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This booklet explains the law in general. It is not intended to give you legal advice on your particular problem. Because each person's case is different, you may need to get legal help. *Surviving Relationship Violence and Abuse* was up to date as of March 2013.

See the back cover to find out how to get free copies of this booklet.

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We gratefully acknowledge the following organizations for the use of information from their publications:

- Community Legal Education Ontario (CLEO) —
Do You Know a Woman Who Is Being Abused?: A Legal Rights Handbook (2008)
- BC Children’s Hospital Mental Health Program —
Helping My Child: A Guide to Supporting Children Exposed to Domestic Violence (2005)
- YWCA Vancouver —
Leaving an Abusive Relationship: Information on Custody and Access for Women with Children (2008)

If you need help right away, call:

- **Police or RCMP at 911** if it is an emergency. (Please note that a few areas in BC do not have 911 service. To find out whether your area does, check the inside front cover of your phone book. It should tell you the local emergency police or RCMP number. Or call your local municipal [city] office and ask for the number.)
- **VictimLink BC (Information Line) at 1-800-563-0808** (call no charge, 24 hours a day).
- **If you have a hearing or speech disability**, call the 24-hour Telus Relay Service at **711** (for TTY users with a hearing or speech disability), or call **1-800-855-0511** (voice activated).
- **For other help in your community**, see “Who can help” on page 86.



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Introduction

Who this booklet is for

This booklet has legal information for **advocates**, support workers, and others who support people who are being abused, assaulted, or harassed by their husband, wife, boyfriend, girlfriend, former spouse, or ex-partner. The information applies to those who have chosen to stay with their abusive partner, as well as to those who have left or are trying to leave. This booklet uses the word “partner” to mean a husband, wife, **common-law spouse**, girlfriend, and boyfriend. The word “ex-partner” means both a former partner and a former spouse.

Although we made this booklet with advocates in mind, we write as if the person reading this is in an abusive relationship. That means that we use “you” a lot. We also sometimes assume that you are a woman. We do not mean to exclude anyone with this language. We chose to do so because the majority of people who experience violence in relationships are women. However, violence and abuse also happen to men, as well as to people in same-sex relationships and to transgender people. The information in this booklet is for everyone — women, men, transgender people, those **married**, those not married, and those living common-law.

In this booklet, words that you might not know are in **bold** the first time they appear. The Glossary starting on page 102 has a list of these words and their meanings.

What this booklet is about

This booklet explains what you can do to protect yourself. It can help whether you choose to stay or to leave the relationship. This booklet tells you what kind of help you can get from the police, the courts, and people in your community.

Keep reading for information about:

- What violence in a relationship is
- Who can help you with emotional support and legal advice
- What you can do if your partner or ex-partner has assaulted you, threatened to assault you, or harassed you
- How to do safety planning for yourself and your children
- What the police do when they are called
- What the court process is like when an abusive partner is charged
- How you get a peace bond or family law protection order (what used to be called a restraining order)
- What you can do to stay safe if you choose to leave and/or to end the relationship
- How to deal with legal issues involving children and the family home

The information you will read here is based on the provincial government's policy on Violence Against Women in Relationships. It sees violence against women in relationships as a serious problem that needs a strong response. It also says that the police and courts must do everything they can to stop this violence.

The policy says that violence is not a private family matter. When any person assaults or harasses another, it is a crime. The policy does not see assault or harassment as less of a crime just because a family member has committed it.

Abuse can be linked to differences in power between partners. This kind of violence can be made worse when access to money or jobs is not equal between partners. Other forces — like sexism, racism, age differences, and disabilities — can make the violence worse. These forces can also make a person more dependent on their partner, which gives their partner more power. Any person can be abused in a relationship. But no one deserves to be hurt. The police, the courts, and many other agencies are out there to protect you against violence.



I **Violence in relationships**

What does abuse mean?

Abuse can mean a whole range of hurtful or dangerous behaviours. This booklet deals with abuse that comes from a partner or ex-partner (called an abuser). Abuse can mean threatening to hurt you or actually hurting you. It can also mean forcing you to have sex. Abuse can include using money against you, saying cruel words, and other emotional harms.

An abuser uses threats, violence, or other behaviours to control you. They do this by trying to make you feel very bad about yourself, often so that you will not leave or get help. If you have tried to leave, the abuser might have increased the abuse. Abuse can happen at the beginning of a relationship, after many months or years, or when the relationship is ending.

Abusers often blame what they do on the person they are hurting. It is important to remember that abuse is not your fault. Violence is the fault of the person who commits it. Violence against you is not your fault. And you do not have to have proof that abuse has happened — your word is enough to get help and protection for you and your children.

Some examples of abuse

Hitting another person is one obvious example of abuse. However, there are many other forms of cruelty that are also abusive — and some of them are illegal. Below, there are lists with some examples of abuse.

Emotional or verbal abuse

- humiliating you or degrading you (putting you down)
- yelling at you, insulting you, or calling you names
- criticizing you a lot, or blaming you for nearly everything
- threatening to have you deported
- ridiculing you (putting down your beliefs, background, gender, age, sexual preference, abilities, etc.)
- keeping affection, approval, and appreciation from you for long periods of time
- keeping you from contacting friends and family (isolating you)

Psychological harassment

- controlling you and limiting what you do, where you go, and who you see
- opening and reading your mail, text messages, chats, e-mail, or other private correspondence
- keeping control of your identity documents, passport, status card, or other important papers
- following you or watching you when you are supposed to be apart
- phoning you a lot or at bad times (for example, at work or in the middle of the night)
- e-mailing or texting you a lot, especially when you have asked not to be contacted

- checking up on your internet and phone activity
- getting in the way of your work or school
- threatening to hurt you, your children, someone you know, or a pet
- threatening to commit suicide if you leave or do not do what your partner wants
- threatening to take your children from you

Financial abuse

- making all the money decisions, or controlling the money in the household and not letting you have any
- not giving you access to bank accounts and credit cards
- not letting you get a job or causing you to lose your job
- not paying bills or refusing to try to find work
- taking your money or property
- running up debts in your name
- not paying child support as a way to control your actions and decisions

Physical abuse

- stopping you from leaving the home (including taking the phone away or taking the only vehicle when you live far from town)
- breaking your things, damaging property, or threatening to damage something you value
- harming a pet
- frightening you by driving dangerously
- not letting you sleep
- keeping you from going to the doctor or hospital when you need help
- threatening you with a **weapon**
- shoving, slapping, choking, punching, or kicking you

- hurting you with an object of any kind
- forcing you to share needles with others
- forcing you to get an abortion against your will
- forcing you to carry a pregnancy against your will

Sexual abuse

- making you do sexual things when you do not want to
- forcing you into sexual acts that make you uncomfortable or hurt you
- having sex with you when you cannot **consent**, such as when you are asleep or have been drinking a lot of alcohol
- talking about your sexual abilities in front of others
- putting you at risk for unwanted pregnancy or sexually transmitted diseases
- hurting a sexual part of your body
- often accusing you of having sex with others or of wanting to do so
- using pornography in front of you when you are not comfortable with it
- forcing you into the sex trade or threatening to do so

Using the children

- using your children to send you hurtful messages
- using your children to “spy” on your activities
- using parenting issues to harass you — threatening to use the court to take the children away, etc.
- threatening to kidnap the children, or actually taking them to another place without your consent
- abusing the children emotionally, physically, or sexually (sometimes as a way to hurt you or control you, too)

Using the legal system

- threatening to take you to court to pressure you or control you
- making false accusations against you or misleading the court, in order to make you look bad or to get you to end your case
- not letting you know about court dates, so that you do not have a chance to tell your side of the story or so that you look bad to the judge
- filing repeated court requests for parenting orders or repeated affidavits (this is sometimes called court harassment)

The cycle of violence

Abuse may start out as verbal or emotional and gradually increase to physical or sexual violence. It sometimes starts with tension, then slowly builds until one partner becomes violent. After this event, your partner or ex-partner may be very sorry. They may promise that it will not happen again. They may even be very loving and attentive. This “make-up” period might be a relief. And it might strengthen the emotional bonds in your relationship. It might convince you and your partner that the abuse will end. But the tension often returns, and so the pattern of abuse continues — usually again and again. This is called the cycle of violence.

Sometimes family members or elders will try to assure you that the abuse will not happen again. (For information about violence against **Aboriginal** women in relationships, see Chapter 6, starting on page 48.) You may feel blamed, confused, afraid, angry, frustrated, and alone. It is important to know that you can get help and make yourself safer (see “Getting help” on page 17).

Effects on children

Research has shown that living in a home where one parent is abusing the other parent has a negative effect on children, no matter how old they are. It can affect them whether they see and hear it directly, or whether they find out about it later. Children can react to the stress of an abusive home in many serious ways. They might:

- become sick more easily and more often
- act out at school or at home
- have trouble with their emotions, now and when they grow older
- have trouble making friends and keeping them
- have trouble learning and succeeding in school
- feel that they did something to cause the abuse
- believe that they should have been able to stop or prevent the abuse
- stay away from others and feel lonely
- have trouble with relationships when they grow older
- copy the abuse they have seen or think that it is normal for them to be abused when they grow up

It is a good idea to get your child counselling to help deal with the impacts of abuse. Counselling can also help to end the cycle of abuse. This help is available for free throughout BC, through the “Children Who Witness Abuse” program. It offers individual and group counselling to children who witness the abuse of a parent. Support is also provided to the parent who has been abused. To look for a “Children Who Witness Abuse” program in your area, see page 93.

What kind of abuse is a crime?

Any kind of abuse is harmful. And even when abuse is not a crime, it can still be family violence. That means that a court might be able to order your partner to stay away from you and your children.

But many kinds of abuse are also crimes, and the person abusing you can be charged with a criminal offence. They might be arrested, tried, and put in jail. Assault is the most common charge. Other forms of abuse that are crimes are sexual assault and stalking. You have a right to be protected. If these things are happening to you, you can call the police.

To help the police with the case, it is a good idea to keep a written record of every time you are abused, including:

- what happened,
- the date and time when it happened,
- where it happened,
- the kind of injuries you have and how you got them,
- whether someone else saw what happened, and
- whether children were present. (Please be aware that, in some cases, the Ministry of Children and Family Development could investigate your family if they learn that your children have witnessed abuse. However, keeping track of when your children witness abuse could help you later if you want the court to limit your partner's contact with the children. For more information, see the whole section on "Getting parenting orders" starting on page 77, especially "Limits on your ex-partner's parenting role" on page 79, and "The best interests of the child" on page 80.)

Assault

If your partner or ex-partner does any of the things listed below, it is assault and it is a crime:

- hits or physically hurts you
- threatens to hit or physically hurt you, and you believe that he can or will do it

Sexual assault

Sexual assault includes “any sexual activity committed without the **consent** of the other party.” This may include:

- unwanted kissing, fondling, or sexual touching
- rape (forcing you to have sex when you do not want to or have not agreed to it — such as having sex with you when you are passed out)
- using a weapon to force you into sexual activity

In Canada, it is a crime for a husband to sexually assault his wife. He can be charged with sexual assault and he can go to prison.

Stalking, criminal harassment

Stalking is when someone keeps following you or contacting you. It is often a pattern of threats and actions that makes you afraid for your safety or your children’s safety. It may make you feel you cannot do what you want or go where you want. The law calls this **criminal harassment**.

There are other kinds of criminal harassment besides stalking. A single threat or action can be considered criminal harassment if it gives you a good reason to be afraid for your safety.

The person who harasses you does not have to be an ex-partner for it to be a crime. If anyone does one of the things listed below, it is criminal harassment, and it is illegal:

- contacts you again and again, especially at bad times (for example, at work or at home in the middle of the night)
- makes sexual phone calls (or sends e-mails) without your consent
- calls again and again and hangs up without speaking
- follows you, or watches you or other family members (for example, parks his car outside your house)
- threatens you, your family members, or your friends
- threatens to destroy property or harm your pet
- does anything else that is threatening and that makes you afraid he will harm you

It is very important to keep a written record for the police if you are being harassed. This information can help to build a criminal case against the person harassing you. It can also help you to get a peace bond or family law protection order (see page 67 for more information). To learn more about safety and your options, see the next two chapters. Or turn to page 86 for “Who can help.”

How common is violence in relationships?

When you are in an abusive relationship, it is common to feel ashamed, afraid, and alone. You may feel like you are the only one in this situation. But people of all ages, rich and poor, and from every background can be abused. You are not alone.

Studies show that 25 – 30 percent of women are physically assaulted by a husband, boyfriend, or partner at some time during their lives. In BC, 10 percent of all women reported assault by a partner during a five-year period. Statistics Canada recently found that half of all women over 16 said they had experienced at least one act of sexual or physical violence. Three out of four of those acts were committed by someone they knew.

Every year, thousands of women are badly injured or killed by their partners. Yet less than half of the women who experience violence in their relationship ever contact an agency for help.

Why an abused partner might stay

It is hard to take action to stop abuse in a relationship. There are many reasons why people stay in abusive relationships or do not call for help. You may be staying in your relationship for any of these reasons:

- you believe or hope that the abuse will end
- the “make-up” period after violence reassures you or strengthens your emotional bond with your partner
- you depend on your partner — to pay the bills, take care of you, or for other help
- you are afraid that your partner will become even more violent if you try to leave
- you fear for the safety of your children
- you fear that your children will be taken into government care
- you are afraid of losing your home
- you fear for the safety of your pets or farm animals
- you are afraid that no one will believe that the abuse happened
- you are isolated from your family and friends, so you do not feel you have the support you need
- you are afraid of being deported or of losing your immigration status
- you do not know about your rights or the help that is available
- you fear the legal system
- you feel pressure from your family or friends to stay
- you feel pressure or blame from your community
- you live in a rural area with few services
- you live in a small town where everyone knows everyone’s business

If you are being abused, please remember:

- Violence in relationships is *not* a private family matter.
- Assault, harassment, and sexual assault are crimes.
- You do not have to have lots of proof (such as witnesses or a videotape) to get help. Your word is enough to call the police and victim services.
- Help is available, whether you want to stay in the relationship or leave (see Chapter 2 for more information).
- If you are being assaulted or harassed, you can call the police. You have the right to be safe.

