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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 February 2010.

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- 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)

**For immediate help in your community, call:**

- **Police or RCMP at 911** (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 numbers. Or call your local municipal office and ask for the number.)
- **VictimLINK** (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 you?* on pages 66–78.

# Contents

<b><i>Introduction</i></b> .....	1
Who this booklet is for .....	1
What this booklet is about .....	1
<b><i>1. Violence against women in relationships</i></b> .....	3
What does violence against women mean? .....	3
Some examples of abuse .....	3
The cycle of violence .....	7
Impact on children .....	7
What is against the law? .....	8
How common is violence against women in relationships? .....	10
Why women stay .....	11
<b><i>2. Getting help</i></b> .....	14
Help is available .....	14
Calling the police or RCMP .....	15
Safe houses and transition houses .....	16
How can an advocate or victim service worker help? .....	17
Getting a lawyer or legal aid .....	18
<b><i>3. Safety planning</i></b> .....	20
Tips on safety planning .....	21
<b><i>4. Going to the police or RCMP</i></b> .....	24
What happens when the police or RCMP come? .....	24
Will your partner be arrested? .....	24

Getting to a safe place.....	26
The police report.....	26
Will your partner be charged? .....	27
Will your partner be released? .....	28
Getting information about the case .....	30
<b>5. Leaving a violent relationship .....</b>	<b>31</b>
What about the children?.....	31
What about the family home?.....	32
What to do about money .....	33
If you are an immigrant woman.....	35
<b>6. Violence against Aboriginal women in relationships .....</b>	<b>37</b>
Who this chapter is for .....	37
Some examples of abuse and violence .....	38
Aboriginal women and abuse .....	39
Power imbalance .....	39
Emotional side effects of abuse.....	40
Impact on children .....	41
Who can stay in the family home on reserve?.....	42
Getting help when living on reserve .....	43
Can welfare help you out financially?.....	44
Services available in urban centres .....	45
Services and resources available both on and off reserve .....	45
<b>7. The criminal court process.....</b>	<b>47</b>
Introduction.....	47
The Crown counsel.....	47
Being a witness.....	48
Victim impact statements.....	49

The first appearance .....	50
The trial .....	51
If he is found not guilty .....	52
If he is found guilty .....	52
Sentencing.....	53
After sentencing.....	54
<b>8. Protection orders and other legal options</b> .....	55
Peace bonds .....	55
Restraining orders .....	56
BC Protection Order Registry.....	57
Crime Victim Assistance Program .....	58
Suing your husband, boyfriend, or ex-partner .....	58
<b>9. Ending the relationship</b> .....	59
Maintenance and support.....	59
Custody .....	60
Access .....	61
Guardianship .....	63
“Section 15” evaluation report .....	64
Separation agreements.....	65
Property.....	65
<b>10. Who can help you?</b> .....	66
If it is an emergency.....	66
Community resources.....	66
Print and online resources .....	75
<b>Glossary</b> .....	79

# Introduction

## *Who this booklet is for*

This booklet provides legal information for **advocates**, support workers, and intermediaries who support women who are being abused, assaulted, or harassed by their husbands, boyfriends, or ex-partners. The information applies to women 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 refer to husbands or boyfriends. The word “ex-partner” refers to former partners.

Because the vast majority of people who experience violence in relationships are women, the language in this booklet speaks about women abused in relationships with men. However, violence or abuse can also happen to men, people in same-sex relationships, or to transgendered people.

Although we have written this booklet with advocates in mind, we have chosen to address the reader as a woman in an abusive relationship. Therefore, we have written this booklet in the second person and address the reader as “you.” However, the information in this booklet applies to anyone being abused in a relationship, regardless of what sex they are or what type of partner relationship they are in.

**Note:** In this booklet, words that you might not know appear bold. Page 79 has a list of these words and their meanings.

## *What this booklet is about*

This booklet explains what you can do to protect your safety — whether you choose to leave the relationship or to stay

— and what kind of help you can get from the police, courts, and people in your community if you are being abused by a husband, boyfriend, or ex-partner.

This booklet includes information about the following:

- what violence in a relationship is
- who can help you with emotional support and legal advice
- what you can do if your husband, boyfriend, or ex-partner has assaulted you, threatened to assault you, or is criminally harassing you
- safety planning for you and your children
- what the police do when they are called
- what the court process is when an abusive partner is charged
- how you get a peace bond or restraining order
- what you can do if you choose to leave or end the relationship
- how to deal with legal issues involving your children and your family home

The information provided here is based on the provincial government policy on Violence Against Women in Relationships. This policy says the police and the courts must treat violence against women as a serious crime, and they must do everything they can to stop it.

The policy recognizes that violence against women is not a private family matter. Assault and harassment of women are crimes. Violence against women is a broad social problem linked to power imbalances between men and women. Violence in relationships can be intensified by economic inequality or dependency, racial prejudice, and attitudes towards disability or age and gender differences. While any person can be abused in a relationship, research shows that it is most often women who experience abuse and violence, and the type of violence they experience is most severe, in some cases resulting in death.

# **1** Violence against women in relationships

## ***What does violence against women mean?***

When people talk about violence against women in relationships, they are usually talking about a range of abusive behaviour — from intimidation and threats to physical or sexual assault. It may also include financial, emotional, and verbal actions. Abuse can happen at the beginning of a relationship, after many months or years, or when the relationship is ending.

An abuser uses threats and violence to gain power and control over his partner and tries to undermine and/or take away her self-worth. When a woman tries to leave the relationship, the abuser may increase the abusive behaviour.

Abusive partners often blame their abuse on the victim. It is important to remember that violence and abuse are not the victim's fault. Violence is the fault of the person who commits it. *Violence against you is not your fault.*

## ***Some examples of abuse***

Most people recognize hitting or sexual assault as abusive, but abuse includes many other forms of mistreatment or cruelty. The following are some examples of abusive behaviour:

### ***Emotional or verbal abuse***

- humiliating or degrading you
- yelling at you, insulting you, or calling you names

- constantly criticizing you and blaming you for everything
- threatening to have you deported
- ridiculing your beliefs, background, gender, age, sexual preference, or abilities
- withholding affection, approval, and appreciation
- preventing you from contacting friends and family

### ***Psychological harassment***

- controlling and limiting what you do, where you go, who you see
- opening and reading your mail or other private papers
- keeping control of your identity documents, passport, status card, or other important papers
- following you or watching you wherever you are
- repeatedly phoning you (for example, at work or in the middle of the night)
- repeatedly e-mailing you
- checking your computer and phone activity
- interfering with 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 he wants
- threatening to take your children from you

### ***Financial abuse***

- controlling all the money in the household and not letting you have any
- making all the money decisions
- refusing to give you access to bank accounts and credit cards

- refusing to let 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 following **court orders** regarding child support to try and make you do what he wants

## *Physical abuse*

- stopping you from leaving the home (including removing the phone 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 recklessly
- not allowing you to sleep
- not allowing you to get medical attention when you need it
- 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 abort or carry a pregnancy against your will

## *Sexual abuse*

- forcing you into sexual activity when you do not want it
- forcing you to perform sexual acts that make you uncomfortable or hurt you
- making remarks about your sexual abilities in front of others

- putting you at risk for unwanted pregnancy or sexually transmitted diseases
- injuring sexual parts of your body
- accusing you of having or wanting sex with others
- engaging in pornography when you are not comfortable with it
- forcing you into the sex trade or threatening to do so

**Other forms of abusive behaviour include:**

### ***Using the children***

- using your children to relay negative messages
- using your children to “spy” on your activities
- using custody and access issues to harass you
- threatening to kidnap the children
- abusing the children emotionally, physically, or sexually
- taking the children out of Canada to his country of origin

### ***Using the legal system (after you leave the relationship)***

- filing repeated affidavits in court, or filing repeated court requests for variations in custody and access orders (court harassment)
- falsely filing multiple requests by using different file numbers
- making counter-accusations or misrepresenting information in court
- failing to notify you of court requests
- not paying child support payments as set out in a court order
- threatening to take you to court to pressure you to do what he wants

## *The cycle of violence*

Abuse may start out as verbal or emotional and gradually increase to physical or sexual violence. It sometimes begins with tension that slowly builds until a violent event occurs. After this event, your partner or ex-partner may be very sorry, may promise that it will not happen again, and may be very loving and attentive. This “make-up” period provides relief to you and may intensify the emotional bonds in your relationship. It may convince you and your partner that the abuse will end. But the pattern of abuse often occurs again. This is called the “cycle of violence.” Violence happens in many different ways and is *always* wrong.

Sometimes the abuse will include extended family members or elders who will try to assure you that the abusive behaviour will not happen again. (For information about violence against **Aboriginal** women in relationships, see page 37.) You may feel confused, afraid, angry, frustrated and/or alone. It is important to know that you can get some help and improve your safety. (See Getting help on pages 14–19.)

## *Impact on children*

Research has shown that living in a home where a parent is being abused by the other parent has a negative effect on children, whether they are infants, toddlers, primary school aged, or teenagers. Children who see, hear, or find out about the abuse are affected by it. It can affect their health, behaviour, emotional development, social relationships, and ability to learn in school. Children may be fearful, worry that something they did or did not do caused the abuse, or believe that they should have been able to stop it or to prevent their mother from getting hurt. In addition, living in a home where a parent is being abused gives children a negative example of adult relationships that they may copy when they grow up.

Children depend on their parents to meet their emotional and physical needs. When your partner is abusive, your children's needs may be neglected. Just because a child witnesses domestic violence, it does not mean he or she will become an abuser or victim of abuse as an adult, but their chances of becoming involved in domestic violence when they are older is much higher. To help end the cycle of abuse, children should receive some form of counselling. In BC, there are a number of Children Who Witness Abuse programs. These community-based programs provide individual and group counselling services for children who witness the abuse of a parent. Support is also provided to the parent who has been abused by their partner. To get the counselling information contact list, see page 68.

## ***What is against the law?***

Any kind of abuse is harmful. But many kinds of abuse are also against the law — they are crimes, and the person abusing you can be charged with a criminal offence. Assault is the most common charge used against a man who abuses his partner. It may include sexual assault. Criminal harassment (stalking) is another important charge to know about.

