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British Columbia
www.lss.bc.ca

What You Need to Know About Fraud Charges and Social Assistance

This is an important document to read. If you are found guilty of welfare fraud, you may be banned from receiving welfare for one or two years, or even for life.

You have been given this fact sheet because you have been charged under either the Criminal Code or the BC Employment and Assistance Act (or the BC Employment and Assistance for Persons with Disabilities Act) with defrauding the provincial government under its social assistance laws and regulations.

If you plead guilty or if you are found guilty (convicted) of this charge, this will affect when you can get welfare again or if you can ever get welfare again. You need to ask your lawyer what will happen to your benefits if you are found guilty. Then you need to make sure your lawyer understands just what that could mean for you personally.

Because this charge is so serious, you need to meet with your lawyer and carefully talk about all the facts. This may take some time. At the trial, you will have a better chance of winning your case if you have done everything possible to co-operate with your lawyer while preparing for it.

Before the trial, and especially if your lawyer suggests that you plead guilty, you need to ask your lawyer if it is possible for you to get an **absolute discharge** or **conditional discharge**. An absolute discharge means that even if you are found guilty, you will have no conviction on your record. A conditional discharge is the same except

you must first follow certain rules while on probation. In both cases, your ability to get welfare in the future will not be affected.

If a discharge is not possible for you, your lawyer may be able to get your fraud charge changed to one for which a discharge may be possible.

Remember that even if a discharge is possible, it doesn't mean you will definitely get one. Ask your lawyer what you can do to make a discharge more likely; for example, by going to counselling or treatment, volunteering, or getting letters of reference.

If you do get a sentence that results in a lifetime ban from welfare, you may be able to get hardship benefits instead. Ask for these benefits at a Ministry of Housing and Social Development office. If you are told that you can't get them, get help immediately from a local community advocate to ask for a review of this decision. See the PovNet website to find the community advocate closest to you:

www.povnet.org

This fact sheet explains the law in general. It is not intended to give you legal advice on your particular problem.

August 2009