- it is hard for you to speak English
- you do not believe you know enough about Canadian society to be on your own

If any of these reasons apply to you, the rest of this booklet is meant to be a first step to help you get more information and choose what to do. If you have not yet spoken to anyone for help, you can start by calling VictimLink at 1-800-563-0808 (call no charge, 24 hours a day), or see the chapter “Who can help” (starting on page 86).

People with disabilities might face even bigger challenges when it comes to leaving an abusive relationship. Studies show that a disabled woman is twice as likely to be the victim of violence as a woman without a disability. You also have more difficulty finding employment and are more likely to face poverty. You may also depend on your partner to meet your daily needs for care, food, and shelter. However, there is help available from people who understand what you are going through (see page 95 for a list).

Women or men in same-sex relationships may also be abused by a partner, by an ex-partner, or have their children used against them by another parent. Getting help can be much more difficult due to fears of being treated badly by police or others who are supposed to help. Leaving can also be more difficult because of fear of losing the children or fear of losing the family home. However, it is important to know that you have the same rights as straight partners do in BC. You have the right to get help from mainstream organizations, just like everyone else. There is also help available from the gay, lesbian, bisexual, and transgender community (see page 95).

Those who are new to Canada might also feel very isolated and vulnerable. The same is true for anyone who does not speak much English or know Canadian customs or laws. Also, pressure from your family or community can make it hard to get help from outsiders or to leave. You may be afraid of being deported. You might not know your rights or where to go for help. It is important to know that your partner cannot take your status away from you if you leave because of abuse. For more information about what you can do if this is happening to you, see “If you are an immigrant” (page 44) and the LSS booklet *Sponsorship Breakdown* (see the back cover for how to get a free copy).

Aboriginal women can also face pressure from their community or fear racism from police. You might be worried that asking for help will mean you lose your children. You might also fear being forced to leave the reserve. But there are people who can help. You have the right to go to any advocate and transition house, or to ask for help from your community if you prefer. For information about what to do if you are Aboriginal and you are being abused, see the chapter that starts on page 48.



2 **Getting help**

Help is available

Women who are abused may feel confused, afraid, angry, frustrated, and/or alone. It is important for you to know that help is available. All through BC, there are people and services trained to help you, including:

- police, who can come when violence is happening or after it has happened
- **safe houses**, where you and your children can go for safety in an emergency
- **transition houses**, where you and your children can stay when you leave a relationship
- **advocates, settlement workers, and victim service workers**, who provide free legal information and emotional support
- legal aid, which can provide a lawyer for you, if you qualify
- **income assistance** (welfare), which might give you money for emergencies if you have no income
- community services, which provide support, counselling, and information. Most of them offer services to everyone, and a few focus on helping certain groups, such as newcomers or people with disabilities.

In the rest of this booklet, there is more information about what each of these people and services do. You may need to get help from more than one place. Some areas of BC have fewer resources than big cities. However, there is usually some help available wherever you are.

How can an advocate or victim service worker help?

It is a very good idea to look for an advocate or victim service worker to help you. This is true even if you do not think of yourself as a victim. Most people need help to deal with the court system, child protection investigations, and other concerns. Both advocates and victim service workers give their help for free. They can help you with:

- emotional support
- legal information (about what your rights are and how the legal system works)
- safety planning
- information about community resources and services (such as where to go for legal help, welfare, or counselling)
- talking about whether to leave the relationship
- finding out what you will be asked to do in court
- going with you to court, to the police station, or to the Crown counsel's office
- preparing to represent yourself in court
- getting information about your court case
- learning how to ask for what you need from government agencies and the courts

To get this help, call VictimLink at 1-800-563-0808 (call no charge, 24 hours a day). You can ask them for help

even if you are not sure that you are the victim of a crime. They will keep your call confidential (not share your name or other information with anyone).

Victim service workers are also available in victim assistance programs, in most police stations, or at the office of the **Crown counsel**. See the listing for Victim Services on page 87 to find them. (These helpers may not be able to keep your information confidential.)

An advocate might work at a local women's centre, family support service, or transition house. An advocate who works at an immigrant service agency is also called a settlement worker. For help finding an advocate, visit the PovNet website at www.povnet.org and click "Find an advocate." Or call VictimLink at 1-800-563-0808 (call no charge, 24 hours a day).

Calling the police or RCMP

If your partner or ex-partner has hit you, sexually abused you, threatened you, or harassed you, you can call the police or RCMP at 911 and tell them you are being abused. If your area does not have 911 service, call your local emergency police or RCMP. (To find the phone number, check the inside front cover of your phone book or call your local city's office and ask for the number.)

If you have a hearing or speech disability, you can call the 24-hour Telus Relay Service at 711 (for TTY service) or 1-800-855-0511 (voice activated).

If you do not speak English, you can call 911 and ask for an interpreter. When you call, say "police" and then the name of your language.

In some areas, the police department has a Domestic Violence Unit. You can ask to speak to someone in this unit who can give you information and provide counselling.

Calling the police when you are in danger

When you call the police, try to tell them:

- your name and address,
- that you are in danger,
- what is happening (what the abuser is doing or has done),
- if the abuser has a weapon and what kind of weapon it is, or if there are weapons in the house,
- if the abuser has been violent before,
- if your children are with you,
- if anyone has been hurt, and
- if you already have a peace bond or protection order.

For more information about what happens when you call the police, see page 28.

Calling the police after the crisis

Even if you do not call the police right away, you still have the right to get help. You can call them later or go in person to the police station to report assault or harassment. It can be very helpful for you to take an advocate or victim service worker with you, if possible.

After any violent event, it can help the police if you write down what happened and report the assault or harassment as soon as possible. Include as many details as you can about the event, such as:

- the time and place
- what happened: both threats and actions
- any injuries you have and how you got them
- whether children were present
- whether anyone else saw what happened

It is also helpful to take pictures of any injuries and other evidence (for example, broken household items). Giving the police these details makes it easier for them to gather the evidence they need for a criminal case or a **peace bond**.

If you have children, it is very important to write down details of violent incidents, even if you do not call the police. This information will help if you ever try to leave the relationship and take the children with you. Be sure to keep the information in a safe place (see “Safety planning,” page 23).

Safe houses and transition houses

Safe houses and transition houses give you and your children a safe place to stay if you are being abused. These houses are open 24 hours a day and are free. Their workers provide legal information and emotional support. They can help you understand your options, such as how to stay safe. They can also help you to leave the relationship.

Some houses are meant for emergencies and let you stay for a short time. Other houses give you a safe place to live for a longer time while you figure out your next steps. To find the nearest safe house or transition house, call VictimLink at 1-800-563-0808 (call no charge, 24 hours a day). They can speak to you in 100 different languages, including 17 Aboriginal languages.

Getting a lawyer or legal aid

You may need to talk to a lawyer. They can give you information and advice about:

- what to do about children or property (before you leave or afterward)
- what your options are

- how to get court orders to keep your partner or ex-partner away (called **peace bonds** or **family law protection orders**)
- what you can take with you if you decide to go

You can ask trusted family, friends, or a local women's organization to recommend a good lawyer who knows family law. Or you can contact the Lawyer Referral Service (see page 91 for more information about this service, the cost, and what kind of help you can get). Hiring your own lawyer will often cost you a minimum of \$2,000 for a family law case.

If you cannot afford a private lawyer, contact legal aid to see if you qualify for a free lawyer to take your case. (There are rules about who qualifies based on your legal issue and your finances.) See page 88 to find out how to reach them. When you contact legal aid, tell them if you have been abused and need help to stay safe and to keep your children safe.

If you are denied legal aid, you can usually appeal that decision. You can also re-apply if your situation changes or if you have new information (for example, if you have less money, or if you become more afraid for your safety). For more information about who qualifies for legal aid, go to www.legalaid.bc.ca (under "Legal aid," click "Legal representation").

If you do not qualify for legal aid, there are other services that provide free legal help or information (see the list starting on page 88). For example, you might qualify for Family LawLINE. This service has family lawyers who give free legal advice over the telephone. (You can reach them by phoning the legal aid call centre. See page 90.)

If you must act as your own lawyer, an advocate might be able to help. They can explain the legal process and tell you where else to go for information and advice. See page 18 for more information on advocates.



3 **Safety planning**

Whether you choose to stay or to leave, you can do things to improve your safety and the safety of your children. There might be many ways of getting help that you do not yet know about. Planning ahead helps you to line up these resources if or when you need them.

When you are afraid, it is very difficult to think clearly. That is why you make a safety plan. You collect information and make some decisions *before* a crisis — so that you do not have to make hard decisions *during* a violent event.

A safety plan is a plan for the steps you will take to protect yourself and your children. It is valuable whether you have decided to leave or to stay in the relationship. You may not be able to control your abusive partner, but making a safety plan is one way to start getting control over your life and your choices. It can also help you to keep your children safe.

Children can have safety plans, too. The court will not always keep a parent who has abused the other parent from seeing their child. The judge may order that the abusive parent is allowed to have parenting time or contact with the child. Helping your children make their own safety plans will help them feel safer, too.

Later chapters have even more information about help that is available. For example, you may be able to get some protection from the police and from court orders.

There also may be limits to what the police can do. It is important to know ahead of time what your choices are. A safety plan is a good place to start.

Tips on safety planning

You can use the things you have already learned when making your safety plan. You have probably already started to think about how to make yourself and your children safer, even if you do not call it a “safety plan.”

The process will take some time. It is a good idea to ask a friend, an advocate, or victim service worker for help. They can help you consider your options and find information that you need to make decisions.

To make a safety plan, start with these steps:

- Think about what you need to stay safe and whether you are leaving or staying in the relationship.
- Get information about emergency services in your area, such as police and safe houses.
- Talk over your plan with people who can help. If you do not know anyone, find an advocate or victim service worker (see page 18).
- Talk to your children about how they can keep themselves safe.

When making a safety plan, you can do things such as:

- Tell neighbours to call the police if they hear loud or frightening noises, or if they see anything suspicious.
- Find out about services like safe houses or transition houses in your area.
- Talk to a worker at a transition house about what they do.
- Think about where you can go if you decide to leave or if you are suddenly in danger. (This should be a place that is safe and where your partner will not know to look for you, such as a safe house.) Memorize the address and telephone number.



- Find out whether your area has 911 service. If it does not, find out what number to call in an emergency to reach the police, ambulance, or fire department. You can learn this by looking at the inside front cover of your telephone book.
- Find out where you can take a pet for safety or how to keep your farm animals safe.
- Put some money in a safe place, a little at a time.
- Pack a suitcase of extra clothes, eyeglasses, toiletries, and any medicines that you and your children need. Leave it with a friend or in another very safe place.
- Gather these papers for you and your children and put them in a very safe place:
 - » birth certificates and identity cards
 - » passports, immigration papers, and status cards
 - » CareCards
 - » marriage certificate
 - » financial information
 - » any other papers you think are important

- » If keeping original documents is a problem, you can get help to get certified photocopies of these papers. Call Victim Services (see page 87), your MLA (member of the legislative assembly), or another government agency or victim support organization close to you for help with getting certified photocopies.
- Make photocopies of your partner's:
 - » pay stubs and tax returns
 - » bank accounts, investments, and RRSPs
 - » company records and ledgers
 - » Social Insurance Number, CareCard, and date of birth (or just note these numbers for later)
 - » Add these papers to the other important papers and keep them all together in one safe place. If you can afford it, you can rent a safety deposit box at a bank.
- Put an extra set of keys for the house and car in a safe place.
- Teach your children how to phone the police and fire department for help.
- Tell your children that their job is to stay safe and protect themselves, not to protect you. Teach them to go to a safe place when there is danger, such as a trusted neighbour's house. They can call for help from that place.
- Get legal advice about how to protect your children and what to do about the family home and money.
- Find out where you can get an interpreter who speaks your language, or special help with your disability, if you need these services.

- If you use the internet at home, erase your browsing history whenever necessary. There are still programs that can track which websites you visit, however. You might choose to visit certain websites using a machine at a library or other safe place.

If you have left the relationship, you can do things such as:

- Make specific safety plans for when your ex-partner picks up and returns the children after spending time with them (see “If visits are unsafe for you or the children” on page 83).
- Keep a copy of your protection order with you and your children at all times.
- Make sure your home contact information is not open to everyone at work (such as in an employee directory).
- Let your children’s school or daycare know if you have a protection order, and give them a copy. Make sure their school bus driver is also told, and keep the school informed of your situation.
- Make sure your name is not shown in your apartment building directory.
- Get counselling for you and your children. This is a very stressful time, and most people need help to get through it.
- Take steps to protect your credit and manage your finances (see “What to do about money” on page 40 for more information).

Other sections of this booklet give more suggestions for how you can protect yourself and your children. See Chapter 5 (starting on page 37) and Chapter 9 (starting on page 74).

4 **Calling the police or RCMP**



What happens when the police or RCMP first come

When the police get a call about violence in a relationship, they will come and talk to you about what has happened. If your partner or ex-partner is there, they will talk to him separately. If you are afraid for your safety, tell the police that this is so. Also tell them what your partner or ex-partner has done to make you afraid.

If you have tried to leave the relationship or have told your partner that you are leaving, tell the police this, too. They need to know because a partner may become more violent in this situation. Be sure to tell the police if there are weapons in the home.

The police should give you a card with their name and phone number on it, and the police case number. (Ask for this card if they do not give it to you.) If your partner or ex-partner leaves while the police are there but then returns, you can call the same police officers again and ask them to come back.

There are a lot of different things that can happen when the police come. You also have options when it comes to what you can ask them to do for you. Read on for more information.