### ***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 (forced intercourse)
- using a weapon to force you into sexual activity

Being **married** does not protect an abuser from sexual assault charges. A husband can be charged with sexually assaulting his wife.

## ***Criminal harassment (stalking)***

Criminal harassment is unwanted, persistent attention. It is 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.

If anyone, especially an ex-partner, does any of the things listed below and makes you afraid for your safety, it is criminal harassment (stalking) and it is a crime:

- contacts you again and again (for example, at work or at home in the middle of the night)
- makes indecent phone calls (or sends e-mails), or 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 or other family members or friends
- threatens to destroy property or harm your pet
- does anything else that is threatening and that makes you afraid he will harm you

If any of the things described above are happening to you, call the police. Assault, sexual assault, and criminal harassment are crimes. You have a right to protection.

To help the police with the case, keep a written record of every incident and include the following information:

- what happened,
- the date and time when it happened,
- where it happened,
- the kind of injuries you have and how they were inflicted,
- whether children were present, and
- whether someone else saw what happened.

## ***How common is violence against women in relationships?***

Women in abusive relationships often feel ashamed, afraid, and alone. If you are in an abusive relationship, you may feel like you are the only one in this situation. But women of all age groups, from all economic and social classes, and from all racial and cultural groups can be abused. You are not alone.

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

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

# *Why women stay*

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

- believing or hoping that the abuse will end
- experiencing the “make-up” period after an outbreak of violence, which can intensify the emotional attachment to your partner
- being financially dependent on your partner
- fearing for the safety of your children
- fearing that your children will be taken into government care
- being afraid of losing your home
- fearing for the safety of your pets or farm animals
- being afraid that no one will believe the abuse happened
- lacking social supports because of isolation from your family and friends
- being afraid of losing immigration status
- not knowing about your rights or the services available
- fearing the legal system
- feeling pressure from your family or friends to stay
- feeling pressure or blame from your community
- living in a rural area with few services
- living in a small town where “everyone knows everyone’s business”
- having difficulty speaking English or French
- being unfamiliar with Canadian society

If you are a woman with disabilities, you may face particular challenges. Studies show that women with disabilities are twice as likely as women without disabilities to be victims of violence. Women with disabilities have more difficulty finding employment and are more likely to face poverty. A woman with disabilities may be dependent on her husband or boyfriend for daily care and financial support, making it especially difficult to protect herself from abuse or to leave the relationship.

Women or men in same-sex relationships may be abused by their partner, or by a former husband, boyfriend, or father of the children. Being abused in a same-sex relationship can be complicated by fear of homophobia if the relationship is disclosed to police or service providers, fear of losing the children, or fear of losing the family home if there is no formal or legal agreement between the partners.

Women may also feel particularly isolated because of language, racism, pressure from their family or community, or because they are a newcomer to Canada. If you are a newcomer who is experiencing violence by a husband or boyfriend, you may be afraid of being deported if he contacts the police or a service agency. You may not know your rights or where to go for help. And you may have more difficulty convincing people that the abuse is really happening. You may also not have any status or a way to support yourself while you are waiting for status. For more detailed information about what you can do if this is happening to you, see the booklet *Sponsorship Breakdown* listed in *Who can help you?* on page 78. (Also see *If you are an immigrant woman* on page 35.) For information about violence against Aboriginal women in relationships, see pages 37–46.

***If you are being abused, it is important to remember the following:***

- Violence against women in relationships is *not* a private, family matter.
- Assault, harassment, and sexual assault are crimes.
- Help is available, whether you want to stay in the relationship or leave. (See Getting Help on page 14.)
- If you are being assaulted or harassed, call the police. You have the right to be safe.

# 2 Getting help

## *Help is available*

Women who are abused may feel confused, afraid, angry, frustrated, and/or alone. If you are being abused in a relationship, it is important for you to know that some help is available. Throughout BC, there are people and services trained to help you, including:

- police, who intervene when violence is happening or after it has happened
- emergency shelters (**safe houses**) where you and your children can go for immediate safety
- **transition houses** (“second stage” housing), 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 are eligible
- **income assistance** (welfare), which can provide emergency income to you if you have no source of income
- community services, which provide support, counselling, and information. Some offer services specifically to newcomers; people with disabilities; or lesbian, gay, bisexual, or transgendered partners (LGBT).

Throughout this booklet, there is more information about what each of these people or services do. You may need to get help from a variety of organizations and resources. Although your area may have fewer resources, there is usually some help available.

## *Calling the police or RCMP*

If your husband, boyfriend, or ex-partner has hit you, sexually abused you, or is threatening or harassing you, 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 municipal office and ask for the number.)

If you have a disability, you can call the 24-hour Telus Relay Service at 711 (for TTY users with hearing or speech disabilities) 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 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.

When you call the police, tell them:

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

For more information about what happens when you contact the police, see page 24.

## *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 the police or go in person to the police station later to report the assault or harassment. It is best if you take an advocate or victim service worker with you.

After you experience a violent event, it is a good idea for you to write down the details of what happened and report the assault or harassment as soon as you can. Your report should include as many details as possible about the event, such as the time, place, what happened, the kind of injuries you have, how the injuries were inflicted, whether children were present, whether someone else saw what happened, etc. It is also helpful to take pictures of any injuries or of other evidence of the assault (for example, broken household items). Providing these details makes it easier for the police to gather the evidence they need.

If you have children, it is especially important to write down details of any incident of violence, 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.

## *Safe houses and transition houses*

Safe houses and transition houses provide safe and secure housing where you and your children can stay temporarily if you have been abused. These houses are open 24 hours a day and are free. Their workers provide legal information and emotional support, and they can help you when you are going through the process of leaving a relationship.

Some houses provide emergency short-term housing and support in a safe place, while others provide safe housing and support for longer periods 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). Or, look online at [www.shelternet.ca](http://www.shelternet.ca). VictimLINK provides services in over 100 languages, including 17 North American Aboriginal languages.

## *How can an advocate or victim service worker help?*

You might be able to find an advocate or a victim service worker who can help you if you are in an abusive relationship. They can provide you with emotional support, legal information, help with safety planning, and information about community resources. They can help you whether you decide to leave the relationship or to stay.

An advocate can be a professional working at a local women's centre, family support service, transition house, or immigrant service agency. For help finding an advocate, visit the PovNet website at [www.povnet.org](http://www.povnet.org) and click Find an advocate. You can also contact VictimLINK at 1-800-563-0808 (call no charge, 24 hours a day). Some advocacy organizations provide more support than others do; however, most advocacy services try to help women to self-advocate (advocate for themselves) as much as possible.

Victim service workers can help anyone who is the victim of a crime. They can also act as an advocate. You can find a victim service worker in one of the community-based specialized victim assistance programs around the province, funded by the BC government. Victim service workers are also available in most police stations or at the office of the **Crown counsel**. For help finding a victim service worker, call VictimLINK at 1-800-563-0808 (call no charge, 24 hours a day).

An advocate or a victim service worker may go with you when you are dealing with the police and the courts. The advocate or victim service worker can provide some emotional support and may also:

- help find out what your rights are,
- help find out what you will be asked to do in court,
- be with you in court,
- help you to represent yourself in court,
- help get information about your case, and
- help find out about services available in your community that you may need (for example, legal, health care, or safety planning information).

## *Getting a lawyer or legal aid*

You may need to talk to a family lawyer if you are trying to get a restraining order to keep your partner or ex-partner away, or if there are children or property involved. A **duty counsel lawyer** may be able to help you get an interim restraining order or an **interim custody order**. However, if you need to find a lawyer, you can ask trusted family, friends, or a local women's organization to recommend a good family lawyer. Or you can contact the Lawyer Referral Service and they will refer you to a family lawyer. You will be charged \$25 plus taxes to meet with the lawyer for a half hour. If you are developing a safety plan to leave your relationship, you may wish to use this service to get an estimate of the cost to get an initial order that will protect you and your children. If you do hire a lawyer on your own, it will probably cost you a minimum of \$2,000 for the lawyer to help you. To contact the Lawyer Referral Service, see page 71.

If you cannot afford a private lawyer, contact legal aid to see if you qualify for a free legal aid lawyer. In BC, legal aid is provided by the Legal Services Society (LSS) in communities across the province. If your legal problem is covered and you qualify financially, LSS will pay for a lawyer to represent you. When contacting legal aid, tell them that you have been abused and that you need help to stay safe and keep your children safe.

You can find legal aid office listings by going to [www.legalaid.bc.ca](http://www.legalaid.bc.ca) (under Legal aid, click Legal aid offices) or by looking in the phone book under “Legal Aid” or “Legal Services Society.” Or, call LSS to find the nearest location: 604-408-2172 (in Greater Vancouver) or 1-866-577-2525 (elsewhere in BC; call no charge).

For additional information about qualifying for legal aid, go to [www.legalaid.bc.ca](http://www.legalaid.bc.ca) (under Legal aid, click Legal representation).

You can get legal aid only if you meet certain financial and legal eligibility guidelines. If you are turned down for legal aid, you can re-apply if your situation changes or you have new information. (For example, if you have less money, or if the risk of abuse and/or your fear has increased.)

If you do not qualify for legal aid, there are some services that provide free legal help or information. Although you may be able to find free representation services, it can be difficult. There is a possibility that you may have to represent yourself. For more information and a list of community resources, see pages 70–72.

# 3 Safety planning

It can be very difficult for you to leave a relationship when you are being abused, but it is possible with careful planning and help. Whether you choose to stay or to leave, you can do things to improve your safety and the safety of your children. You may be able to get some protection from the police and from court orders, but there may be limits as to what the police can do.

## **Having a personal safety plan is also very important.**

A safety plan is a plan for the steps you will take to protect your safety and your children's safety. It is valuable whether you have decided to leave or stay in the relationship. You may not be able to control your abusive partner, but preparing a safety plan is one way you can begin to gain some control over your own situation and your choices. In a crisis, it can be difficult to think clearly, so having a safety plan in place can help you know what to do when a violent incident happens. It can also help you to keep your children safe.

