlooking the very pattern that the court will ultimately regard as most significant — or worse, risks inadvertently perpetuating a similar type of power imbalance over the client.

For policymakers, there are significant broader questions — such as the emerging call for lawmakers to enact a standalone *Criminal Code* offence of coercive control (see for example the article by Crystal J. Giesbrecht, "The need for a Canadian *Criminal Code* offence of coercive control" (2024) 9 *Journal of Community Safety & Well-Being* 33-39). There are also questions about the design of the family justice system itself, especially if coercive control can be perpetuated through the litigation process.

Conclusion

The emergence of coercive control as a key family law concept is visible in all three levels. Judges use it to interpret evidence and fashion remedies. Lawyers and other professionals must use it to identify the relevant pattern and avoid practices that increase danger or diminish autonomy. Policymakers must use it to assess whether the structure of the justice system protects against domination or inadvertently gives it yet another forum.

With this in mind, the most enduring legacy of the *Ahluwalia* ruling may not be its exhaustive review of what coercive control may entail, nor even its formal recognition of a new tort. Rather, it may be the fact that the Supreme Court of Canada fundamentally changed the way decision-makers understand IPV and coercive control especially — by ensuring the focus stays on the broader pattern of abuse that gives rise to clear legal rights and remedies to its victims.

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