Will your partner be arrested?

The police might arrest your partner or ex-partner — even if you do not want them to. If the police have evidence that any of the following things is true, they will generally make an arrest:

- if your partner or ex-partner has threatened you
- if he has harmed you
- if they have good reason to believe that he will harm you very soon

Being arrested is not the same as being charged with a crime. When someone is arrested, it means the police might take the person to the police station and ask questions about the incident in an interview. The process for deciding whether to charge someone happens later, and involves more people. (To learn who makes this decision and how, see “Will your partner be charged?” on page 32.)

If your partner leaves before the police arrive, they can still arrest him if they find him. If you know where he is, tell the police.

If you are afraid, you can tell the police that you want a peace bond (see page 67 for more information). You can also apply for a family law protection order (see page 69).

Most police officers will take your complaint seriously. However, if you do not get the help you need from the police, you have options. For example, the police may not arrest your partner or ex-partner or may simply talk to him. If that is the case, make sure you have an incident number or file number. This number means the police are recording that the incident happened.

Your partner may also tell the police that the assault was your fault or that you started the fight. The police may agree that you are to blame. If that happens, write down the officer’s name, badge number, and any other information

that could identify the officer. You can file a complaint against the officer if you are unhappy with the response you get (see the next section for more information).

Complaints against the police or RCMP

If you do not believe that the officer handled your call correctly, you can make a written complaint against the police. This can be helpful later on, such as when you apply for parenting orders or a protection order.

If you were dealing with the police (not the RCMP), you can get a complaint form from the police or the Office of the Police Complaint Commissioner (see page 96 for the contact information).

If you have a complaint against the RCMP, you can make it through the Western Region Office of the Commission for Public Complaints Against the RCMP (see page 97 for the contact information). This commission is independent of the RCMP. You also have the option of making a complaint at any RCMP office.

Keep a copy of your complaint if you can. Put it with all of the other papers in your safety plan.

Getting to a safe place

If there is a transition house or safe house in the area, the police can take you and your children there. You may need to ask them to do this. Or you can ask the police to take you and your children to the home of a safe friend or family member (where your partner will not be able to find you), or to a motel. It is important to take the children with you: it will help you protect them and improve your chances of getting the parenting orders you want later.

If you decide to stay in the family home, it is a good idea to have the locks changed right away. If you live on reserve, see page 52.

If you are hurt, the police can also take you to a hospital or doctor. Most emergency room staff are trained to help women who have been abused. They will also collect medical evidence of the assault. You can ask that the police take the children with you. You can also ask that the children be taken instead to a relative's house if you have to go to the hospital. And you can ask that the hospital call a friend, relative, or advocate to come and be with you while you get medical treatment.

You have the right to ask questions about any medical examination, to have a friend or advocate with you, and to refuse treatment.

The police report

The police must investigate every call about violence in a relationship and prepare a report. They will do so even if you have not been hurt or you do not want to be a witness. They will also write a report even if they do not arrest your partner. They will ask you questions about what happened. It is important for you to tell the police as many details as you can remember.

If the police interview you again later, you have the right to bring an advocate or victim service worker with you.

Will your partner be charged?

After their investigation, the police look at the evidence and decide whether to recommend criminal charges. The charge might be assault, criminal harassment, or sexual assault, depending on what happened. The police will recommend charges if they believe there is evidence that someone has committed a crime. However, the final decision about whether to charge your partner is made by someone else — Crown counsel (sometimes called the prosecutor).

Crown counsel's decision about whether to charge your partner is based on whether it is in the public's interest to charge him and whether it is likely that the judge will find him guilty. If the Crown counsel approves charges, the police will carry out that decision and lay the charges.

You have the right to know the status of the police investigation and the court case when you are the victim. You also have the right to an explanation if:

- Crown counsel does not approve charges, and
- you are not satisfied with Crown counsel's decision.

If you are not satisfied, you can make a complaint to the Administrative Crown Counsel by contacting the Crown counsel office in your region.



Will your partner be released?

If your partner or ex-partner is arrested:

- He can be held in custody while the police investigate what happened.
- If he is not charged, he will be released without conditions. That means that he can still contact you, return to the family home, etc. If you feel you are in danger, you can apply for a protection order (see page 67).
- If charges are laid, the police can release him with conditions (see the next section).
- Or, the police might hold your partner or ex-partner in jail until a bail hearing. At that hearing, a judge or a justice of the peace will decide whether to release him on bail before his trial. There are usually conditions he must follow while on bail (see the next section).
- Sometimes he might go before the courts and plead guilty. If that happens, he will be sentenced (see page 64 for more information on sentencing).

Conditions for release

When a judge or justice of the peace releases someone before trial, it is often with conditions. These conditions can be things like:

- He cannot contact you or go to your home, school, or workplace (often called a no contact order — see the next section for more information).
- He cannot see the children.
- He cannot visit the family home.
- He cannot own guns or other weapons.
- He cannot drink alcohol or use drugs that are not prescribed by a doctor.

These are only examples. Each set of conditions is different. The person released must follow the conditions, or they can be arrested again and charged with another offence. (That second offence is called **breach** of an order.) The conditions usually last until the case is over.

No contact orders

When conditions for release include “Have no contact, directly or indirectly, with [your partner],” this is called a **no contact order**. What this means is that the court forbids your partner or ex-partner to:

- phone you,
- write to you (including e-mail and text messages),
- send gifts,
- ask someone else to give you a message, or
- go to your home, work, or school.

The order usually does not forbid you to contact your partner. However, doing so might place you in danger. It also might make it more likely that your ex-partner will contact you in return. If your ex-partner goes against the order and

contacts you in one of the ways listed above, they can be charged with breach of an order.

Sometimes, the order allows limited contact. It will say so if this is the case. For example, you might only be allowed to contact each other to arrange time with your children or to obey any family court orders you have.

If you want a no contact order, you must tell the police officer when they come to investigate. The police will want to know about other times when your partner or ex-partner has been violent. The police will then put the reasons for having a no contact order in their report to Crown counsel. Then Crown counsel will tell the judge why your partner or ex-partner should stay away from you.

It is important to make sure the court has registered your order. That way, you will be called if your partner or ex-partner is released. To ensure that your order is registered, or to check what it says, you can call VictimLink at 1-800-563-0808 (call no charge, 24 hours a day).

Following up on conditions (including no contact orders)

Crown counsel is supposed to give you a copy of the conditions or the no contact order. If they do not, you can contact Crown counsel to get a certified copy. If you have trouble getting a copy, an advocate or victim service worker might be able to help you. Keep a copy of the no contact order with you at all times. You might need to show it to the police if your partner tries to contact you.


If your partner or ex-partner breaks any of the conditions or disobeys the no contact order, you can phone 911 if you are in danger. (If your area does not have 911 service, or if you are not in danger, call your local police or RCMP.) Your partner can be arrested and charged with another crime for going against the conditions or the order.

Getting information about the case

Under the Victims of Crime Act, a person who has been abused has the right to get up-to-date information about the case against their abuser, including:

- the status of the police investigation and the court case,
- how the criminal justice system works,
- how the abuser’s sentence will be carried out,
- the organizations and services that can help,
- compensation (money) for injuries that might be available (see “Apply for Crime Victim Assistance Program benefits” on page 43), and
- your right to privacy and which information about you must be kept confidential.

You can ask the Crown counsel what has been happening with the case. If you have trouble getting that information, an advocate or victim service worker may be able to help you. The Ministry of Justice website has a lot of information about how the criminal justice system works. See www.justicebc.ca.



5 **Leaving a violent relationship**

Most people leave a violent relationship during an emergency or crisis. When this happens, you may have a lot of questions and concerns about things like what will happen to your children, your home, or any property you share with your partner. This chapter begins to answer some of those questions. It also tells you where to go for help with your specific situation.

Because of how complicated parenting and property can be, it is best to plan ahead if you can. You can make a safety plan and talk to a lawyer about your questions *before* an emergency (see “Safety planning” on page 23). However, even if you have not done so and you leave, it might be important for you to talk to a lawyer *as soon as possible* (see “Getting a lawyer or legal aid” on page 21). If you cannot afford a lawyer and you call legal aid, tell them that it is an emergency. You can also ask family duty counsel for free legal advice without an appointment (see page 89 and onward for how to contact them).

What about the children?

If you are concerned about the safety of your children, it is important to take them with you when you leave. This will also give you a better chance of getting court orders that will help you keep them with you later. If you cannot take your children right away, go back to get them as soon as possible.

Apply right away for something called an interim parenting order about who the children will stay with. An **interim order** is temporary and you can get one quickly. It can restrict the time your partner spends with the children and might also give you the right to make decisions without your partner for a time. You should get legal help with these orders if you can. You might be able to get a legal aid lawyer's help for free (see page 21 for information on legal aid).

If you cannot go back to get your children, get help from a lawyer, an advocate, or a victim service worker right away.

Going back to get your children, belongings, or medications might be dangerous. You can ask a police officer to come with you. Phone the police in advance to set up a time. The police can make sure that you are safe when you go to ask for the children. However, they cannot force your partner or ex-partner to give you the children if you do not have a **court order**.

If your partner will not let you take the children

Get legal advice right away. A lawyer might be able to help you get an interim parenting order (see page 78 for more information) or a protection order (see page 69) to get the children to safety. If you cannot afford your own lawyer, you can talk to **family duty counsel** or a **family justice counsellor** for free (see pages 89 and 90 for how to reach them).

If you are afraid that your children will be unsafe if they stay with your partner, call the nearest office of the **Ministry of Children and Family Development** (see page 93). After regular business hours, call the ministry's Helpline for Children (see page 93). A social worker will investigate your concerns, and might remove your children from your ex-partner's home if they are unsafe. Talk to a lawyer or advocate about getting the ministry to place the children with you instead of in foster care. See also "Safety planning" on page 23.

For more detailed information about these issues, you can get a free copy of the YWCA booklet *Leaving an Abusive Relationship: Information on Custody and Access for Women with Children* listed on page 100.

What about the family home?

Even if you had to leave your home to go to a safe place, you may be able to return later and live there without your partner. There are three different ways that you can make this happen:

- If there is any kind of no contact order and you have been living in the family home, your partner or ex-partner cannot come there. This is true even if it is where you used to live together. This means that if your partner is released from jail and is told not to contact you, you can live in the home without him while those conditions of release are in place.
- If your partner is a risk to your safety, you can apply for a protection order. This order can say that your partner or ex-partner must stay away from both you *and* your home. This will give you the right to live in the home without him. See “Family law protection orders” (page 69) for more information.
- If these first two options do not apply to you, you will need to ask for an order from Supreme Court to get the legal right to stay in the home without your partner. You will need a lawyer to help you get this order (see “Getting a lawyer or legal aid” on page 21). You will not have to prove that there has been violence between you and your partner to get this order. However, legal aid lawyers can only help with this issue if your safety is at risk. If you live on reserve, the situation might be different. See page 52 for more information about whether you can stay on the family home on reserve.

What to do about money

Worries about how to pay for basic needs on your own can keep many people in an abusive relationship. It is important to know that there is some financial help available if you need to escape abuse. This section tells you about many of these kinds of help. An advocate, victim service worker, or settlement worker can help you get these benefits. (They can also help you to plan for the future, such as tell you about classes or training programs that could help you find work.)

You can use this section as a checklist. The items that start with “You can...” are optional. The others are recommended.

You can apply for welfare (short-term and long-term)

If you have a place to stay for now but do not have enough money for your basic needs, contact the income assistance (welfare) office in your area at 1-866-866-0800 (call no charge). If you need money for food, shelter, or medical needs, tell the worker that you need an “immediate needs assessment.”

It is very important to tell the welfare worker that you are leaving an abusive relationship. The law says that the ministry must excuse you from doing a job search and making an employment plan. And if you are afraid for your safety, they also cannot force you to ask for child support from your abusive partner.

If you decide to stay separated from your partner and you have no money, you can apply for regular welfare. If you have a disability, you can then apply for disability benefits. If you are denied regular welfare benefits, you might be able to get hardship assistance. The free booklet *Your Welfare Rights* has much more information about welfare (see the back cover for how to get a copy). If you have trouble getting the benefits you need, an advocate, victim service worker, or settlement worker can help.

You can apply for spousal support

You can apply to the court to get financial support (maintenance) from your partner or ex-partner. You may also be able to get some help with this from a family justice counsellor (see page 90 to find them). If you are on welfare, you can ask to speak to a Family Maintenance Program worker. One of their lawyers will try to get support for you from your ex-partner.

The Family Law in BC website (www.familylaw.lss.bc.ca) and the free booklet *Living Together or Living Apart* have much more information on spousal support (see the back cover of this booklet to learn how to get a free copy).

Make sure your cheques reach you

You might already get a paycheque or other cheques each month, such as a pension, disability benefits, or welfare. It is very important to give your new address to the office that sends the cheques as soon as possible. If it is a government office, such as the welfare ministry, it is important to tell them that you have just left an abusive relationship. If your paycheque, pension, or disability cheque is automatically deposited into a joint bank account, change that so that it is deposited into your personal account instead.

Protect your money and credit

If you have left the relationship, you might also want to take steps to protect your credit and manage your finances. This process will be different for everyone. Your bank or a financial adviser can help you. Following are some steps you could take to begin:

- Let all of your creditors know that you have separated. Call them or write letters and keep copies.
- Consider whether you need to cancel secondary credit cards (if one spouse is the primary card holder, and the other has a secondary card on the same account).

- Order a credit report to ensure that your partner has not opened accounts in your name without telling you.
- Change the beneficiary of your will, investments, RRSPs, and insurance to someone else, such as your children, if your partner is the beneficiary.
- Talk to the bank about joint accounts. Ask them to reduce limits on overdrafts and credit lines to what you owe now. If you need credit, ask the bank to open a line of credit in your name only. If there is a large balance on a joint account, you might need legal advice.
- Get legal advice to protect your finances and credit, and to learn about your options. You will especially need legal advice if you own a house, car, or other property (like joint bank accounts) with your partner. You will also need legal advice if you want to cancel joint credit cards or get your name removed from them. See “Getting a lawyer or legal aid” on page 21.