Deciding to leave a relationship is a slow process. It often involves learning about what help and support is available. Making a safety plan can help you find out about your choices.

Since abuse against the mother is not always considered a reason to stop access to a child, the court may order that the father continue to have access to your child. Helping your children create a safety plan will help them feel safer.

Below are some tips about how to make your safety plan. It is a good idea to ask a friend, an advocate, or victim service worker for help. Making a safety plan will take some time.

# *Tips on safety planning*

If you have a partner who has abused or hurt you, it is likely that you already have done things to assess your risks and increase your safety, even if you do not call it a “safety plan.” You can use the things you have already learned when making your safety plan.

## **To make a safety plan, start by:**

- thinking about what you need to stay safe, whether you are leaving or staying in the relationship
- getting information about emergency services in your area
- talking over your plan with people who can help
- talking to your children about how they can keep themselves safe

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

- telling neighbours or friends to call the police if they hear frightening or loud noises, or if they see anything suspicious
- thinking about where you can go if you decide to leave (a place that is safe and where your partner will not know to look for you, such as a safe house)
- finding out about services like safe homes or transition houses in your area and memorizing their telephone numbers
- talking to a worker at a transition house about what they do
- finding out where you can get a translator or special disability support if you need these services
- finding out where you can take a pet for safety or how to ensure the safety of farm animals
- putting some money in a safe place, a little at a time, and cancelling joint credit cards

- packing a suitcase of extra clothes, toiletries, medications, and prescriptions for you and your children and leaving it with a friend
- putting birth certificates and identity cards, passports and immigration papers, CareCards, status cards, marriage certificate, financial information, and other important papers for you and your children in a safe place. (If keeping original documents is a problem, call the legal aid office, MLA, or other government agency or victim support organization closest to you for help with getting certified photocopies.)
- making photocopies of information about income and assets in your partner's name alone, such as pay stubs, tax returns, company records and ledgers, bank accounts, investments, and RRSPs. (Also write down his Social Insurance Number, CareCard number, and date of birth.)
- putting an extra set of keys for the house and car in a safe place
- teaching your children how to phone the police and fire department for help. (See Calling the police on page 15.)
- assuring your children that their job is to stay safe and protect themselves, not to look after you
- getting legal advice about how to protect your children and what to do about the family home and shared property

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

- making specific safety plans for when your ex-partner picks up and returns the children for access visits (for example, having another adult with you or meeting in a safe public place). (See Access on page 61.)
- keeping a copy of your **protection order** with you and your older children at all times
- making sure your personal information is not displayed at work (such as in an employee directory or contact list)

- letting your children's school or daycare know if you have a protection order and giving them a copy. (Make sure their school bus driver is also aware of this and keep the school informed of your situation.)



- making sure your name is not displayed in your apartment building directory
- seeking counselling for you and your children
- advising all your creditors in writing that you are no longer with your partner, and asking your bank to remove your name from any joint credit cards or accounts and to freeze any overdrafts and lines of credit so your ex-partner cannot run them up to their limits. (This could be complicated, so you may need to get some legal advice.)

You can find a sample worksheet for making a safety plan on the Shelternet website at [www.shelternet.ca](http://www.shelternet.ca).

Other sections of this booklet give more suggestions for how you can protect your safety and the safety of your children. See *Leaving a violent relationship* on page 31 and *Ending the relationship* on page 59.

# 4 Going to the police or RCMP

## *What happens when the police or RCMP come?*

When the police respond to a 911 call about violence in a relationship, they will talk to you to find out what has happened. If your partner or ex-partner is there, they will talk to him separately. Tell the police if you are afraid for your safety and what your husband, boyfriend, or ex-partner has done to make you afraid.

Also tell the police if you have tried to leave the relationship or have told your partner that you are leaving. The police should know about this 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 if they do not provide it.) If your partner or ex-partner returns, you can call the police and ask them to come back.

## *Will your partner be arrested?*

If the police suspect that your partner or ex-partner has threatened or harmed you or that he will harm you in the immediate future, they will probably arrest him. The government's policy about violence against women in relationships says that the police must arrest the man if there is enough evidence of violence. The police can arrest your partner or ex-partner even if you do not want them to.

While most police officers will take your complaint seriously, you should be aware of what to do if you do not think you got the help you needed. For example, the police may not arrest your partner or ex-partner at all or will simply “talk to him.” If that is the case, make sure you have an incident number or file number, which 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, and the police may agree that you are to blame. If that happens, write down the officer’s name, badge number, and/or any other identifying information about the officer. You can file a complaint against the officer if you are dissatisfied with the response you get (see below).

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

Being arrested is not the same as being charged with a criminal offence. When someone is arrested, it means the police can take him to the police station and ask him questions in an interview. The police must forward the evidence and information to the Crown counsel, who will decide if they will charge him with a crime.

If you have a complaint against the police, you need to put it in writing. You can get the proper form from the police or the Office of the Police Complaint Commissioner (call 604-660-2385 in Vancouver; elsewhere in BC, call Enquiry BC at 1-800-663-7867 and ask them to put you through to the commissioner’s office).

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 (the commission) or at an RCMP office. The commission is an independent federal agency that handles complaints about the conduct of RCMP members

in performing their duties. You can make a complaint by phone (call 604-501-4080 in Vancouver; from elsewhere in BC, call 1-800-665-6878, no charge) or in writing.

## *Getting to a safe place*

If there is a transition house or safe home 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 relative (where your husband or partner will not be able to find you), or to a motel. To protect your children and improve your chances of getting custody later, take the children with you.

If you decide to stay in the family home, it is a good idea to have the locks changed immediately. If you live on reserve, see page 42.

If you are hurt, the police can also take you to a hospital or doctor. Most hospital emergency departments are trained in helping women who have been abused by a partner. They will also collect medical evidence of the assault.

**Note:** 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 are required to investigate every call about violence in a relationship and prepare a report. They will do this even if you have not been hurt or you do not want to be a witness, and even if they do not arrest your husband, boyfriend, or ex-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.

The police then give a report to the Crown counsel, who decides whether there is enough evidence to accuse your partner or ex-partner of a crime (lay charges). The charge might be assault, criminal harassment, or sexual assault.

## *Will your partner be charged?*

In BC, the government's policy on violence against women in relationships says that if there is evidence of assault or criminal harassment, charges must be laid. If the police believe a man has committed assault or criminal harassment in a relationship, their report to the Crown counsel must ask for approval to charge him.

**Note:** The police do not need your agreement or consent to charge your partner.

It is up to the Crown counsel to approve the charges. Again, the Crown counsel does not need your agreement to approve the charges. The Crown counsel's decision is based on whether it is in the public's interest to lay charges and whether it is likely the **judge** will find the accused person guilty. If the Crown counsel approves charges, the police will charge your partner with a criminal offence.

You have the right to know the status of the police investigation and the court case involving your partner or ex-partner. You also have the right to an explanation if:

- charges are not approved by the Crown counsel, and
- you are not satisfied with the 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?*

After your husband, boyfriend, or ex-partner is arrested:

- He can be held in custody while the police investigate the matter.
- If he is not charged, he will be released without conditions.
- If charges are laid, the police can release him with conditions that he is not allowed to contact you or go to your home or work.
- He can be held in jail and he will have to apply for bail before a judge or a **Justice of the Peace**, who will decide whether to release your husband, boyfriend, or ex-partner from jail while the police and courts deal with the charges against him. If the judge or Justice of the Peace decides to release your partner, he or she will set conditions that will apply to your partner until the case is over. The conditions usually include contact restrictions or **no contact orders**. The conditions could also include that he cannot own guns or other weapons (firearms), or that he cannot use drugs or alcohol.
- Sometimes he might go before the courts and plead guilty. In some circumstances, the court may impose conditions for release that restrict his access to you, your children, and/or your home. The court could also include conditions that he cannot own guns or other weapons (firearms), or that he cannot use drugs or alcohol.

## *No contact orders*

When the judge makes a no contact order, it means the judge is ordering your husband, boyfriend, or ex-partner to stay away from your home or work, and not to contact you directly or indirectly. This means your partner or ex-partner cannot phone you or write to you, send gifts, or ask someone else to give you a message. It also means that *you* cannot phone or write to your partner or ex-partner, send him gifts, or ask someone else to

give him a message. Under some circumstances, the judge may allow limited contact, only to arrange access to your children, or to comply with (obey) any family court orders.

*If you want a no contact order, you must tell the investigating police officer.* The police will want to know about other times that 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 the Crown counsel. The Crown counsel will tell the judge why your partner or ex-partner should stay away from you.

## ***Following up on conditions of bail***

The Crown counsel is supposed to provide you with the conditions of bail; you can contact Crown counsel to get a certified copy of the no contact order. If you are having difficulty 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.

The investigating police officer will give you a card with his or her name and telephone number, and police case file number on it. If your partner or ex-partner breaks any of the conditions of bail or a no contact order, phone 911 or your local emergency police or RCMP.

If your partner or ex-partner does not do what the conditions of bail or the no contact order say, he can be arrested again and charged with “breach of bail” or “breach of an order.” This charge is in addition to the first charge of assault or criminal harassment.

## *Getting information about the case*

Under the Victims of Crime Act, a woman who has been abused has the right to get up-to-date information about her partner or ex-partner's case, including:

- the status of the police investigation and the court case,
- how the criminal justice system works,
- how the man's sentence will be carried out,
- the organizations and services that can help her,
- compensation for injuries, and
- her right to privacy.

You can ask the Crown counsel what has been happening with your partner or ex-partner's case. If you have trouble getting that information, an advocate or victim service worker may be able to help you. For



information about any orders against your partner or ex-partner and to ensure orders are registered, call VictimLINK at 1-800-563-0808 (call no charge, 24 hours a day).

# 5 Leaving a violent relationship

If you decide to leave a situation where you are being abused or threatened, it is often during an emergency and a time when your main concern is for your safety and the safety of your children. You may have questions or concerns about what will happen to your children, your home, or any property you share with your husband, boyfriend, or ex-partner.