Manage your child tax benefits and BC Family Bonus

If you receive the Canada Child Tax Benefit, the Universal Child Care Benefit, and/or the BC Family Bonus by mail, notify those offices immediately if your address changes. If you do not yet get these benefits, you might be able to receive them once you are separated.

Once you have lived separate and apart from your partner for 90 days (3 months) or more, fill out a Canada Revenue Agency form stating that you are separated. You might get more Canada Child Tax Benefit, Universal Child Care Benefit, and/or the BC Family Bonus — or you might be able to start getting them for the first time. For more information, contact the Canada Revenue Agency (see page 96).

If you have not been getting these benefits and you are now on income assistance, ask the welfare ministry for a “top-up” on your monthly welfare cheques while you wait

for the other benefits to start coming. For more information, see the free booklet *Your Welfare Rights* (see the back cover for how to order a copy).

Apply for Crime Victim Assistance Program benefits

If you have been abused or harassed, you can apply for benefits from the Crime Victim Assistance Program. This is money that the government gives to people who have been injured as a result of a crime. These benefits help victims, their immediate family members, and some witnesses recover from the effects of violent crime. They will cover such things as lost wages, medical expenses, and counselling. It is not necessary for your partner or ex-partner to have been charged to get these benefits. However, there must be a police report for you to qualify for this help. You have one year after the crime has been reported to apply for this program.

You can get an application form from the police, an advocate, or a victim service worker. If you have questions, contact the Crime Victim Assistance Program at 604-660-3888 (in Greater Vancouver) or at 1-866-660-3888 (call no charge, elsewhere in BC).

Choose whether to sue your abuser

You can sue the person who abused you by going to civil court. The judge may order the person to pay you “damages.” This means money to pay for the pain, suffering, and lost wages that the abuser has caused you.

If you want to do this, talk to a lawyer right away. There are time limits around when you can ask for this money. Legal aid will not pay for a lawyer to do this for you — you will have to hire a private lawyer. Some will take a case on contingency (you pay them if you win, but you do not pay if you lose).

If you are an immigrant



It is important to know that, in Canada, you do not have to stay with an abusive spouse, even if that person is your immigration sponsor. You can leave, and you can take your children with you.

It can feel very difficult to leave: you might not feel you have the help you need. You might fear your partner, the government,

the police, your family, or your community. And you might come from a place where men make the rules. But there are many people who can help: look for a community advocate, settlement worker, multicultural organization, and family support services. These helpers can often speak your language and understand your culture. For a list, see page 94 and the rest of that chapter.

The rest of this section has more information about different immigration situations. You can also read the free booklet *Sponsorship Breakdown* (listed on page 100) for more information about what to do if your sponsor is abusing you.

If you have permanent resident status

If you are a permanent resident, you can stay in Canada if you leave the relationship — you *will not* be deported, even if your husband was your sponsor. If you leave your husband, you may be able to get income assistance (welfare). For help, speak to an advocate, settlement worker, or victim service worker.

If you do not yet have full permanent resident status but have applied

If your partner sponsored you but you do not yet have full permanent resident status and your sponsor abuses you or your children, *get legal help right away*. You can call VictimLink to find out where to get this help (see page 87). There are different requirements depending on when you applied for permanent resident status. *However, you should not have to stay with an abusive sponsor no matter when you applied.*

The government has said that you will not be deported if you leave because your sponsor abused you or your children. You also will not be deported if you leave because your sponsor let a family member abuse you or your children. This is true whether the abuse was active, such as hitting, or whether it was neglect, such as not giving you or your children enough food. A victim service worker can help you understand what you have to do to stay in the country and get your full permanent resident status. (See page 87 to find Victim Services.) The new process is explained below.

If you applied *before* October 25, 2012, you might be given full permanent resident status as soon as the government processes your application. The government might check whether you are still living with your sponsor. If you have left because of abuse or neglect, get help from a victim service worker, advocate, or settlement worker to explain this to the government.

A new category:

Conditional permanent resident status

If you applied *on or after* October 25, 2012, you might have to wait two years to get permanent resident status. During this time, you will have *conditional* permanent resident status. The government will make you wait these two years to get permanent resident status if:

- you applied for permanent resident status *on or after* October 25, 2012, and
- you and your sponsor did not have children together when you first applied for sponsorship, and
- you and your sponsor were in a committed relationship (married, common-law, or **conjugal partners**) for fewer than two years when you first applied.

If all of the above apply to you, you must still be living with your partner at the end of the two-year waiting period to get full permanent resident status.

However, if you have conditional permanent resident status and your sponsor or sponsor's family abuses or neglects you or your children, the government might end the waiting period and give you permanent resident status sooner.

You can ask the government to do this by calling Citizenship and Immigration Canada (the CIC), the agency that handles permanent resident applications, at 1-888-242-2100 (call no charge). You can also ask them to do this if they have already investigated and found that you are no longer living with your sponsor. *It is best to get help from an advocate, lawyer, victim service worker, or settlement worker before you call the CIC.*

The CIC will then investigate whether you or your children were abused or neglected. If they believe that you were, they might grant you full permanent resident status before the waiting period ends.

You can still get your full permanent resident status even if you leave your sponsor because of abuse. It is best to get help to explain what happened to the government.

If you are a refugee claimant or you do not have permanent resident status

Get legal help right away. The law offers some protection to people without status who are being abused by their partners, but you may face a deportation hearing. You will need a lawyer or legal aid. If English is a problem for you, you can get help to find a lawyer who speaks your language. Contact an advocate, settlement worker, or victim service worker for help.

If you are sponsoring your abuser

Get legal advice as soon as possible if your partner assaults or harasses you. You may also want to speak to a settlement worker.

6 *Violence against Aboriginal women in relationships*

Who this chapter is for

This chapter is for any Aboriginal woman who is being abused, assaulted, or harassed by her partner or ex-partner. It gives you legal information about your rights and options.

The term “Aboriginal” includes **status** and **non-status Indians, Métis, Inuit**, and anyone who self-identifies (thinks of herself) as Aboriginal or **First Nations**.

This chapter is for you whether you have stayed with your partner, you have left, or are trying to leave. All of this booklet has information that applies to you, too. However, Aboriginal families and communities face particular challenges. Women and children are especially vulnerable to abuse. Women may be afraid that they have to leave their home on reserve if they break up with their partner, or that someone may contact social workers about them. This chapter is meant to give you information so that you can make the decisions that are right for you and your family.



Some examples of abuse and violence

Abuse and violence come in many forms. These are some of the different kinds of abuse:

- emotional and psychological abuse (name calling, put-downs, controlling who you see, controlling what you do, controlling how you spend your money, making threats to hurt you or someone else, hurting your pet, or damaging something you own)
- physical abuse (such as shoving, punching, hitting, slapping, and choking)
- sexual abuse (includes making you do sexual things when you do not want to, rape/unwanted sex, and having sex with you when you are not awake or alert enough to agree to it)

Pages 5 – 8 have more information on what abuse is.

You do not have to have proof of abuse — your word is enough for you to get help, both from the police and from other services. If you think you might be living with abuse and violence but you are not sure, there are people who can help (see “Getting help” on page 17). And if you are abused physically or sexually, or harassed, you can call the police or the RCMP (call 911 or find emergency phone numbers on the inside front cover of the phone book). You can also call the VictimLink BC Information Line at 1-800-563-0808 (call no charge, 24 hours a day).

For information about what happens when you call the police, see the chapter starting on page 28. To find out about what happens if your partner is charged, see the next chapter, starting on page 58.

When you are ready to begin the journey of emotional healing, it is a good idea to get counselling. You can call your local Aboriginal community centre or social services agency to help you find local counselling or an elder to talk to. If you are living on reserve, the band might offer these

services. Or you can try your local Friendship Centre (look in your phone book to find one). You can also call any kind of counselling service.

Power imbalance

There might be a large power imbalance between you and your partner. It might be physical: he might be stronger or bigger than you are. It might be financial: he might make all the money or have all the control when it comes to spending it. This can be very difficult for you to deal with, especially if you have children. The abuse might be worse because of other worries. For example, your partner might have power in your community, or you might worry about others knowing about your personal family problems.

These issues might make it hard to hold your partner responsible for his hurtful actions. You might feel like he is protected and you are on your own. However, it is important to know that you can begin to empower yourself by taking steps to protect yourself and your children. This can be done by making a safety plan (see page 23 for how to start). Or you can ask for help from your own hereditary chief or community leaders. It is up to you to decide how you want to handle your family issues.

You can plan ahead to leave the reserve if you or your children are in danger, or to stay if the reserve has its own safe house or transition house. There are some Aboriginal transition houses in BC (see page 92 for a list). You can also go to any non-Aboriginal transition house throughout BC to get help (see “Housing help” on page 87 for more information, or call VictimLink for help at 1-800-563-0808 — call no charge, 24 hours a day). You might choose to go to the nearest urban centre for shelter and protection for you and your children.

Emotional effects of abuse

The idea of leaving might feel very difficult. Abuse makes a person feel very isolated. It can make you feel cut off from your friends and family, your childhood community, and even from your partner. It can also make you feel cut off from yourself. But you are not alone, and you are not the only one. There are ways to get help and be safer.

The sad fact is that abuse almost always gets worse, not better. If you do not leave your partner, your life could be at risk. However, whether you choose to stay or go, it is important to have a safety plan in case the situation grows dangerous.

If possible, think of trusted relatives or friends who can keep you safe, give you emotional support, and help you to protect yourself (not protect the person who is abusing you). Plan ahead to stay with them whenever you do not feel safe. For more tips on making a safety plan, see page 24.

Impact on children

A child who grows up around family violence does not necessarily grow up to become an abuser or victim of abuse. However, if your children have witnessed abuse, they have a higher chance of being involved in this type of violence when they are older. To help end the cycle of violence, children need some kind of counselling.

Choosing the right place to get help for your children is important. Most temporary shelters and transition houses can help you find counselling. Make sure that whoever helps you understands that you only want counselling for your children, not for the Ministry of Children and Family Development to take them away from you just because you are seeking help. (For more information on dealing with the ministry, see the *Aboriginal Child Protection Fact Sheets* by going to www.legalaid.bc.ca/publications and clicking on Aboriginal people or Families & children.)

There are many “Children Who Witness Abuse” programs in BC, which give free support and counselling to children. To contact them, see page 93.

For more information on the cycle of violence and the effect it has on children, see pages 8 – 9.

Who can stay in the family home on reserve?

As of **December 16, 2014**, there are new laws that set out who can stay in the family home on reserve when you and your partner break up. For more information, see our Aboriginal Legal Aid in BC website: [Your home on reserve](#).



Getting help

Calling the police

If you are a victim of violence on reserve, you can phone the community police if your band has a detachment, or you can call 911. It is a good idea to have the police or RCMP come to your home, especially if your safety is at risk or you have children with you.

When you report abuse to the local police or the RCMP, they keep a record. This record makes it possible for the authorities to charge your partner with a crime in the future. Having a record of the abuse can also help you later if you apply for a peace bond or family law protection order (see page 67) or a parenting order to keep your partner away from the children (see the section starting on page 77).

If you decide to leave

Some bands in BC have transition houses on reserve that help women and children who are victims of abuse. For a list of these houses, see page 92. And if you are off reserve or want to leave it, there are many more safe houses and transition houses that you can go to (see “Safe homes in urban centres” on page 56 for more information).

Victim service workers, Native courtworkers, and advocates

Throughout BC, there are programs in the community that help victims of abuse. Some of them serve mainly Aboriginal women. You can choose one of these programs, or you can get help from general victim services. To find the nearest safe house, transition house, or victim service worker, call VictimLink at 1-800-563-0808 (call no charge, 24 hours a day). VictimLink provides service in over 100 languages, including 17 North American Aboriginal languages.

You might also want help to deal with police, the welfare ministry, and the courts. A victim service worker can give you this help, or you can ask an advocate or trusted community member. That helper can come with you to meetings and give emotional support. (See “How can an advocate or victim service worker help?” on page 18 for more information.)

You can also look for Native courtworkers. They can explain legal situations to you or speak on your behalf in court. Native courtworker services are available in both urban and rural communities (see page 57 for contact information).

Can welfare help you out financially?

If you do not have enough money for your basic needs, contact your local income assistance (welfare) office at 1-866-866-0800 (call no charge) and ask for an immediate needs assessment. Or if you live on reserve and need immediate help or want to apply for welfare, contact your band office for assistance. If you have an advocate, victim service worker, or band social worker, you can ask that person to go with you to the welfare or band office when you apply for assistance.

The policies for welfare are different depending on whether you live on reserve or off reserve. Band social development workers on reserve have to follow the policy set out by Aboriginal Affairs and Northern Development Canada when making decisions about welfare. For more information, see the Legal Services Society booklet *Social Assistance on Reserve in BC*. To order this booklet, see the back cover. For much more information about money issues, see the section that starts on page 40.

Legal aid

If you are dealing with issues related to safety, your children, or how to deal with your home or other things you own, you will probably need a lawyer's advice. It is best to speak to a lawyer as soon as you can, in order to protect your rights. Some lawyers will help you for free (called legal aid), depending on your issue and your finances. To apply for this help, see page 88. There are also lawyers called duty counsel whose advice is free for those who qualify. You can see them with or without an appointment at most courthouses (see page 89 for more information). And there are free legal clinics — see the listings on page 88. For more information about these options, or to learn about hiring a private lawyer, see “Getting a lawyer or legal aid” on page 21.

Safe homes in urban centres

Most urban centres in BC have safe homes that will provide support and shelter to women and their children who are escaping abusive situations. Aboriginal women can go there to get help. The BC Society of Transition Houses has 63 safe homes in BC where you can get:

- help in a crisis
- people who can go to court with you
- parenting support
- counselling (done in the home)
- programs for children who witness abuse

Some of these homes are for short stays only, while others let you stay for up to one month. A few homes may even let you stay longer if children are involved. And if you live in a rural area that is hard to reach, you might be able to get service providers to come to you.

BC Society of Transition Houses

In Greater Vancouver: 604-669-6943

Elsewhere in BC: 1-800-661-1040 (*call no charge*)

www.bcsth.ca

Help available both on and off reserve

To learn more about any of the services mentioned in this chapter, you can call:

Police or RCMP

911 (*or at the emergency police number in your community*)

VictimLink BC

1-800-563-0808 (*call no charge, 24 hours a day*)

Battered Women’s Support Services: Provides support to Aboriginal women about:

- advocacy
- community support
- lawyers
- medical services
- referrals to transition houses

In Greater Vancouver: 604-687-1867 or
604-687-6732 (TTY)

Elsewhere in BC: 1-855-687-1868 (*call no charge*)

Aboriginal community legal workers: Legal aid staff who give legal information and limited advice.

In Nanaimo: 250-741-5529 or 250-753-6578

In Duncan: 250-748-1160

Elsewhere in BC: 1-800-578-8511

Native courtworkers

In Greater Vancouver: 604-985-5355

Elsewhere in BC: 1-877-811-1190

You can also get *A Guide to Aboriginal Organizations and Services in British Columbia* from the Ministry of Aboriginal Relations and Reconciliation. Go to www.gov.bc.ca/arr to download it (under Related links, click Guide to Aboriginal Organizations) or call 250-387-2199 to ask for a copy.

For additional resources, see the information listed under “Help for Aboriginal people” starting on page 92, as well as the listings under “Start here” on page 86.



The criminal court process

Introduction

When your partner or ex-partner is charged with assault, sexual assault, or criminal harassment, he will have to go to court. If he pleads guilty, the judge will sentence him. If he does not plead guilty, there will be a trial. At the trial, lawyers will present evidence to a judge. The judge will look at the evidence to decide whether your partner or ex-partner is guilty or not guilty. You usually have to testify (tell the court what happened) at a trial when you are the victim.

This court process is difficult for anyone. It is especially hard for someone who has been assaulted or harassed. It can also be difficult to understand the court process. It is a very good idea to get help — someone who can go with you to interviews with the police or Crown counsel (the prosecutor), and come with you to court hearings and the trial itself. If you contact anyone, an advocate or a victim service worker would be the best person to call. They can explain the process and your choices to you. (For more information about advocates and victim service workers and what they can do, see page 18). You can also ask a trusted friend or family member to come with you to court and to meetings. You do not have to face this difficult time alone.

Another option is to read about the court process online. See the Ministry of Justice website, www.justicebc.ca, and the Justice Education Society website, www.courtsofbc.ca.

Crown counsel

Crown counsel are lawyers with the Ministry of Justice. Their job is to decide whether someone should be charged and, if so, to present the case against the accused person in court.

Crown counsel do not act as *your* lawyer — their duty is to act for the whole community. Even if you do not want your partner or ex-partner to be charged and go to trial, Crown counsel may choose to go ahead with the charge. The law says that it is Crown counsel's decision whether to proceed with charges.

However, if you do not want to testify, let Crown counsel know. Ask them to ask the judge for a peace bond instead of going to trial. However, if your partner or ex-partner does not agree to the peace bond, Crown counsel may go ahead with the trial.

The Crown counsel who presents the case in court may not be the same one who approved the charges or who interviewed you before the trial.

Being a witness

If Crown counsel decides that the case will go ahead, you will be an important witness. At the trial, you will be asked to answer questions about what happened.

The Crown counsel will ask you to testify by sending you a subpoena (su-PEA-nuh). It will say that you have to come to court and when the trial is going to happen. The subpoena will probably be delivered in person, but it may come in the mail, or you may be called to pick it up from the police station.

The Crown counsel assigned to your case must make every possible effort to interview you before the trial. They are also supposed to explain to you what will happen in court. If you do not hear from Crown counsel, call their office to find

out about the progress of the case. If you are having trouble getting information, you might want to ask an advocate or victim service worker for help.

If you have trouble with English and need an interpreter, tell Crown counsel *before* the interview. They will need time to arrange an interpreter for both the interview and the trial. If you have a disability, you or your advocate should let Crown counsel know what assistance you will need, such as special transportation.

For more detailed information about being a witness in court, speak to a victim service worker. You can also see the booklet *Let's Go to Court* (page 100) and the booklet and video *Your Voice in Criminal Court* (page 101). There is also more information about the court process on the Ministry of Justice website, www.justicebc.ca. On the left, click on "Criminal justice system: Information and support," and then see the box for a link to witness information.

If you do not want to testify

A judge may tell you that you have to testify or risk being arrested. If this happens, explain to the judge why you do not want to testify. If you are afraid for your safety, sometimes a judge will allow other kinds of testimony, such as a videotape or sitting behind a screen. You can talk to your advocate or victim service worker about these options.

Tell Crown counsel if you do not want to give your home address out loud in court.

Even if you do not want to be a witness, the case may still go ahead. This could happen if there are other witnesses or other evidence to prove that the assault or harassment happened.

Victim impact statements

Crown counsel may ask you if you want to fill out a victim impact statement. It gives you a chance to explain what effect the assault or harassment has had on you and your children. Crown counsel uses these statements when they recommend to the judge what kind of sentence your partner should get if convicted. You can also ask Crown counsel to recommend treatment for drug or alcohol addiction as part of the sentence.

Usually, Crown counsel will interview you about this statement before the trial. They will also mail a victim impact statement form for you to fill out, a brochure about the form, and a letter that says whom you can ask for help. An advocate or victim service worker can help you with the form. If the Crown counsel does not talk to you about a victim impact statement, you or your advocate can ask about it.

The first appearance

The person who was charged is called *the accused*. He will have to go to court. This is called the first appearance. The judge will usually ask whether the accused intends to get a lawyer and whether he pleads guilty or not guilty.

Witnesses do not usually have to be in court or say anything at a first appearance. However, you can attend if you want to. Crown counsel will tell you if you must attend.

If your partner or ex-partner says he is guilty, there will not be a trial. The court will set a date for the judge to say what the sentence will be. (For more information, see “Sentencing” on page 64.)

If your partner or ex-partner says he is not guilty, a trial will be held at a later date. If he has been in jail until the first appearance, the judge might now release him on

bail until the trial starts. Usually, the judge will order your partner to stay away from the family home and not contact you during this time. See page 34 for more information on “Conditions for release” and “No contact orders.”

When your partner or ex-partner is released, you might not be notified (even though you are supposed to be). If the release date seems close but you have not been notified, you can phone Crown counsel or the police to ask about your ex-partner’s release. You might have to call more than once. You can also ask what the conditions of bail are. If this is hard for you to do, ask an advocate or victim service worker to help you. It is especially important to get help if you do not have a phone, since that would make it hard to warn you about the release. To find out which bail conditions have been set, you can call VictimLink at 1-800-563-0808 (call no charge, 24 hours a day).

The trial

Before the trial, you may want to visit the courthouse. You can learn your way around and watch some other trials to see what happens. You can go with an advocate, victim service worker, or anyone else. This support person can also go to court with you when you testify. Here is a summary of what will probably happen.

Crown counsel will present their case first:

- They will present evidence to show that the offence happened. You will be called as an important witness. You will be asked your name and address.
If you do not want to give your address out loud in court, tell Crown counsel before the trial begins.
- Crown counsel may call other witnesses to testify, such as the police, friends, or neighbours. They might also call your doctor to testify. Your children will not be asked to be witnesses unless it is absolutely necessary.

You may want to discuss this with Crown counsel. If your children are asked to be witnesses, you can speak to a victim service worker for help. They can give you the booklet *Let's Go to Court: A Guide to Court Orientation for Children & Youth Witnesses* (see page 100).

- If there are pieces of evidence, Crown counsel may present them as part of the case. This could include such things as torn clothing, photographs of injuries, a weapon, or medical records about injuries.
- You may be questioned again, this time by the lawyer defending your partner/ex-partner (the defence lawyer). This is called being *cross-examined*. The defence lawyer's questions may be more difficult for you to answer than the Crown counsel's. This is because the defence lawyer's job is to test your version of what happened. The other witnesses might be cross-examined, too.

The defence lawyer will then present their side of the case. The process is the same as it was for Crown counsel. Often, the accused will be called as a witness, but not always.

In some cases, your partner or ex-partner might decide to defend himself without a lawyer. If that happens, he would be the one to cross-examine you when you testify. If this idea frightens you, you can talk to Crown counsel, an advocate, or a victim service worker. Crown counsel can ask to have another lawyer appointed just to cross-examine you.

After hearing the cases presented by both sides, the judge will make a decision.

Sometimes, one side will appeal the judge's decision. They can appeal the verdict (guilty or not guilty). Either side can also appeal the sentence. Appeal judges make their decisions based on all the written notes taken at the original trial. That means you would not have to testify again at the appeal hearing.

If he is found not guilty

If your partner or ex-partner is found not guilty, he will not be sentenced. This is not the same thing as being found to be “innocent.” It means there is not enough evidence to prove the charges. Judges have to follow strict rules of evidence. The law says that the accused person has to be proven guilty “beyond a reasonable doubt.”

If he is found guilty

If your partner or ex-partner is found guilty, he will be sentenced. This means that the judge will decide what should happen to him.

Sentencing

Before deciding on a sentence, the judge may ask for a pre-sentence report. A probation officer writes this report. (Probation officers supervise people who are released on bail or given probation as part of their sentence.) They may interview you for the report.

Be clear with the probation officer about any concerns you have about your safety or the safety of your children. The probation officer is not there to represent you or advocate for you. For that reason, make sure to write down all the details about any times when your partner has gone against a court order (such as contacting you when ordered not to). Also write down when you have had contact with the probation officer. Give all of this information to Crown counsel.

The probation officer should have seen your victim impact statement (if you wrote one). If you wrote it right after the assault happened, you might want to update it. The information you include will help Crown counsel recommend a sentence and will help the judge decide on one.

If your partner or ex-partner is found guilty, there are many possible sentences he could receive. Many of them include conditions once he is released. These conditions could be things like staying away from you and the children, getting counselling, or attending a treatment program for addiction (see page 34 for more information on conditions). If he does not follow these conditions, he can be brought back to court and either sentenced again or charged with a new offence (called a **breach**). Below are the possible sentences he could receive.

Conditional discharge

Discharge means “release.” This sentence does not involve jail time. However, there will be conditions that your partner or ex-partner must follow for a certain period of time. If he follows them, he will not have a criminal record.

Suspended sentence

A suspended sentence means that the judge puts off sentencing. Instead, the judge puts the person on probation with conditions. If your partner or ex-partner follows all of these conditions for a certain period of time, the judge will not order a sentence.

If your partner or ex-partner does not follow the conditions, he will be brought back to court. The judge will then order a more serious sentence. Your partner might also be charged with another offence, breaching probation.

Probation

Probation is a way for someone to be released but be supervised by Corrections staff. A person on probation must report to a probation officer regularly and verify that they are following the conditions the court set for them. A judge can order probation alone or combine it with the other types of sentences described in this section. It is a crime to breach the

conditions of probation — for example, it might be a crime for your partner to contact you. If your partner or ex-partner breaches, he can be charged with a new criminal offence.

Jail

If the assault was severe or your abuser has committed criminal offences before, he might be sent to jail. He may be allowed to serve his jail sentence on weekends, so that he will not lose his job. This jail sentence might be followed by a period of probation where he still has to obey certain conditions (see the section before this on probation for more information).

After sentencing

It is important for you to tell corrections staff and the parole board if your address or telephone number change. This is so they can send you up-to-date information about parole hearings and release dates for your partner or ex-partner.

You might also want to stay in touch with your advocate or victim service worker for support and information.



8 Family law protection orders and peace bonds

There are other legal steps you can take to protect your safety. You might be able to get a court order that prohibits your abuser from contacting you. Disobeying the order is a criminal offence. You do not have to prove that the person has already harmed you to get this protection. You only have to prove that you have a reasonable fear of him. One way is to get a type of protection order called a peace bond, in criminal court. You can get a peace bond against any person who causes you to fear for your safety. Another way is to get a family law protection order. You go to family court to get one. This type of protection order is for people who have some kind of family relationship.

Peace bonds

A peace bond is an order that is meant to protect you or your children. You can ask for one to be made against anyone you fear, not just a partner or ex-partner. A judge orders a peace bond in criminal court (using section 810 of the Criminal Code of Canada). The peace bond tells the person named that he must “be of good behaviour and keep the peace.” This means that he must not harass or threaten you. The peace bond usually requires that the person have no contact with you. That means that the person you fear cannot contact you without breaking the law (see page 34).

To get a peace bond, you do not have to prove that the person you fear has already assaulted you. You only have to show that you have a reasonable fear that they will harm you, a member of your family, a pet, or your property.

The police can help you get a peace bond. You can ask them for this help when they investigate your report of an assault or threat. The police decide whether to recommend a peace bond to Crown counsel. Then Crown counsel makes the final decision about whether to apply for one.

You can also apply for a peace bond on your own. To do so:

- Gather the information you have about any incident that has caused you fear — if you have kept a log or a list, you can use that. Or you can go over the incident(s) in your mind and try to remember dates. Also gather information about the safety concerns you have for yourself and your children.
- Go to the local courthouse and tell the person in the registry office that you want to see a **justice of the peace** about getting a peace bond.
- The justice of the peace can give you the documents you need. A judge will then decide whether there is enough evidence for you to apply for a peace bond.

If the application goes ahead, the person you fear will have to come to court. If he agrees to the peace bond, the judge can order one.