It is best if you make a safety plan and talk to a lawyer about your questions before an emergency arises (see Safety planning on page 20). If you have not done so and an emergency arises, it is important for you to talk to a lawyer *as soon as possible* about your children, money, your home, or other shared property (see Getting a lawyer or legal aid on page 18). If you cannot afford a lawyer and you call legal aid, tell them that it is an emergency. Most courts have family duty counsel lawyers who can give you legal advice. To find out if there is a duty counsel lawyer in your courthouse, contact your local legal aid office or family court registry. (See page 72.)

## *What about the children?*

If you are concerned about the safety of your children, it is best to take them with you when you leave a violent or abusive relationship. This will also improve your chances of getting custody (legal responsibility for their daily care) later. Apply immediately for an interim custody order, giving you temporary custody. You can ask for an interim custody order that restricts your partner's access to your children; then it is against the law for your partner to take the children.

If you cannot take your children right away, go back to get them as soon as possible, and then apply for an interim custody order. If you cannot go back to get your children, get help from a lawyer, an advocate, or victim service worker right away.

Going back to get your children, belongings, or medications may involve safety risks. 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, but they cannot force your partner or ex-partner to give you the children if you do not have a court order giving you custody.

If your partner or ex-partner refuses to let the children go with you or he has a court order giving him custody, get legal advice right away. To find out if your courthouse has a duty counsel lawyer, contact your local family court registry or your local legal aid office. See page 72 for how to contact legal aid.

If you are afraid that your children are in danger, call the nearest office of the **Ministry of Children and Family Development (MCFD)**. Or, call the 24-hour Helpline for Children at 310-1234 (call no charge). For hearing impaired service, call 1-866-660-0505. See also Safety planning on page 20.

For more detailed information about custody and access, see the YWCA booklet *Leaving an Abusive Relationship: Information on Custody and Access for Women with Children* listed on page 77.

## ***What about the family home?***

Even if you leave your home to go to a safe place, you may be able to get an order later from a judge saying that you have the legal right to stay in the home with your children. This is called an exclusive occupancy order. You will need a lawyer to go to court with you to get this order. (See Getting a lawyer or legal aid on page 18.) Legal aid will not provide a lawyer for

this type of issue unless you are in danger or your safety is at risk. If you live on reserve, see page 42.

If you stay in the home and your husband, boyfriend, or ex-partner is arrested, you may be able to get a no contact court order saying he must stay away from the family home. (See Will your partner be released? on page 28.) Besides exclusive occupancy orders, there are restraining orders available in Provincial Court. If you have children, you may be able to get an order that your husband, boyfriend or ex-partner must stay away from you, your children, and the family home if you or your lawyer satisfy the judge in family court that he is a risk to your safety.

## *What to do about money*

If you have a place to stay for now but do not have enough money, contact the income assistance (welfare) office in your area at 1-866-866-0800 (call no charge, 24 hours a day, 7 days a week) and apply for hardship assistance. This is emergency money that you can get quickly until you apply for regular income assistance. If you need money for food, shelter, or medical needs, tell the worker that you need an emergency assessment. When you apply for income assistance, tell them that you are leaving an abusive relationship and you will not be required to do a three-week job search. If you have difficulty with your application, speak to an advocate or victim service worker.

If you decide to stay separated from your partner and you have no money, you can apply for regular income assistance (welfare) or disability benefits if you have a disability. It is important to get off hardship assistance and start receiving regular income assistance as soon as possible, as there are some benefits you cannot get on hardship assistance. For more information, see the booklet *Your Welfare Rights* listed in Who can help you? on page 78.

You can apply to the court to get financial support (maintenance) from your husband, boyfriend, or ex-partner. You may also be able to get some help from a **family justice counsellor**. If you are on income assistance, ask to speak to a Family Maintenance Program worker, where one of their lawyers will pursue maintenance on your behalf.

If you already receive money, like a pension, disability benefits, or income assistance, contact the office that sends the cheques and ask them to send them to your new address. It is important to tell the office(s) sending the money that you have just left an abusive relationship.

If you have money in a joint bank account, take your money out right away. If your pension or disability cheque is automatically deposited into a joint bank account, make arrangements to have it deposited into another account. If you own a house, car, or other property with your partner, or you want to try to cancel or get your name removed from any credit cards that are in both your names, get legal advice.

## ***Canada Child Tax Benefit, Universal Child Care Benefit, 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, you should notify the government department that issues the benefits immediately if your address changes.

After you have been living separate and apart from your partner for 90 days (three months) or more due to a relationship breakdown, you can fill out a Canada Revenue Agency form stating that you are separated. If you receive the Canada Child Tax Benefit, the Universal Child Care Benefit, and/or the BC Family Bonus benefits already, they will recalculate your income and it might change the amount of benefits you receive. Or, if you are not receiving the Canada Child Tax Benefit, the Universal Child Care Benefit, and/or the BC Family Bonus benefits, you may be

eligible to start receiving them. For more information, visit the Canada Revenue Agency website listed on page 69.

If you have not been receiving the Canada Child Tax Benefit, the Universal Child Care Benefit, and/or the BC Family Bonus and are now on income assistance, ask income assistance for a “top-up” on your monthly cheques while you are waiting for these benefits. When you apply for these benefits, it can take time to process your application. Remember that if you get a lump sum payment, income assistance will deduct the BC Family Bonus from your income assistance cheque that month.

## *If you are an immigrant woman*

It is important for newcomers to know that in Canada, assault and criminal harassment are crimes. If you are being abused by your husband, you do not have to stay with him, even if he is your immigration sponsor. You can leave, and you can take your children with you.



As a newcomer to Canada, you may not know the language or how the law works. If you come from a traditionally patriarchal society (the man is the head of the household), you may feel a sense of isolation and may also feel guilty about trying to leave an abusive relationship. You may not have family or social supports and may feel pressure or blame from your community. You may also be afraid of your partner or even of your extended family or cultural group.

A community advocate or a settlement worker might be able to assist you with getting help. Many multicultural organizations and family support services in BC offer help to women who are newcomers experiencing violence in relationships. See *Who can help you?* on page 69.

**If you have permanent residence status:**

You can stay in Canada if you leave the relationship — you *will not* be deported, even if your husband is your sponsor. If you leave your husband, you may be able to get income assistance (welfare). If you have any problems, speak to an advocate, settlement worker, or victim service worker.

**If you are a refugee claimant or you do not have permanent residence status:**

*Get legal help right away.* Canadian immigration guidelines offer some protection to women who are being assaulted by their partners, but you may face a deportation hearing. Regardless of a person's status in Canada, as long as you are on Canadian soil, Canada's laws apply. Violence is not acceptable and must be reported.

Contact a lawyer or legal aid. If English is not your first language, an advocate, settlement worker, or victim service worker can help you find a lawyer who speaks your language.

**If you are sponsoring your husband:**

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

For more detailed information, see the booklet *Sponsorship Breakdown* listed in *Who can help you?* on page 78.

# 6 Violence against Aboriginal women in relationships

## *Who this chapter is for*

This chapter is for any Aboriginal woman who needs legal information about her rights because she is being abused, assaulted, or harassed by her husband, boyfriend, or ex-partner.

**Note:** The term Aboriginal includes **status Indians**, **non-status Indians**, **Métis**, and **Inuit**. Status Indian are also identified as **First Nations**.

The information in this chapter is for women who have remained with an abusive partner, or who have left or are trying to leave an abusive relationship.

*Violence against women is not a private family matter. Assault and harassment of women are crimes.* Violence against women is a broad social problem linked to power imbalances between men and women. Violence in relationships can be made worse if your partner makes more money than you or if you are dependent on him for money. It can also be made worse by racism, and attitudes towards disability or age and gender differences. While any person can be abused in a relationship, research shows that it is most often women who experience abuse and violence, and the type of violence they experience is most severe, in some cases resulting in death.



## *Some examples of abuse and violence*

Abuse and violence come in various forms and are not limited to punching. The following are some examples of abuse and violence:

- emotional and psychological abuse (includes calling you names and playing games)
- physical abuse (includes shoving, punching, and hitting)
- sexual abuse (includes fondling, forcing you into sexual activity when you do not want it, and unwanted intercourse)

If you suspect you are a victim of abuse and violence but you are not sure, see pages 3–6 for more examples of abusive behaviour. If you are a victim of any physical or sexual abuse, call the police or the RCMP immediately (you can find emergency phone numbers on the inside front cover of the phone book), or call VictimLINK (Information Line) at 1-800-563-0808 (call no charge, 24 hours a day). For information about what happens when you go to the police, see page 24. To find out about what happens when your husband, boyfriend, or ex-partner is arrested and has to go to court and, perhaps, eventually go to a trial, see pages 28 and 47–54.

When you are ready to begin the journey of emotional healing from the effects of abuse or violence, it is a good idea for you to get some type of counselling. This may include meeting with an elder from your community or one located in an urban centre. You can call your local Aboriginal community centre or social services agency to help you find an available elder or access to local counselling services.

## *Aboriginal women and abuse*

According to Statistics Canada, Aboriginal women are three times more likely to experience violence by a partner than non-Aboriginal women. Many women in Aboriginal communities experience relationship abuse in ways that reflect Aboriginal experiences of colonial history, such as Indian residential school experiences. According to the National Aboriginal Circle Against Family Violence, almost half the Aboriginal women who reported that they were victims of abuse experienced potentially life-threatening violence, compared to 31 percent of non-Aboriginal women who reported the same type of abuse. Since Aboriginal women are at higher risk of becoming victims of severe forms of violence, it is important to report your abuse to the local police if you live in an urban centre, or to the RCMP if you live on reserve. When you report your abuse, the police keep a record. This will make it possible to press criminal charges in the future.

### *Power imbalance*

As in most cases of abuse, a power imbalance may exist between you and your partner or ex-partner (your partner or ex-partner has more power than you). The power imbalance may be physical; he is likely stronger or bigger than you. Or the power imbalance may be financial; he may withhold money from you, which can be especially difficult if you have children. Whether the power imbalance is physical or financial, when you live on reserve, the abuse may be made worse by any of the following:

- relatives and extended family members may support the person who is abusing you,
- your partner or ex-partner may hold a position of power in your community or he may be related to someone in power, or

- the laws about property on reserve or **off reserve** can be different.