If that person does not agree to the peace bond, there will be a hearing. You will have to be at the hearing and be a witness. After hearing the evidence, the judge will decide whether to issue the peace bond.

A peace bond applies across Canada for up to one year. You can ask for another one after it expires.

It is important for you to get a copy of the peace bond and keep it with you at all times. If the person named in it breaks the peace bond, call the police right away. Be sure to tell them that you have a peace bond. If you do not have a copy of it with you when you call, the police can confirm that you have one. Keep a record of:

- any time the person you fear breaks the peace bond
- every time you called the police, and
- the incident numbers the police gave you when they investigated your call.

For more detailed information, see the booklet *For Your Protection: Peace Bonds and Family Law Protection Orders* listed on page 99.

Family law protection orders

A family law protection order is like a peace bond in many ways. It used to be called a restraining order. It is a way to try to make you safe from an abuser. Like peace bonds, you can call the police if the abuser disobeys a protection order. The abuser can then be arrested and charged with a criminal offence, just for disobeying the protection order.

Family law protection orders and peace bonds are also different in some ways. You get a family law protection order in family court, not criminal court. You must apply for a protection order yourself. Police or Crown counsel cannot apply for one for you.

You can get a family law protection order against a person who fits into any of these categories:

- a person you are married to or used to be married to,
- a person you live with now, or used to live with, in a marriage-like relationship,
- your child's parent or guardian, or
- a relative who lives with you, with your partner, or with your child's parent or guardian.

If you are being stalked or harassed by someone who is not listed above (such as a co-worker), you will need a peace bond instead (see the section just before this one).

Family law protection orders can also include protection for the rest of your family, such as:

- your children and any other children in your home,
- other children in the home of the abuser, parent, or guardian, and
- other family members who are in your home.

The protection order is meant to protect you and these people against family violence, which means:

- physical abuse or attempts (see page 6 for some examples of what that might be),
- sexual abuse or attempts (see page 7),
- psychological or emotional abuse (see page 5), or
- letting children see or hear others being abused.

A family law protection order can tell your partner or ex-partner *not* to do any of these things to you or anyone else protected by the order:

- communicate with you
- follow you
- come to your home, workplace, school, or other places where you often spend time (these places will usually be written out in the order)

The protection order can also:

- order the abuser not to have a weapon and/or tell the police to take away the abuser's firearms;
- order your partner or ex-partner to report to court; and
- tell the police to remove your partner from your family home, or tell the police to go with you to the house so that you can get your belongings safely.

It is a crime to breach (disobey) any part of the family law protection order. The police can arrest your partner if he breaches it. He could then be charged with a criminal offence (breaching a court order) and could go to jail. Information about what happens if your partner or ex-partner breaches the protection order is written on the order. That means he will know the possible consequences of breaching the order.

The law gives the family law protection order priority over any other order, such as a parenting order. That means that even if your partner has the right to visits with the children, those visits cannot happen if the protection order forbids him to have contact with them. See "Limits on your ex-partner's parenting role" on page 79 for more information.

A family law protection order expires after one year, unless the judge puts another date on it. It may only apply in BC, not the rest of Canada. If you go to another province, check with the court near you to see whether they can enforce your order. You may need to apply for a new order.

You apply for a family law protection order in family court. You can either apply for the protection order on its own, or ask for one when you apply for other orders, such as parenting or support orders. You can use the same forms to apply for all of your orders and the judge can rule on them all at once.

Usually, you apply for a family law protection order in Provincial Family Court. You can also apply in Supreme Court, but there you will have to pay fees. (However, applying for orders in Provincial Court is free.)

Getting a protection order is usually easier if you have a lawyer. If you cannot afford one, you can apply for legal aid (see page 88). When you contact legal aid, tell them that it is an emergency. Explain why you and your children need to go to court to help you stay safe.

Keep a copy of the family law protection order with you and your children at all times. If your partner or ex-partner breaks the protection order, call the police right away. Tell them that you have a protection order. If you do not have a copy of it with you when you call, the police can confirm that you have one.

For more detailed information on getting a family law protection order, see the free booklet *For Your Protection: Peace Bonds and Family Law Protection Orders* (listed on page 99).

Make sure your order or peace bond is registered

In BC, the Protection Order Registry keeps a record of all protection orders issued by BC courts. This means that if you call the police about a violent partner, they can find out within minutes about your family law protection order or peace bond: that you have one, what it says, and whether it is still valid (still applies). The police can then act to enforce the order or peace bond right away. You can ask the police to call the registry or you can get information from the registry by calling VictimLink BC.

Because the registry may not be up to date, it is also important for you to keep a copy of your protection order with you at all times.

It is important to make sure that your family law protection order or peace bond is registered and that the information on it is accurate — this is how you will be reached if your abuser is released from prison. Registering the order and keeping it up to date is supposed to be the court's job, but you might have to make sure it is done. Call the registry as soon as an order or peace bond is made to make sure it is registered. You also need to tell the registry if your telephone number or address changes. To do this, call VictimLink at 1-800-563-0808 (call no charge, 24 hours a day).

If you have a peace bond or a family law protection order, it is important that you give a copy of the order to your children's school and/or daycare.



9 Parenting and property after you leave

When any relationship ends, there can be a lot of matters to settle. You might have money, property, and/or children together. There is a whole booklet that deals with this issue called *Living Together or Living Apart* (see the back cover to get a free copy). You might want to read that booklet for more information than you can find here. However, your situation might also be complicated by a history of abuse. This chapter tells you about some of your options for dealing with the end of a relationship when there has been abuse.

If you have safety concerns, you can read the chapter before this one. It has information on peace bonds and protection orders. For information on spousal support (also called maintenance), see page 41. Also see pages 39 – 43 for more information on what to do about money and the family home.

Get legal advice or information

If you want to end the relationship, you may want to get a lawyer's advice about your options. If you cannot afford a lawyer, you can apply for legal aid if you need help to stay safe (see page 88). Lawyers can give you advice about your rights, explain your options, and help you to apply for court orders about parenting, protection, support, and divorce. You can also apply for orders on your own.

You can also get information and help from a family justice counsellor (see page 90 for more information). Depending on where you live, the court may require you to see a family justice counsellor before you can see a judge to get an order. (However, you can be excused from seeing a family justice counsellor first if it is an emergency and you are trying to get an order quickly.) A family justice counsellor can give you legal information and help you to figure out what your options are.

It is possible that you and your ex-partner already agree about how to share parenting and how to split up the family finances. If that is the case, you might be able to file an agreement with the court (see page 84 for more information). However, you will still need trusted legal advice before you sign the agreement to make sure your rights are respected.

The following sections are about some of the things you can discuss with your lawyer or a family justice counsellor.

Child support

Both parents have a legal duty to provide for their children. For this reason, the court will probably order the other parent to give you money if the children are living with you. This is called child support, or maintenance. (Your ex-partner may be ordered to pay money to support you as well, called spousal support. See page 41 for more information.) The government now has guidelines about how much child support your ex-partner will have to pay, based on income. Call Service BC and ask for the Family Justice Centre in your area, or look online at www.gov.bc.ca/justice (click on Family Justice on the left-hand side, then Family Justice Centre Locations).

In Greater Vancouver: 604-660-2421

In Victoria: 250-387-6121

Elsewhere in BC: 1-800-663-7867

If you want help to collect this support, you can register with the BC Family Maintenance Enforcement Program (FMEP). You need to have a court order or a filed agreement saying that your ex-partner must pay child or spousal support to get this help. For more information, call Service BC (numbers above) and ask to be connected to the nearest FMEP Client Office.

Parenting arrangements

The law in BC has recently changed when it comes to parenting. You might need to learn some new terms. Under BC family law, the terms custody and access are not used anymore. Instead, the law talks about guardianship, parenting time, parental responsibilities, and contact with a child. (However, you will still hear custody and access used if you and your lawyer use the Divorce Act in Supreme Court.) These new terms are explained below.

Guardians are responsible for the care and upbringing of a child. They have guardianship.

Parents who live with a child are the child's guardians. When one parent moves out, it does not matter who the children stay with: both parents continue to be guardians. You have to get a court order or sign an agreement to change guardianship. A parent who does not live with a child can also be a guardian if they have played a meaningful role in the child's life.

Parenting time is time that guardians spend with the child.

Parental responsibilities are the responsibilities you have when you raise a child, including:

- making daily decisions when taking care of the child;
- making important decisions about things like the child's education, religion, and medical treatment;
- getting information about the child from others (including about health and education); and

- protecting the child's legal and financial interests (for example, making decisions about investments or an inheritance given to the child).

Contact is the time that someone who is not a guardian spends with a child. This person could be anyone who has a court order or agreement giving them contact, such as a grandparent or a parent who is not a guardian.

Getting parenting orders

As mentioned before, when you leave an abusive partner, it is best to take your children with you. It is especially important to take them if you are worried about their safety around your ex-partner. If you cannot take them with you when you leave, get them as soon as you can. If this seems dangerous, you can ask the police to go with you. They can make sure you are safe while you ask for the children. However, they cannot force your partner to give you the children if you do not have a court order.

This is because both parents continue to be guardians until the court orders that one parent no longer is. (A parent can also give up guardianship by signing an agreement.) This means that you both continue to be able to make decisions about the children and to have parenting time no matter where the children live, unless the court orders otherwise. If you are afraid that your ex-partner is a danger to your children, you can do any or all of these things:

- apply for a family law protection order — for you, the children, and/or other family members (see page 69)
- apply for parenting orders — you can do so at the same time as you apply for a protection order, or you can apply separately
- ask that the parenting order limit your ex-partner's parental responsibilities (see page 79)

- ask that the parenting order limit his parenting time, and/or that the court put conditions on when and how your ex-partner can see the children (see page 79)
- ask the court to order that the other parent is no longer a guardian to the children

Getting final parenting orders can take time. Usually, it is best to apply for an interim (temporary) parenting order first, because you can get it more quickly. See the Family Law in BC website for more information on interim and final orders: www.familylaw.lss.bc.ca.

A judge can also make orders to help prevent disputes or address problems that might be causing conflict. For example, the judge can order a parent to attend counselling or another program, such as a parenting or substance abuse treatment program. The court can also order a child to attend counselling or a program that helps children who witness violence.

Getting an emergency order without notifying your partner (ex-parte order)

Normally, if you apply for a parenting order, you have to notify your ex-partner about the hearing and give them a chance to attend. However, if you are afraid for your child's safety, you can apply for something called an order without notice. (Lawyers often call this an "ex-parte order.") This is an emergency parenting order or protection order that your ex-partner does not have to be notified about beforehand. (Both partners have the right to apply for one, so it is possible that your ex-partner could do so as well.)

The person applying for an order without notice has to give good reasons why it is urgent and why the other parent should not have to be notified. These types of orders usually stay in place for a short period of time, only until another order can be made. When the judge grants this type of order, you will have to have a copy **served** on (officially given

to) your ex-partner. In the order, the judge will usually set another court date in the near future. Your ex-partner can apply to have the order cancelled or changed, but he usually must give you notice.

Limits on your ex-partner's parenting role

Even if your ex-partner has abused you or your child, he can still ask the court to allow him to spend time with the child. If you are afraid for your child's safety, tell the judge and ask for a parenting order that includes:

- Conditions on your ex-partner's parenting time or contact. The court can then set out things that your ex-partner must do in order to have contact with the child (for example, not use drugs or alcohol while with the children and for 24 hours before seeing them, not take the children out of the home community, or not have the children stay overnight).
- Supervised time. This means a parent can visit the children only when someone else is with them. Before you go to court, find out if a friend or family member is willing to supervise visits.
- Specific times for visits.
- Specific place for visits. This would mean the other parent must not remove the child from a specific area.

If you already have a parenting order or agreement and then you get a protection order that conflicts with it, the protection order has priority over the earlier order. For example, if there is an order giving parenting time to your partner and then you get a protection order that says he cannot have contact with the children, the protection order must be obeyed and the other order is on hold.

In some cases, the judge might not allow a parent to spend any time with the children (see the next section for more information).

The best interests of the child

When deciding what to put in an order about parenting, the judge can only consider what is in the best interests of the child. Instead of looking at parents' rights concerning their children, the law focuses on the child's needs. Often, a parent's desire to spend time with their child *is* in the child's best interests. However, that is not always the case. The judge will look at many things to determine what is best for the child, including:

- the child's health and emotional well-being
- what the child wants — in most cases (although the law says that the judge can disregard this if "it would be inappropriate to consider")
- what the child's relationship is like with important people in their life — how strong those relationships are, what the "nature" of the relationships is (this is meant to consider both parents and other relatives who might be important to the child)
- the child's need for stability (as little upsetting change as possible) at their age and stage of development
- whether parents or others who want guardianship, parenting time, or contact are able to look after the child
- how appropriate it is to force the child's guardians to work together (for example, the court might not see it as right to ask a mother who has been abused to stay in daily contact with the abuser to arrange school pick-up times)
- the impact of any family violence on the child's safety and well-being (see the next section)

Impact of family violence on a child

When looking at the impact of family violence on the child, the court must consider all of the following:

- whether the child was exposed to any family violence (saw or heard it, or learned of it later);
- whether the violence was directed toward the child;
- what kind of violence has happened and how serious it is;
- how recently it happened;
- how often it has happened;
- whether there is psychological or emotional abuse that shows a pattern of coercive and controlling behavior;
- the harm that the family violence has caused to the child's physical, psychological, and emotional safety, security, and well-being; and
- any steps the abuser has taken to prevent more violence from happening (such as getting counselling, getting treatment for alcohol abuse, etc.).

Court-ordered assessments

A judge may need more information to help decide what parenting arrangements would be best for the children. For that reason, the judge may order a report called an assessment (using section 211 of the Family Law Act of BC). In Provincial Court, a family justice counsellor usually completes this report for free. To do so, they will ask about:

- the children's needs
- the children's views about who they want to take care of them (for example, whether they are afraid and/or whether they miss their father), and
- how able and willing the caregivers are to meet the child's needs.