Because of such issues, your partner or ex-partner may not be held accountable for his actions. This can result in the cycle of abuse continuing. If you do not have community support, you can feel powerless to stop the abuse. If this is the case and you are able to, leave the reserve immediately (if it does not have a safe house or a transition house) and seek safe housing elsewhere. (For a list of Aboriginal transition houses in BC, see page 67.) If necessary, you can go to the nearest urban centre for shelter and protection for you and your children. Abuse only gets worse over time, not better.

In BC, traditional laws and systems may be used where tribes, houses, and clans are responsible for the care of the victim. To get help, contact your hereditary chief or traditional community.

## *Emotional side effects of abuse*

Feelings of loneliness and isolation may make it difficult to escape your partner. You and your children may feel isolated from:

- your childhood community where you have lived all your life
- your relatives and extended family members (including members of your partner's family)
- your partner's community where you have made emotional ties
- your partner, who you might have had a long-term relationship with or known all your life.

If you do not leave your partner, the abuse could get worse and your life could be at risk. Statistics show that when a woman does not leave her abusive partner, the abuse tends to get worse and sometimes the abuse can lead to death.

If you return to the community or go back to your partner, have a safety plan in place in case it is not safe to stay. If possible, stay with trusted relatives or friends who can keep you safe, provide emotional support, and who will not ignore the cycle of abuse or protect the person who is abusing you. For tips on safety planning, see page 21.

## *Impact on children*

A child witnessing domestic violence does not necessarily become an abuser or victim of abuse as an adult, but his or her chance of becoming involved in domestic violence when older is much higher. To help end the cycle of violence, children should receive some form of counselling. Choosing the right social agency to get help for your children is important. Most temporary shelters and transition houses can help you with this. Make sure they understand that you only want counselling for your children, and that you do not want to lose them to the Ministry of Children and Family Development (MCFD) just because you are seeking help for them. For more information, see the *Aboriginal Child Protection Fact Sheets* on the Legal Services Society website at [www.legalaid.bc.ca/publications](http://www.legalaid.bc.ca/publications) (click on Aboriginal people and the law).

Helping a child to maintain their traditional or cultural identity is important. Children could lose their traditional culture if they are moved out of the territory and away from their community. For more information on the cycle of violence and the impact it has on children, see page 7.

There are a number of Children Who Witness Abuse programs in BC, which provide support and counselling to children. To contact them, see Who can help you? on page 68.

# *Who can stay in the family home on reserve?*

When your relationship breaks up, you may be able to stay in the family home on reserve if:

- you are a band member, or
- you are not a band member but you signed a rental agreement with the band.

**Note:** Bands have the power to decide their membership; band membership is different from being registered with that band.

If neither of these situations apply, you may be able to get some money for your share of the property from your partner or ex-partner if you live in capital or social housing. Capital housing is when either you and/or your partner received a loan to build a home to live in on reserve property. Social housing is when you live in a home bought by the band through the Canada Mortgage and Housing program. You pay the mortgage by making monthly rental payments until it is paid off, then ownership of the house is transferred from the band to the person who had the loan. This only applies if you are a band member.

To find out exactly what your property rights on reserve are, or to get a share of the property on reserve, you will need to get legal advice from a lawyer who knows about property laws on reserve. For additional information on family homes on reserve, you can contact your band's housing coordinator or see Chapter 6 of *Aboriginal People and the Law in BC* (see page 75 for how to get a copy).

# ***Getting help when living on reserve***

## ***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 you have children and your safety is at risk. 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 67.

## ***Victim service workers***

Throughout BC, there are community-based victim services programs. Some of them serve mainly Aboriginal women who are in abusive relationships and/or experiencing violence. 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), or look online at [www.shelternet.ca](http://www.shelternet.ca). VictimLINK provides service in over 100 languages, including 17 North American Aboriginal languages.

You may want to have an advocate, victim service worker, or someone from your community who you trust and feel comfortable with provide emotional support when you are dealing with the police and the courts. The advocate or victim service worker can also help you in the following ways:

- help you apply for legal aid if necessary,
- help you find out what your rights are,
- help you learn what you will have to do in court,
- be with you in court,
- help you find out information about your case, and

- help you find information about the services in your community that you may need.

Sometimes Native courtworkers may be able to help by explaining legal situations to you or speaking on your behalf in court. Native courtworker services are available in both urban and rural communities (see page 67).

## *Can welfare help you out financially?*

If you have a place to stay for now but you do not have enough money, contact your local income assistance (welfare) office at 1-866-866-0800 (call no charge, 24 hours a day, 7 days a week) and apply for hardship assistance. Or if you live on reserve, contact your band office for assistance. Hardship assistance is emergency money that you can get quickly. Ask your advocate, victim service worker, or band social worker to go with you to the welfare or band office.

If you live on reserve and want to apply for welfare, contact your band's social development worker for more information. Welfare policy on reserve is different from welfare policy off reserve. Band social



development workers on reserve have to follow the policy set out by Indian and Northern Affairs 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 page 76. For more information about money issues, see page 33.

## *Services available in urban centres*

Most urban centres have safe homes that will provide support and shelter to women and their children who are escaping abusive situations. Although they are not strictly for Aboriginal women, the BC/Yukon Society of Transition Houses has 63 safe homes in BC. Services available at these homes include:

- crisis intervention
- people who can go to court with you
- parent support
- in-house counselling
- programs for children who witness abuse

Some of these homes are for short stays only, while others are available for stays of up to one month. A few homes may even allow you to stay longer if children are involved. There may be outreach services available to clients who live in hard-to-get-to rural areas.

## *Services and resources available both on and off reserve*

**To access information for any of these services, you can call:**

- Police or RCMP at 911 (or at the emergency police number in your community).
- VictimLINK at 1-800-563-0808 (call no charge, 24 hours a day)
- Battered Women's Support Services (in Vancouver) at 604-687-1867 or 604-687-6732 (TTY).

Battered Women's Support Services can provide specific support to Aboriginal women about:

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

### **Aboriginal community legal workers**

- 250-741-5529 (Nanaimo)
- 250-949-8125 (Port Hardy)

### **Native courtworkers**

- 604-985-5355 (in Greater Vancouver)
- 1-877-811-1190 (elsewhere in BC)

Information can also be found in *A Guide to Aboriginal Organizations and Services in British Columbia*, which is available from the Ministry of Aboriginal Relations and Reconciliation. You can download this guide at [www.gov.bc.ca/arr](http://www.gov.bc.ca/arr) (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 Aboriginal on pages 66–67.

**Note:** You may need to get help from a variety of organizations and resources. Although your area may have fewer resources, there is usually some help available.

# 7 **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, where lawyers present the evidence to a judge in a trial. You usually have to appear in court as a witness.

This court process is difficult for anyone, but especially for a woman who has been assaulted or harassed. It is also difficult to understand the court process. You may want someone to help you — this includes going with you to any interviews that you have with the police or the Crown counsel, as well as court hearings and the trial itself. An advocate, victim support worker, or a trusted friend or a family member may be able to help you. But it is important for you to know that you will not have a lawyer.

## *The Crown counsel*

The Crown counsel is the lawyer for the government who is responsible for proving that your partner or ex-partner committed a crime. The Crown counsel is not acting as your lawyer — he or she is required to act in the public's interest. Even if you do not want to proceed with charges, the Crown counsel may choose to proceed with the charge. It is the Crown counsel's decision whether or not to proceed with charges. If you do not want to testify, let the Crown counsel know, and ask if he or she will ask the courts for a peace bond instead of going to trial. However, if your partner or

ex-partner does not consent to the peace bond, the Crown counsel will need you to testify.

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

## *Being a witness*

If the Crown counsel decides that the case will go ahead, you will be an important witness. You will be asked to testify (tell the court what happened to you) at the trial.

You will be given a paper called a subpoena. The subpoena 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 is required to make every possible effort to interview you before the trial and explain what will happen in court. If you do not hear from the Crown counsel, call his or her office to find out about the progress of the case. If you are having difficulty getting information, you may want to try speaking to an advocate or victim service worker.

If you need an interpreter, it is important to tell the Crown counsel before the interview, so an interpreter can be arranged for the interview and for the trial. If you have a disability, you or your advocate should let the Crown counsel know what assistance you will need, such as special transportation.

If you decide that you do not want to be a witness, the case may still go ahead, especially if there are other witnesses or there is other evidence proving that the assault or harassment took place. 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 be a witness. If you are afraid for your safety, sometimes a judge will allow other kinds of testimony such as videotape or sitting behind a screen. Talk to your advocate or victim service worker about these options. *Tell the Crown counsel if you do not want to give your home address out loud in court.*

For more detailed information about being a witness in court, speak to a victim service worker about the booklet and DVDs *Your Voice in Criminal Court: A Guide to Court Orientation for Adult Witnesses* and *Let's Go to Court: A Guide to Court Orientation for Children & Youth Witnesses* listed at the end of this booklet.

## ***Victim impact statements***

The Crown counsel may ask you if you want to fill out a victim impact statement. In this statement, you can explain what effect the assault or harassment has had on you and your children. The Crown counsel uses these statements when they recommend to the judge what kind of sentence your partner or ex-partner should get if he is convicted. You can also ask the Crown counsel to recommend that the judge order your partner or ex-partner to get treatment for drug or alcohol addiction.

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

## *The first appearance*

Witnesses do not usually have to be in court or say anything at a first appearance, although they can be there if they want to. The Crown counsel will tell you if you need to be present. The man who was charged (called the accused) will be ordered to appear in front of the judge. At this first appearance, he will usually be asked if he intends to get a lawyer and whether he pleads guilty or not guilty.

If your partner or ex-partner says he is guilty, there will not be a trial. The court will set a sentencing date when the judge will say what will happen to your husband, boyfriend, or ex-partner (see Sentencing on page 53). The judge may order him to go to a treatment program for abusive men or to get treatment for drug or alcohol addiction.