To prepare the report, the family justice counsellor will meet with each parent individually, then with each child. Finally, the counsellor will meet again with each parent, this time with the children present. The meetings might happen at the parents' homes. The counsellor may also talk to others who know the family. If the waiting period for a family justice counsellor is too long and the matter is urgent, you can apply for a legal aid lawyer. For more information about applying for legal aid, see page 88.

Talk to your lawyer to find out whether an assessment is a good idea in your case. If you are interviewed for one, it is important for you to:

- remember that the person interviewing you is not your friend,
- be aware that the interview is about the children and must focus on their best interests, and
- stay calm: do not call the other parent names or harshly criticize them, but do provide all the evidence you have about the abuse.

How the court can enforce orders and agreements

If your partner does not obey a parenting order or agreement, you can go back to court and ask the judge to enforce it. The judge can then make another order to try to resolve the situation. This new order might prevent disputes or address problems that cause conflict. For example, the judge can order a parent to attend counselling or another program, such as a parenting program or substance abuse treatment. The judge can also order your ex-partner to repay you money you have spent as a result of his actions. For example, your ex-partner may have to reimburse you for childcare expenses.

If there is no other way to get your ex-partner to obey a court order, the judge can order that he be arrested and put in jail.

If there is a major change in your family's situation, contact your lawyer or family duty counsel to ask about changing the existing parenting order. (It is important to know that your ex-partner can also do this.)

If visits are unsafe for you or the children

Sometimes, handing the children off for a visit with your ex-partner can trigger more abuse. You can make a safety plan beforehand to try to make abuse less likely. Some ideas for a safety plan would be to:

- meet the other parent in a public place and hand the children over without talking
- bring another adult with you
- ask a trusted friend or family member to be your go-between (pick the children up and drop them off so that you and your ex-partner do not have to see each other)
- stay near a police station after the exchange

You can ask the judge to include these arrangements in any court orders that you get. That way, if your ex-partner refuses to go along with them, the court can enforce them (see the section just before this one for more information).

If your ex-partner arrives to pick up the children and he is clearly drunk or on drugs, do not leave the children with him. You do not have to fear that you will be disobeying the court by doing so. In fact, if you let him have the children when he is not able to take care of them, there could be serious consequences for you, too.

Instead of letting him take the children, offer to set up another way for them to have contact, such as a phone call that evening. Then call your lawyer or see family duty

counsel at the court to discuss changing your parenting order. If you feel unsafe or you are in danger, call 911 or the emergency police/RCMP number listed inside the front cover of your phone book. If you need an interpreter to speak your language, you can ask 911 for one.

If your partner shows up for visits under the influence of alcohol or drugs, is late, does not show up, or lies and says that you did not show up, start keeping written notes. This information could be helpful in court if you try to change a parenting order.

Resolving family law issues by agreement

If you and your ex-partner can agree about support, parenting arrangements, and how to divide property and debts, you can sign an agreement. You can then file the agreement with the court and avoid the trouble of applying for parenting orders. The court can enforce the agreement just as it would enforce parenting orders. However, before you sign a separation agreement, it is a good idea to get your own legal advice. You cannot use the same lawyer as your ex-partner. See “Getting a lawyer or legal aid” on page 21 for help finding a lawyer.

For more information about separation and divorce, see the booklet *Living Together or Living Apart* available from the Legal Services Society (see the back cover to get a free copy).

Mediation

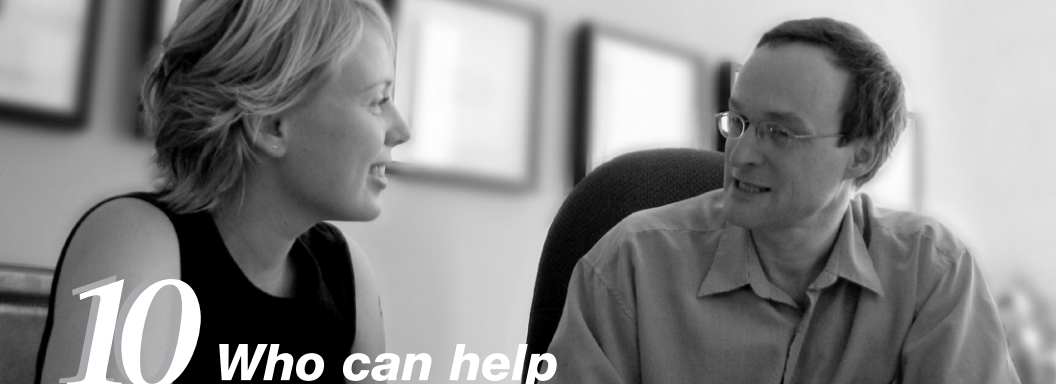
You have the option of going to mediation to help you and your ex-partner come to an agreement about property and/or parenting. Family justice counsellors offer free mediation. Or you can hire a private mediator. However, you do not have to go to mediation. In fact, if there has

been abuse in your relationship, you might want to think carefully about whether to choose mediation: Can you and your ex-partner work together well enough to do mediation? Family mediators will not take a case if either person in the couple behaves in a way that makes it impossible to come to a fair agreement.

Your rights to family property

Whether you are married or living common-law, you have a right to an equal share of the family property. Family property is nearly everything that you or your partner owned at the time you separated. This includes the car, house, furniture, savings, investments, and businesses. It does not include the things either of you owned before the relationship. But you do share the increase in value of the things each of you had before you lived together. You also share debt that you got during the relationship, no matter whose name the debt is in. It is a good idea to get legal advice when you separate to make sure you get an equal share of the family property (see “Getting a lawyer or legal aid” on page 21).

This subject can be complicated, depending on what you and your partner own. For more information, see the booklet *Living Together or Living Apart*, available from the Legal Services Society (see the back cover to get a free copy). If you live on reserve, see page 52.



10 *Who can help*

This chapter will help you contact agencies that can help with everything from housing to legal problems to services for certain groups. Most of them are in alphabetical order. To find more services, see the “Community Services” section in the front pages of your phone book, as well as the blue or white pages.

If you have trouble finding telephone numbers for any of these organizations, talk to an advocate, victim service worker, settlement worker, or your local librarian for help. Most libraries also offer free access to computers to read information online.

Start here — victim service workers and advocates

The agencies listed below are a good place to start your search for help. They can help you figure out what other kinds of help you need and how to get it.

Battered Women’s Support Services

In Greater Vancouver: 604-687-1867
604-687-6732 (TTY)

Elsewhere in BC: 1-855-687-1868 (*call no charge*)

www.bwss.org

Crisis centres and women's centres: Check your local phone book.

VictimLink BC/Victim Services: Call for free and confidential counselling, and referrals to services such as transition houses, as well as other practical and emotional support. You can call to find a victim service worker in your community, learn about the justice system, and ask about the BC Protection Order Registry.

Throughout BC: 1-800-563-0808

(call no charge, 24 hours a day)

www.pssg.gov.bc.ca/victimservices

Housing help

BC Housing: Has listings for the transition houses, emergency shelters, and subsidized housing available in the province.

www.bchousing.org

(click on Find housing, then on Women at risk of violence)

BC Society of Transition Houses

In Greater Vancouver: 604-669-6943

Elsewhere in BC: 1-800-661-1040 *(call no charge)*

www.bcsth.ca

VictimLink BC: Referrals to services such as transition houses.

Throughout BC: 1-800-563-0808

(call no charge, 24 hours a day)

Legal help

Legal aid (Legal Services Society — LSS): The Legal Services Society provides legal aid for BC. Legal aid is a range of free services, such as publications, websites, Family LawLINE (free advice over the phone for people with low incomes and a family law issue), and lawyers who can take your case if you qualify. Apply for legal aid by phone or in person. To find your local legal aid office, go to www.legalaid.bc.ca (and under “Legal aid,” click “Legal aid locations”). If your area does not have a legal aid office or if you cannot get to the office, phone the legal aid call centre from anywhere in BC:

In Greater Vancouver: 604-408-2172

Elsewhere in BC: 1-866-577-2525 (*call no charge*)

www.legalaid.bc.ca

Access Pro Bono Society of BC: Legal clinics where you can meet with a lawyer for half an hour for free, if you qualify. In some cases, a lawyer might agree to represent you in court.

In Greater Vancouver: 604-878-7400

Elsewhere in BC: 1-877-762-6664 (*call no charge*)

www.accessjustice.ca

BC Centre for Elder Advocacy and Support (BC CEAS):

Provides province-wide legal information, referrals, and advocacy to seniors.

In Greater Vancouver: 604-437-1940

Elsewhere in BC: 1-866-437-1940 (*call no charge*)

www.bcceas.ca

Clicklaw: A BC website with links to legal information and education designed for the public.

www.clicklaw.bc.ca

Dial-A-Law: Pre-recorded scripts of legal information on various law topics.

In Greater Vancouver: 604-687-4680

Elsewhere in BC: 1-800-565-5297 (*call no charge*)

www.dialalaw.org

Duty counsel: Lawyers paid by legal aid who work at the courthouse and offer free help to anyone on the day of their court appearance. They also offer help by appointment if you qualify (based on your issue and your finances). Provincial Court family duty counsel are available in most courthouses across BC. Supreme Court family duty counsel are available at some courthouses and will see people with family issues in either Provincial or Supreme Court.

To find out when duty counsel will be at your court, see the legal aid website at www.lss.bc.ca (click “Legal aid,” then “Advice,” then “family law matters”). Or, call your local legal aid office (the phone numbers are also on the website) or the local family court registry.

Family advice lawyers: Lawyers paid by legal aid who are available for free for financially eligible people, and for others who are referred by a family justice counsellor. Their services are available at the Vancouver and Nanaimo Justice Access Centres by appointment, and at the Port Alberni courthouse on a drop-in basis. They are also available at the family justice centre in Kelowna (by referral from a family justice counsellor).

Family justice counsellors: Located in family justice centres throughout BC, they help couples with children in many ways, including:

- emotional support and short-term counselling
- referrals to emergency and community services
- mediation
- court-ordered (section 211) assessments and reports
- information about how to get or change agreements or orders in court

If you need an interpreter, call before your appointment to ask for one. Please note that family justice counsellors give help to both partners.

In Greater Vancouver: 604-660-2421

In Victoria: 250-387-6121

Elsewhere in BC: 1-800-663-7867 (*call no charge*)

www.gov.bc.ca/justice

(*under Family Justice, click Family Justice Centre locations*)

Family Law in BC website: Use this LSS website to find current family law information and resources, guides to help you resolve your family law problems on your own (such as how to apply for a parenting order), and links to useful related sites.

www.familylaw.lss.bc.ca

Family LawLINE: This legal aid service offers free legal advice from family lawyers over the telephone to those who qualify. To reach them, phone the legal aid call centre.

In Greater Vancouver: 604-408-2172

Elsewhere in BC: 1-866-577-2525 (*call no charge*)

Justice Access Centres: If you live in Vancouver or Nanaimo, you can get help from a Justice Access Centre (JAC). At the JAC, you can learn about the court system and court procedures, get legal information, find and fill out the right court forms, find out about free legal advice, and find alternatives to going to court.

In Greater Vancouver: 604-660-2084

In Nanaimo: 250-741-5447

Elsewhere in BC: Call Service BC at 1-800-663-7867
(call no charge) and ask to be put through to 604-660-2084

www.ag.gov.bc.ca/justice-access-centre

Justice Education Society website: Full of information and links to free publications for victims of crime, parents, Aboriginal people, immigrants, and others with legal problems or a need to understand the legal system.

www.justiceeducation.ca

Lawyer Referral Service: This service will give you the name of a local family lawyer. You call the lawyer to ask for a meeting. In this meeting, you get a chance to briefly describe your issue. The lawyer will tell you if you have a case. You pay \$25 plus taxes for up to a half-hour meeting. If you need more help, ask what the lawyer charges per hour and an estimate of what the total cost would be. You might choose to interview more than one lawyer before choosing one.

In Greater Vancouver: 604-687-3221

Elsewhere in BC: 1-800-663-1919 (call no charge)

PovNet website: Provides legal information and lists community advocates throughout BC.

www.povnet.org

(see *Finding Help* and, under that, click on *Find An Advocate* for the list of advocates across the province)

Help for Aboriginal people

Aboriginal community legal workers: These workers are legal aid staff who give legal information and limited advice.

In Nanaimo: 250-741-5529 or 250-753-6578

In Duncan: 250-748-1160

Elsewhere in BC: 1-800-578-8511 (*call no charge*)

Aboriginal transition houses in BC

Bella Coola: Nuxalk Nation Transition House Society
Snlxhh Transition House
250-799-0070

Chilliwack: Xolhemet Society
604-824-0939

Lytton: Hans Knaskt Tsitwx Society
250-455-2284

Merritt: Journeys into Tomorrow
250-378-6170

Telegraph Creek: Three Sisters Haven Society
250-235-3113

Vancouver: Helping Spirit Lodge Society
604-872-6649

Friendship Centres: Look in your local phone directory.

Ministry of Aboriginal Relations and Reconciliation

Throughout BC: 250-387-2199

www.gov.bc.ca/arr

National Aboriginal Circle Against Family Violence

www.nacafv.ca

Native Courtworker and Counselling Association of BC

In Greater Vancouver: 604-985-5355

Elsewhere in BC: 1-877-811-1190 (*call no charge*)

www.nccabc.ca

Help for children

Children Who Witness Abuse: Community-based program created by the BC Society of Transition Houses. There are dozens of programs throughout BC providing individual and group counselling services for children who witness the abuse of a parent, and also support to the parent who has been abused.

In Greater Vancouver: 604-669-6943

Elsewhere in BC: 1-800-661-1040 (*call no charge*)

www.bcsth.ca/content/cwwa

Helpline for Children

Throughout BC: 310-1234 (*no area code needed*)
(*call no charge, 24 hours a day*)

Hearing impaired: 1-866-660-0505 (*call no charge*)

Ministry of Children and Family Development (MCFD)

Call Service BC (*and ask to be put through to MCFD*):

In Greater Vancouver: 604-660-2421

In Victoria: 250-387-6121

Elsewhere in BC: 1-800-663-7867 (*call no charge*)

Representative for Children and Youth: An independent office of the legislature that helps children, youth, and families deal with the child welfare system. It provides information so they can speak on their own behalf or with the help of an advocate. Serves all BC children and youth, particularly those in government care, foster homes, group homes, or youth custody.

Throughout BC: 1-800-476-3933 (*call no charge*)

www.rcybc.ca

Help for immigrants (new to Canada)

Affiliation of Multicultural Society and Services Agencies of BC (AMSSA)

In Greater Vancouver: 604-718-2780

Elsewhere in BC: 1-888-355-5560 (*call no charge*)

www.amssa.org

Immigrant service agencies, multicultural agencies, neighbourhood houses, and family centres: Check your local phone book.

Multicultural Outreach Services Program

www.pssg.gov.bc.ca/victimservices/directory

(*click Multicultural Outreach Service Providers Contact List*)

Vancouver and Lower Mainland Multicultural Family Support Services Society

In Greater Vancouver: 604-436-1025

www.vlmfss.ca

Welcome BC: A one-stop website for newcomers and the agencies that serve them.

www.welcomebc.ca/en/index.html

Help for gay, lesbian, bisexual, and transgender people

QMUNITY: BC's leading queer resource centre. It provides relationship resources, free counselling, social and support groups, and many other services.

www.qmunity.ca

Help for people with disabilities

BC Coalition for People with Disabilities

In Greater Vancouver: 604-872-1278

Elsewhere in BC: 1-800-663-1278 (*call no charge*)

www.bccpd.bc.ca

Community living associations and organizations (focused on specific disabilities): Check your local phone book.

Help for seniors

BC Centre for Elder Advocacy and Support (BC CEAS): Provides province-wide legal information, referral, and advocacy to seniors.

In Greater Vancouver: 604-437-1940

Elsewhere in BC: 1-866-437-1940 (*call no charge*)

www.bcceas.ca

Help with finances

Canada Revenue Agency: For the Canada Child Tax Benefit, the Universal Child Care Benefit, and the BC Family Bonus.

Throughout BC: 1-800-387-1193 (*call no charge*)

www.cra-arc.gc.ca

(*click Benefit recipients, and then Canada Child Tax Benefit*)

Family Maintenance Enforcement Program (FMEP)

Service BC (*call and ask to be put through to FMEP*)

In Greater Vancouver: 604-660-2421

In Victoria: 250-387-6121

Elsewhere in BC: 1-800-663-7867 (*call no charge*)

www.fmepagegov.bc.ca

Ministry of Social Development: For income assistance/welfare and the Family Maintenance Program.

Throughout BC: 1-866-866-0800 (*call no charge*)

www.hsd.gov.bc.ca

Police & RCMP complaints

Office of the Police Complaint Commissioner

Throughout BC: 1-877-999-8707 (*call no charge*)

www.opcc.bc.ca (*on the homepage, click File a complaint*)

Western Region Office of the Commission for Public Complaints Against the RCMP

In Greater Vancouver: 604-501-4080

Elsewhere in BC: 1-800-665-6878 (*call no charge*)

www.cpc-cpppage.gc.ca (*on the left-hand side, find Services and click Make a complaint underneath*)

Print and online resources

General community resources

Ending Violence Association of BC (EVA BC): A resource for community-based services that support survivors of sexual assault, relationship violence, child abuse, and criminal harassment. Provides victim assistance programs, Stopping the Violence counselling programs and outreach programs, and sexual assault/woman assault centres.

www.endingviolence.org

Victim Services website: This government website contains valuable links for community-based services as well as links to information and publications.

www.pssg.gov.bc.ca/victimservices
(*click Publications and Information Sheets*)

Society for Prevention of Cruelty to Animals (SPCA): You can find the nearest location online, in your local phone book, or by asking the police.

www.spca.bc.ca

Victims' Info website: An online resource for victims and witnesses of crime in BC.

www.victiminfo.ca

Aboriginal publications

A Guide to Aboriginal Organizations and Services in British Columbia: Published by the Ministry of Aboriginal Relations and Reconciliation. Visit the website to read or print the guide or to find contact information for resources such as band social development offices, Native child and family workers, Friendship Centres, or tribal council offices.

www.gov.bc.ca/arr

(under Related links, click Guide to Aboriginal Organizations)

Creating Healthy Personal Relationships:

An information booklet for Aboriginal women.

www.legal-info-legale.nb.ca

(under Publications, click Abuse and Violence, then click Family Violence Prevention in Aboriginal Communities, and then click Creating Healthy Personal Relationships)

Live Safe — End Abuse Fact Sheet: Staying in the Family Home on Reserve: An LSS publication for people who have separated, available in the Aboriginal section of the legal aid website.

www.legalaid.bc.ca/aboriginal

(select Aboriginal publications)

Social Assistance on Reserve in BC: An LSS publication for people needing financial help, available in the Aboriginal section of the legal aid website.

www.legalaid.bc.ca/aboriginal

(select Aboriginal publications)

Other publications

Criminal Harassment: Prepared by the Canadian Resource Centre for Victims of Crime (CRCVC).

www.crcvc.ca

(click Publications, then Info Papers, and then Criminal Harassment)

Criminal Harassment: Stalking — It's NOT Love:

Information on the RCMP website that describes the types of activities that are considered to be criminal harassment offences.

www.rcmp-grc.gc.ca/cp-pc

For Your Protection: Peace Bonds and Family Law

Protection Orders: This LSS publication is for those who need a court order for protection. Available in English, French, Punjabi, and traditional and simplified Chinese.

www.legalaid.bc.ca/publications

JusticeBC: Detailed information about how the criminal justice system works from the BC Ministry of Justice.

www.justicebc.ca

Law Students' Legal Advice Program Manual

(Chapter 3: Family Law and Chapter 4: Victims)

www.lslap.bc.ca/main

(click LSLAP Manual, then View current manual)

Leaving an Abusive Relationship: Information on Custody and Access for Women with Children: This YWCA booklet is available for free online. It is available in Chinese, English, Farsi, French, Japanese, Korean, Punjabi, Russian, Spanish, Tagalog, and Vietnamese.

www.ywcavan.org

(click *Women & Their Families*, then *Legal Education*, and then under *Legal Publications and Projects, Leaving an Abusive Relationship*)

Let's Go to Court: A Guide to Court Orientation for Children & Youth Witnesses

www.pssg.gov.bc.ca

(click *Victim Services*, then *Publications and Information Sheets*)

Live Safe — End Abuse Fact Sheets: An LSS series that covers 11 aspects of relationship abuse. Each fact sheet also lists community support services and legal resources.

www.legalaid.bc.ca/publications

Living Together or Living Apart: Common-Law Relationships, Marriage, Separation, and Divorce:

An LSS booklet that explains basic family law.

www.legalaid.bc.ca/publications

Sponsorship Breakdown: This LSS booklet is for permanent residents who need help when their sponsor is no longer supporting them. Available in English, Punjabi, traditional and simplified Chinese, and Spanish.

www.legalaid.bc.ca/publications

Stalking and Criminal Harassment: Information on the Ministry of Justice website. It explains how to recognize criminal harassment, ways to increase your safety, and actions you can take, including how to get court orders and peace bonds.

www.pssg.gov.bc.ca/victimservices/affect-you/stalking.htm

Stalking is a Crime Called Criminal Harassment: A Department of Justice Canada publication that explains what type of behaviour counts as criminal harassment and what victims can do to better protect themselves. Available online in English, French, Mandarin, Punjabi, and Spanish.

www.justice.gc.ca

(click Programs and Initiatives, scroll down to click Family Justice, then Family Violence Initiative, then Family Violence Publications)

Your Voice in Criminal Court: A Guide to Court Orientation for Adult Witnesses: See this link to download the booklet or find a link to the video.

www.pssg.gov.bc.ca/victimservices/court/index.htm

Your Welfare Rights: A Guide to BC Employment and Assistance: An LSS booklet that explains who is eligible for welfare, how to apply, benefits, and responsibilities.

www.legalaid.bc.ca/publications



Glossary

Aboriginal

This term includes status Indians, non-status Indians, Métis, and Inuit.

advocate

A person who has knowledge about certain issues and laws, and uses his or her experience to help other people.

breach

To disobey or fail to follow a condition of a court order. The condition could be to do or not to do something as part of a peace bond, protection order, or any other court order.

common-law spouse

This is not a legally defined term, but when you and your partner have lived together for two years or more in a marriage-like relationship, you are considered spouses and treated like a married couple under the BC Family Law Act.

conjugal partners

An immigration category created for couples who cannot live together or get married in their country of origin, but can still have their relationship recognized here in Canada. One example would be a same-sex couple who want to immigrate together to Canada from a country where they cannot live together because of persecution. To qualify, the partners would have to prove that their relationship is genuine and has lasted at least one year, and explain why they could not live together or get married.

consent

Your agreement, or the act of giving your agreement. You can only consent when you are able to make decisions, such as when you do not feel afraid or pressured, when you are fully awake, and when you understand what you are consenting to.

court order

A document that records the judge's decision and is entered at the court registry after the judge makes his or her decision. Court orders include support, guardianship, protection, and parenting orders.

criminal harassment

A threat or action that makes you afraid for your safety or your children's safety (see page 11 for more information). Stalking is one form of criminal harassment.

Crown counsel

The lawyer who works with the Ministry of Justice whose job it is to put forward the case against someone charged with a crime.

family duty counsel lawyers

Lawyers paid by legal aid, located in family courts throughout BC, who can give you advice and speak on your behalf in court on simple family matters.

family justice counsellor

A government employee who works at a family justice centre or justice access centre and provides free short-term counselling, legal information, and mediation to people who are in the process of separation or divorce.

First Nations

Status and non-status Indians, and Indian groups or communities that function as a band but do not have official band status. It does not include Inuit or Métis.

income assistance

Financial help (welfare) provided by the Ministry of Social Development if you have very little money to live on.

interim order

A temporary order made by a judge that applies to both parties, until you get a final order at a trial. It is based on the limited evidence and arguments presented when the order is requested.

Inuit

Aboriginal people who live in the Arctic coast regions of Canada and Greenland.

justice of the peace

A public official who performs marriages or conducts bail hearings; they also decide whether to send an application for a peace bond to a judge.

married

To be legally married, couples (same-sex and opposite-sex) have to have a legal marriage ceremony (religious or civil). The marriage ends when either one partner dies or the couple gets a divorce or annulment.

Métis

A person of mixed Aboriginal and European descent.

Ministry of Children and Family Development (MCFD)

The government ministry that has the legal duty to investigate all reports about children who have been abused or neglected, or who are in danger.

no contact order

A court order that prohibits your ex-partner from contacting you. The order may be a condition of release from custody before trial (bail) or a condition of probation. It is a crime to break a no contact order.

non-status Indian

Someone of First Nations ancestry who is not registered as an Indian under the Indian Act.

peace bond/family law protection order

An order made by a judge to protect you from your partner or ex-partner, which lists the conditions that your partner must follow.

safe house

Temporary accommodation in a community where transition houses do not exist. It may be a rental apartment, private home, or a hotel unit.

serve (an order)

Bringing documents to the other parent or partner that let that person know that you have applied for a court order. (The court usually requires you to inform the other person affected by an order about your application for that order. There are rules about how you can do this.) Once you deliver the documents, you usually must fill out and swear or affirm an official court form (called an affidavit) to certify that the other person got the documents. You can also pay to have someone else serve documents if you are afraid to deliver them to your partner or ex-partner yourself.

settlement workers

Workers who help immigrants settle into their new countries by helping them access community services and resources, and by providing support.

stalking

Stalking is a form of criminal harassment. See page 11 for more information.

status Indian

Someone who is registered as an Indian under the Indian Act.

transition house

Temporary housing that provides a safe and secure environment for women and their children leaving an abusive relationship.

victim service worker

An individual who works with the police and the courts to help victims of crime by providing information, referrals, and emotional support.

weapon

Anything that can be used to hurt, kill, or threaten is a weapon according to the law. This includes something designed to hurt someone (like a gun) as well as things that have another purpose (like a belt). However, a court will not ban a person from owning a belt in a protection order. But a court order might forbid a person from having any guns and some types of knives while the order is in place.

More family law help from the Legal Services Society

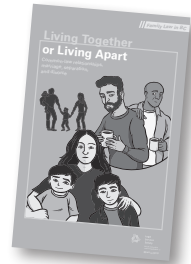
Live Safe—End Abuse fact sheets

These fact sheets describe 11 aspects of relationship abuse, including what women, men, and sponsored immigrants can do if abused, safety planning, protection orders, and the criminal court process.



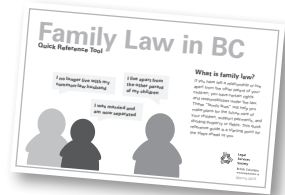
Living Together or Living Apart

This booklet includes information about being married or in a marriage-like relationship, what separation and divorce mean, how to work out parenting arrangements, and how to sort out money matters.



Family Law in BC — Quick Reference Tool

This set of postcards briefly covers legal aspects of separation, such as which laws apply, how couples can reach agreements, and issues involving children and money.



Family Law in BC website

The Family Law in British Columbia website has step-by-step information about family law. Visit www.familylaw.lss.bc.ca to find fact sheets, self-help guides, links to court forms, and online publications and videos.



How to get Surviving Relationship Violence and Abuse and other free Legal Services Society publications:

Read: www.legalaid.bc.ca/publications

Order: www.crownpub.bc.ca

*(under Quick Links to Publications,
click Legal Services Society)*

Questions about ordering publications?

Phone: 604-601-6000

Email: distribution@lss.bc.ca

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