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 may now release him on bail until the trial starts. Usually, being released on bail will include the condition that he stays away from the family home and that he not contact you. This means that he cannot even telephone you or give someone else a message for you. Another condition may be that he cannot have a gun or other weapons.

*When the accused is released, you might not be notified* about this (even though you are supposed to be). It is important for you to know when an accused has been released and what the conditions of bail are. You can phone the Crown counsel or the police and ask if your ex-partner has been released. If you have difficulty with this, ask an advocate or victim service worker to help you get this information, especially if you do not have a phone. To find out what 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 to watch some other trials to see what happens. You can go with an advocate, victim service worker, or anyone else to see another trial. This support person can also go to court with you for the assault trial.

The Crown counsel will present his or her case first:

- The Crown counsel 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 the Crown counsel before the trial begins.*
- The Crown counsel may call other witnesses, such as the police, friends or neighbours, and perhaps your doctor. Your children will not be asked to be witnesses or subpoenaed to be witnesses unless it is absolutely necessary. You may want to discuss this with the Crown counsel. If your children are asked to be witnesses, speak to a victim service worker about the booklet and DVD *Let's Go to Court: A Guide to Court Orientation for Children & Youth Witnesses* (see Who can help you? on page 77).
- If there are pieces of evidence, such as torn clothing, photographs of injuries, a weapon, or medical records, the Crown counsel may present them as part of the case.
- The Crown counsel's witnesses, including you, will be questioned (cross-examined) by your partner or ex-partner's lawyer (the defence lawyer). 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 make your story seem less believable.

The lawyer defending your partner or ex-partner (the accused) will then present his or her case. The process is the same as it was for the Crown counsel. Often, the accused will be called as a witness, but not always.

In some cases, your partner or ex-partner may decide to defend himself without a lawyer. If that happens, you may have to deal with your husband, boyfriend, or ex-partner questioning you when you testify. The Crown counsel may ask that a lawyer be appointed for the limited purpose of cross-examining you so that you will not be re-victimized at the hands of your abusive partner or ex-partner. You may want to speak to the Crown counsel about this, or to an advocate or victim service worker.

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

## *If he is found not guilty*

If your husband, boyfriend, or ex-partner is found not guilty, he will not be sentenced. This does not mean that the judge did not believe you. Criminal trials follow strict rules of evidence, and the law says that the accused has to be proven guilty “beyond a reasonable doubt.”

In rare cases, the Crown counsel will decide to appeal a judge’s decision. Appeal judges make their decisions based on all the written notes taken at the original trial.

## *If he is found guilty*

If your husband, boyfriend, 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 prepares this report and may interview you. (Probation officers supervise people who are released on bail, and people who are found guilty and placed on probation as part of their sentence.) 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, so make sure to write down all the details about any breaches, as well as when you have had contact with the probation officer. Provide all this information to the Crown counsel.

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

If your partner or ex-partner is found guilty, the following are some of the sentences he could receive.

## *Conditional discharge*

If your partner or ex-partner follows certain conditions (like staying away from you and the children, getting counselling, or attending a treatment program for abusive men or for drug or alcohol addiction) for a certain period of time, he will not have a criminal record.

## *Suspended sentence and/or probation*

For a set period of time, your partner or ex-partner must follow all the conditions set by the judge in a probation order. Usually, one of these conditions is that he report to a probation officer. The judge may also order him to go to a

treatment program for abusive men, or for drug or alcohol addiction. *The probation officer must tell you what conditions are in the order.*

If your partner or ex-partner does not follow the conditions of the probation order, he can be arrested and sentenced for not following the probation order, as well as for the original offence.

## ***Jail***

If the assault was severe or your partner or ex-partner has committed criminal offences before, he might be sent to jail. He may be allowed to serve his jail sentence on weekends, so he will not lose his job. This jail sentence may be followed by a period of probation where he still has to obey certain conditions.

## ***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 husband, boyfriend, or ex-partner.

It is also important for you to stay in touch with your advocate or victim service worker for ongoing support and information.

# 8 Protection orders and other legal options

There are other legal steps you can take to protect your safety and to get some money back for what the abuse has cost you if your husband, boyfriend, or ex-partner is:

- not charged, or
- charged but not convicted.

## *Peace bonds*

A peace bond is a preventive order designed to stop an assault that might occur. A judge orders a peace bond in criminal court (using section 810 of the Criminal Code of Canada). The peace bond tells your husband, boyfriend, or ex-partner that he must “be of good behaviour and keep the peace” for up to 12 months. This means that he must not harass or threaten you. The peace bond can contain a no contact order (see Will your partner be released? on page 28).

To get a peace bond, you do not have to prove that your partner or ex-partner assaulted you. You only have to show that you have a reasonable fear that he will injure you or a member of your family, harm a pet, or damage your property.

Anyone who knows about your situation (for example, a police officer) can apply for a peace bond on your behalf. However, you may have to apply for one yourself. To do this, you go to the Provincial Criminal Court and ask that a Justice of the Peace issue a peace bond against your ex-partner.

When you apply for a peace bond, there will be a hearing in front of a judge. If you are granted a peace bond at this hearing, *it is important for you to get a copy and keep it with you*

*at all times*. It applies across Canada for up to one year, and you can reapply for another one after that year.

If your husband, boyfriend, or ex-partner breaks the peace bond, call the police right away and tell them that you have a peace bond. If you do not have a copy of the peace bond with you when you call the police, they can find out about it by calling VictimLINK at 1-800-563-0808 (call no charge, 24 hours a day). Keep a record of all the times your partner or ex-partner breaks the peace bond, as well as a record of all the calls and incident numbers when you call the police.

## ***Restraining orders***

A restraining order is an order a judge makes in family court using the Family Relations Act. A restraining order tells the abuser that he cannot harass or threaten you.

Usually you apply for a restraining order at the same time as you are dealing with something else in family court, such as applying for custody or maintenance. Usually an application for a restraining order in family court must be combined with an application for custody, and some judges will not grant the restraining order unless they are combined. Civil family courts deal with legal disputes that do not involve criminal charges, such as who will have custody of the children. Each person in the dispute may have his or her own lawyer.

Getting a restraining order is usually easier if you have a lawyer. If you cannot afford a lawyer, you can apply for legal aid (see Getting a lawyer or legal aid on page 18). When you contact legal aid, tell them that it is an emergency and explain why you and your children need to go to court to help you stay safe.

It is important to ask your lawyer to make sure the restraining order includes a police enforcement clause so that the order can be enforced by the police or an RCMP officer.

Keep a copy of the restraining order with you and your children at all times. If your partner or ex-partner breaks the restraining order, call the police right away and tell them that you have a restraining order with a police enforcement clause. If you do not have a copy of it with you when you call, the police can find out about it by calling VictimLINK at 1-800-563-0808 (call no charge, 24 hours a day).

For more detailed information about peace bonds and restraining orders, see the booklet *For Your Protection: Peace Bonds and Restraining Orders* listed in Who can help you? on page 76.

## ***BC Protection Order Registry***

In BC, the central Protection Order Registry keeps a record of protection orders issued by BC courts. It includes restraining orders and peace bonds.

This means that if you call the police about a violent partner, they can find out within minutes whether you have a protection order, what it says, and whether it is still valid (still applies). The police can then act to enforce the order right away. You can ask the police to call the registry or you can get information from the registry by calling VictimLINK.

**Note:** 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 that protection orders are registered and the information on them is accurate*, so that you can be advised if your husband, boyfriend, or ex-partner is being released from prison. Call the registry as soon as an order is made to make sure it is registered. You also need to tell the Protection Order 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).

**Note:** If you have a peace bond or a restraining order, it is important that you give a copy of the order to your children's school and/or daycare.

# ***Crime Victim Assistance Program***

Women who have been physically abused, emotionally abused, or harassed 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 are intended to help victims of violent offences, 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 husband, boyfriend, or ex-partner to have been charged, but there must be a police report. You have one year after the crime has been reported to the police to apply for these benefits.

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).

## ***Suing your husband, boyfriend, or ex-partner***

You can sue your partner who abused you by going to civil court. The judge may order the partner to pay you “damages.” Damages means money to pay for the pain, suffering, and loss of time at work that he has caused you.

If you want to do this, talk to a lawyer right away, as there are time limitations. Legal aid will not provide a lawyer for this type of matter. (See Getting a lawyer or legal aid on page 18.)

# 9 Ending the relationship

If you want to end the relationship, whether you are married or living in a **common-law relationship**, you will need to talk to a lawyer or a family justice counsellor in family court. If you cannot afford a lawyer, you can apply for legal aid. Family justice counsellors provide free short-term counselling, information, and mediation to people who are in the process of separation or divorce. It is also important to know that family justice counsellors work with both partners.

Mediation can be an inexpensive way for couples who are separating to work things out without going to court, if the relationship has not been abusive. However, if there has been violence or abuse in your relationship, mediation is rarely helpful. It can become another way for your abusive partner to continue the abuse. Tell your family justice counsellor or lawyer if you do not want mediation services.

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

## *Maintenance and support*

Maintenance and support are both words used to describe money paid to you and/or your children by your ex-partner. Both parents have a legal duty to provide for their children. The children's father may be ordered by a court to give you money to help support the children if they are living with you. (He may be ordered to pay money to support you as well.) The government now has guidelines about how much child support he will have to pay, based on his income. You can get this information by calling the province's child support

information line from anywhere in BC at 1-888-216-2211 (call no charge).

If the court has ordered the children's father to pay support, the BC Family Maintenance Enforcement Program may be able to help you collect the money from him. For more information, call them at 1-800-663-7616 (call no charge) or in Victoria at 250-356-8889.

**Note:** You do not have to register with the BC Family Maintenance Enforcement Program if you are afraid for your safety.

## *Custody*

Custody is a parent's legal responsibility for daily care and control of the children. If you leave the relationship and want to have custody of the children, *apply right away* to family court for an interim order for custody — even if you did not take the children with you. You will need a lawyer to help you with this. Once you have an interim custody order, your partner or ex-partner cannot take the children without your permission. If he does, call the police and show them the interim custody order. However, if you do not have a police enforcement clause, the police might not be able to help you. If this happens, get legal advice as soon as possible.

Later, when you go to court to settle things more permanently, the judge will decide who gets custody based on what is “in the best interest of the children.” A woman leaving an abusive relationship will not necessarily get sole custody of the children just because she is the mother or because her partner has been abusive to her. A judge is concerned with what is best for the children, not for the parents.

In many cases now, parents are given joint custody, which means they share responsibility of caring for the children. Usually the children still live most of the time with one parent,

who has primary residence, and spend some time with the other parent. If there are other relatives who have helped raise the children (like grandparents or step-parents), they may also be involved in a custody order.

It is important for you to say clearly what you think is best for your children and why. If there is a protection order against your ex-partner, make sure you tell the judge about this. If you are afraid for the safety of your children, you may apply for a restraining order. It is important to get legal help to deal with custody issues.

Keep in mind that the judge in a family law matter may have no knowledge of the criminal court matter unless you give the court the evidence from the criminal matter.

For more information about the children, read *What about the children?* on page 31 and *Safety planning* on page 20.

## *Access*

Access is the legal term for the children's right to see the parent who does not have custody or primary residence. If you are afraid for yourself and/or your children, you can speak to the police about getting a peace bond or to a lawyer about a restraining order (see pages 55–57).

A judge may decide that the father can see the children, even if he has assaulted you or your children. If you are afraid for the safety of your children, tell the judge and also ask for restrictions or conditions on the father's access. You can ask the judge to attach conditions, such as not drinking or using drugs prior to or during the visits, or not taking the children out of the home community. You can also ask for specified access, which means that there will be assigned times when the father will be able to have access to the children. Or, you can ask for supervised access, which means that the father can only see the children when someone else is with them.

If there is no access order in place, you may not want to apply for one. If you already have custody of the children or you are the primary residence for the children, the father may apply to the courts for access to the children. If the father does apply to the courts for access, you can respond to his application with a request that there are restrictions in the order, such as supervision, no overnight stays, etc., when he gets access to the children. If you have an access order in place when you get a peace bond or restraining order, you will have to go back to court and ask the judge to change the existing access order because you have a peace bond or restraining order against the children's father. Do this as soon as you can.

If your ex-partner does not come for his access visits, shows up late at the place where you agreed to hand the children over, or falsely accuses you of not showing up, you may want to get some proof that you were there on time. For example, many women choose cafés and they get a date-stamped receipt to show the time they were there.

## *Safety*

Sometimes transferring the children from one parent to the other for access visits can be a situation where abuse happens. For example, your ex-partner may try to talk about the abuse or relationship issues, or he may be threatening or follow you home. If this happens, it is important for you to make a safety plan for these exchanges.

Some examples of a safety plan include:

- meeting the other parent in a public place and handing the children over without talking
- bringing another adult with you
- asking a trusted friend or family member to be your go-between
- staying near a police station after the exchange

You can ask the judge to include these arrangements in any court orders that you get.

If your ex-partner arrives to pick up the children and he is clearly drunk or high, do not send the children for the visit. Instead, offer to set up another access option, such as a phone call that evening. Then immediately call your lawyer or see a family duty counsel lawyer and tell him or her that you need to go back to court to change or suspend your existing access order.

If there is a major change in your situation, contact your lawyer or family duty counsel to talk about changing the existing custody and/or access order. Your ex-partner can also do this.

## ***Guardianship***

Guardianship is the right to make major decisions about how your children are raised, such as which schools they go to or which religion they are raised in, or about major medical treatment they may need.

Even though one parent may have custody or primary residence, a judge may decide to give both parents joint guardianship. It is important to talk to your lawyer about guardianship when making custody arrangements and to have the judge specify what it means in your case. (Judges have different interpretations of what guardianship means.) Your lawyer or a duty counsel lawyer can give you an idea of the specific terms that may be included in guardianship orders.

## ***Order without notice (ex parte court orders)***

If you are concerned for the immediate safety of your children, you can apply for an order without notice to deal with urgent family issues. An order without notice (either custody or restraining) is an emergency order granted by

the judge without your ex-partner getting any notice of the application or hearing ahead of time. Your ex-partner can also apply for one. However, the person applying for an order without notice has to give good reasons why it is urgent and why he or she should not be required to notify the other parent. These types of orders are usually short-term orders that stay in effect until another order can be made. When the judge grants this type of order, you will have to serve a copy of it on your ex-partner. In the order, the judge will usually set it down for another court date in the near future. Your ex-partner can apply to have the order cancelled or changed, but they are usually required to give you 48 hours notice.

## ***“Section 15” evaluation report***

When hearing a custody case in family court, a judge may need more information about what custody and access arrangements would be best for the children. The judge may order a report about the family (under Section 15 of the Family Relations Act of BC). A family justice counsellor will provide this service for free.

The counsellor will meet with each parent individually, then with each child, and finally with each parent with the children to prepare the report. The counsellor may meet with the parents at their homes and 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 legal aid. For more information about applying for legal aid, see page 18.

Talk to your lawyer to find out if a section 15 evaluation is a good idea in your case. If you participate in the evaluation, it is important for you to:

- remember the person interviewing you is not your friend,
- be aware that the interview is about the children and focus on their best interests, and
- be calm and avoid negative criticism of the other parent, but provide all the evidence you have about incidents of abuse.

## *Separation agreements*

A separation agreement is a legal document that says what you and your ex-partner have agreed to about such things as maintenance, custody and access, and dividing up your property. Before signing a separation agreement, get your own legal advice, separate from your ex-partner.

For more information about separation and divorce, see the booklet *Living Together or Living Apart* available from the Legal Services Society (See Who can help you? on page 78).

## *Property*

Whether you are married or living common-law, you have a right to a fair share of the family assets, such as the car, house, furniture, and other things that the family used together. For more information, see the booklet *Living Together or Living Apart* available from the Legal Services Society (See Who can help you? on page 78). If you live on reserve, see page 42.

# 10 Who can help you?

## *If it is an emergency*

Call the police or RCMP at 911. Please note that a few areas 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 numbers. Or call your local municipal office and ask for the number. If you have a disability, call the 24-hour Telus Relay Service at 711 (for TTY users with hearing or speech disabilities) or call 1-800-855-0511 (voice activated).

## *Community resources*

You can contact the organizations below for help. Some of these organizations are listed in the Community Services section found in the front pages of your phone book; others are listed in the blue or white pages. If you have trouble finding telephone numbers for any of these organizations, talk to your advocate, victim service worker, settlement worker, or call or visit your local library for help. Most libraries also offer free access to computers to research online information.

## *Aboriginal people*

### **Aboriginal community legal workers**

Telephone:

250-741-5529 (Nanaimo)

250-949-8125 (Port Hardy)

## **Aboriginal transition houses in BC**

**Bella Coola:** Nuxalk Nation Transition House  
Society/Snxlhh Tran

Telephone: 250-799-0070

**Chilliwack:** Xolhemet Society

Telephone: 604-824-0939

**Lytton:** Hans Knaskt Tsitwx Society

Telephone: 250-455-2284

**Merritt:** Syemyim Transition House:

Telephone: 250-378-0881

**Telegraph Creek:** Three Sisters Haven Society

Telephone: 250-235-3241

**Vancouver:** Helping Spirit Lodge Society

Telephone: 604-872-6649

## **Friendship Centres**

Look in your local phone directory for one near you.

## **Ministry of Aboriginal Relations and Reconciliation**

Telephone: 250-387-2199

Website: [www.gov.bc.ca/arr](http://www.gov.bc.ca/arr)

## **National Aboriginal Circle Against Family Violence (NACAFV)**

Website: [nacafv.ca](http://nacafv.ca)

## **Native Courtworker and Counselling Association of BC (NCCABC)**

In Greater Vancouver: 604-985-5355

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

Website: [www.nccabc.ca](http://www.nccabc.ca)

## *Children*

**Children Who Witness Abuse program:** Community-based program created by the BC/Yukon Society of Transition Houses (BCYSTH). There are 93 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)

Website: [www.cd.gov.bc.ca/women/contacts/cwwa.htm](http://www.cd.gov.bc.ca/women/contacts/cwwa.htm)

### **Helpline for Children**

Telephone: 310-1234 (call no charge, 24 hours a day)

1-866-660-0505 (hearing impaired)

### **Ministry of Children and Family Development (MCFD)**

In Greater Vancouver: 604-660-2421

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 by giving families information, helping them prepare to speak on their own behalf, or finding an advocate to help them. The Representative serves all BC children and youth from birth to age 19, particularly those in government care, foster homes, group homes, or youth custody who face greater challenges than other children and youth.

Telephone: 1-800-476-3933

Website: [www.rcybc.ca/Content/Home.asp](http://www.rcybc.ca/Content/Home.asp)

## ***Financial***

### **Canada Revenue Agency**

Telephone: 1-800-387-1193

Website: [www.cra-arc.gc.ca](http://www.cra-arc.gc.ca) (click Child and Family Benefits recipients, and then Canada Child Tax Benefit)

### **Family Maintenance Enforcement Program**

In Greater Vancouver: 604-775-0796

In Greater Victoria: 250-356-5995

Elsewhere in BC: 1-800-668-3637 (call no charge)

Website: [www.fmep.gov.bc.ca](http://www.fmep.gov.bc.ca)

### **Ministry of Housing and Social Development (income assistance/welfare)**

Telephone: 1-866-866-0800 (call no charge, 24 hours a day)

Website: [www.hsd.gov.bc.ca](http://www.hsd.gov.bc.ca)

## ***Immigrants (newcomers 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)

Website: [www.amssa.org](http://www.amssa.org)

**Immigrant service agencies:** Check your local phone book.

**Multicultural agencies:** Check your local phone book.

**Neighbourhood houses and family centres:** Check your local phone book.

## **Outreach and Multicultural Outreach Services**

Website: [www.cd.gov.bc.ca/women](http://www.cd.gov.bc.ca/women)  
(click Outreach and Multicultural Outreach)

## **Vancouver and Lower Mainland Multicultural Family Support Services Society**

Telephone: 604-436-1025 (in Greater Vancouver)  
Website: [www.vlmfss.ca](http://www.vlmfss.ca)

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

Website: [www.welcomebc.ca/en/index.html](http://www.welcomebc.ca/en/index.html)

## ***Legal help***

**Access Justice:** Legal clinics where you can meet with a lawyer for half an hour for free.

In Greater Vancouver: 604-878-7400  
Elsewhere in BC: 1-877-762-6664 (call no charge)  
Website: [www.accessjustice.ca](http://www.accessjustice.ca)

**BC Centre for Elder Advocacy and Support (BCCEAS):** 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)  
Website: [bcceas.ca](http://bcceas.ca)

**Clicklaw:** A website aimed at enhancing access to justice in BC. It links to legal information and education designed for the public from 24 contributor organizations, as well as selected others.

Website: [www.clicklaw.bc.ca](http://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)

Website: [www.cba.org](http://www.cba.org) (on the upper right-hand side, click Public/Media, then click Dial-A-Law)

**Family advice lawyers:** Lawyers who are available for free for financially eligible people, unless 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 duty counsel:** Lawyers who are available for free for financially eligible people. Provincial Court family duty counsel are available in most courthouses across BC. Supreme Court family duty counsel are available at some courthouse and will see people with family issues in either Provincial or Supreme Court. Call your local legal aid office or family court registry to find out when they are available.

**Family justice counsellors:** Located in family justice centres throughout BC. (**Note:** They provide counselling to both partners.)

In Greater Vancouver: 604-660-2421

In Victoria: 250-387-6121

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

Website: [www.ag.gov.bc.ca](http://www.ag.gov.bc.ca) (Under Family Justice, click Who Can Help?, then click Family justice counsellors)

### **Lawyer Referral Service**

In Greater Vancouver: 604-687-3221

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

### **Legal Services Society (Legal aid)**

In Greater Vancouver: 604-408-2172

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

Website: [www.legalaid.bc.ca](http://www.legalaid.bc.ca)

**LSS Family Law in BC website:** This website contains self-help materials to help people resolve their family law problems, current family law information and resources, and links to useful related sites.

Website: [www.familylaw.lss.bc.ca](http://www.familylaw.lss.bc.ca)

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

Website: [www.povnet.org](http://www.povnet.org)

**Salvation Army BC Pro Bono Lawyer Consultation Program:** Provides legal clinics in communities around BC.

Telephone: 604-694-6647 (in Greater Vancouver)

Website: [www.probono.ca](http://www.probono.ca)

E-mail: [contact@probono.ca](mailto:contact@probono.ca)

## ***Lesbian, gay, bisexual, and transgendered people***

**Pride Line BC:** Offers support, information, and referrals for lesbian, gay, bisexual, and transgendered people in BC.

Telephone: 1-800-566-1170 (call no charge)

Website: [www.qmunity.ca](http://www.qmunity.ca)

## ***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)

Website: [www.bccpd.bc.ca](http://www.bccpd.bc.ca)

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

## ***Safety and support***

### **Battered Women's Support Services**

Telephone: 604-687-1867 (in Greater Vancouver)

Website: [www.bwss.org](http://www.bwss.org)

### **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)

Website: [www.bcceas.ca](http://www.bcceas.ca)

### **BC/Yukon Society of Transition Houses**

In Greater Vancouver: 604-669-6943

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

Website: [www.bcysth.ca](http://www.bcysth.ca)

**Community resources** such as family doctors, spiritual leaders, community nurses (if you believe they will support you): Check your local phone book.

**Crisis centres:** Check your local phone book.

**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. EVA BC also has community-based victim assistance programs; Stopping the Violence counselling programs; stopping the violence outreach programs; and sexual assault/woman assault centres.

Website: [www.endingviolence.org](http://www.endingviolence.org)

**Ministry of Community Services:** A website that contains valuable information about transition houses and links for community based programs and services.

Website: [www.cd.gov.bc.ca/women/index.htm](http://www.cd.gov.bc.ca/women/index.htm)

**Shelternet:** A national online resource and support network for abused women and their children, which provides information about understanding abuse, finding a shelter, and the effects of abuse on teens and children (in 10 languages).

Website: [www.shelternet.ca](http://www.shelternet.ca) (provides the telephone numbers of shelters across Canada)

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

Website: [www.sPCA.bc.ca](http://www.sPCA.bc.ca)

**Transition houses:** Call VictimLINK at 1-800-563-0808 (call no charge, 24 hours a day)

**VictimLINK:** Free and confidential counselling, referral, and information about the BC Protection Order Registry.

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

**Victim Services:** The government of British Columbia funds over 160 programs, operating out of non-profit agencies and police detachments, that provide information about the justice system, practical help, emotional support, and referrals to other appropriate programs.

In Greater Vancouver: 604-660-5199

Elsewhere in BC: call Enquiry BC at 1-800-663-7867

Website: [www.pssg.gov.bc.ca/victim\\_services](http://www.pssg.gov.bc.ca/victim_services)

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

Website: [www.victimsinfo.ca](http://www.victimsinfo.ca)

**Women's centres:** Check your local phone book.

## *Print and online resources*

### *Aboriginal publications*

*A Guide to Aboriginal Organizations and Services in British Columbia*, published by the Ministry of Aboriginal Relations and Reconciliation. Visit their website to download or to find contact information for resources such as band social development offices, Native child and family workers, friendship centres, or tribal council offices.

Website: [www.gov.bc.ca/arr](http://www.gov.bc.ca/arr) (under Related links, click Guide to Aboriginal Organizations)

*Aboriginal People and the Law in BC:* An LSS publication available online at [www.legalaid.bc.ca/publications](http://www.legalaid.bc.ca/publications) (click Aboriginal people and the law).

***Creating Healthy Personal Relationships:*** An information booklet for Aboriginal women available at [www.legal-info-legale.nb.ca/en](http://www.legal-info-legale.nb.ca/en) (under Publications, click Abuse and violence, then click Family Violence Prevention in Aboriginal Communities, and then click Creating Healthy Personal Relationships).

***Social Assistance on Reserve in BC:*** An LSS publication available to read online or to order at [www.legalaid.bc.ca/publications](http://www.legalaid.bc.ca/publications) (click Aboriginal people and the law).

## ***Other publications***

***Criminal Harassment,*** prepared by the Canadian Resource Centre for Victims of Crime (CRCVC) and available for download at [www.crcvc.ca](http://www.crcvc.ca) (click Resources, 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. Go to [www.rcmp-grc.gc.ca/cp-pc](http://www.rcmp-grc.gc.ca/cp-pc).

***For Your Protection: Peace Bonds and Restraining Orders*** (2009): Available at [www.legalaid.bc.ca/publications](http://www.legalaid.bc.ca/publications) to read online or to order. This publication is available in English, Punjabi, and Chinese.

***Helping My Child: A Guide to Supporting Children Exposed to Domestic Violence*** (2005): Booklet about how abuse between parents affects children, from infants to teens, and also what parents can do to help their children. It is produced by BC Children's Hospital Mental Health Programs and available on the BC/Yukon Society of Transition Houses website at [www.bcysth.ca/resources.html](http://www.bcysth.ca/resources.html).

***If You Are Being Stalked:*** Information on the Ministry of Community Services website at [www.cd.gov.bc.ca/women/stalking/toc.htm](http://www.cd.gov.bc.ca/women/stalking/toc.htm), which 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.

***Law Students Legal Advice Program Manual*** (Chapter 3: Family Law and Chapter 4: Victims): [www.lslap.bc.ca/main](http://www.lslap.bc.ca/main) (click LSLAP, then View current manual).

***Leaving an Abusive Relationship: Information on Custody and Access for Women with Children*** (2008): This YWCA booklet is available online at [www.ywcavan.org](http://www.ywcavan.org) (click Women & Their Families, then click Legal Education, and then under Legal Publications and Projects, click Leaving an Abusive Relationship). It is available in Chinese, English, Farsi, Korean, Punjabi, Spanish, and Vietnamese.

***Legal Information For Battered Women Fact Sheet Series:***  
Available online at [www.legalaid.bc.ca/publications](http://www.legalaid.bc.ca/publications).

***Can You Stay in the Family Home on Reserve?*** (English only)

The following fact sheets are available in English, Chinese, Farsi (Persian), Punjabi, and Spanish:

***Custody and Access***

***If You Are an Immigrant Sponsored by Your Husband***

***Peace Bonds, Restraining Orders, and No-Contact Orders***

***Taking Legal Action***

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

To download this booklet, go to [www.pssg.gov.bc.ca](http://www.pssg.gov.bc.ca) (click Victim Services, and then Publications)

To order this video, go to [www.justiceeducation.ca](http://www.justiceeducation.ca) (click Resources, and then Let's Go To Court)

***Living Together or Living Apart: Common-Law Relationships, Marriage, Separation, and Divorce:*** This LSS booklet is available at [www.legalaid.bc.ca/publications](http://www.legalaid.bc.ca/publications) to read online or to order.

***Sponsorship Breakdown:*** This LSS booklet is available at [www.legalaid.bc.ca/publications](http://www.legalaid.bc.ca/publications) to read online or to order. It is available in English, Punjabi, Chinese, Korean, Spanish, and Vietnamese.

***Stalking is a Crime Called Criminal Harassment*** (2003): 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. You can download this booklet in English, French, Mandarin, Punjabi, and Spanish at [www.justice.gc.ca](http://www.justice.gc.ca) (click Programs and Initiatives, then under Family Justice click Family Violence Initiative, and click Family Violence Publications).

***Your Voice in Criminal Court: A Guide to Court Orientation for Adult Witnesses:***

To download this booklet, go to [www.pssg.gov.bc.ca](http://www.pssg.gov.bc.ca) (click Victim Services, and then Publications).

To watch the video, go to [www.justiceeducation.ca](http://www.justiceeducation.ca) (click Resources, and then Your-Voice-in-Criminal-Court).

***Your Welfare Rights:*** An LSS booklet that explains who is eligible for welfare, how to apply for welfare, what benefits are available, your responsibilities while on welfare, how to appeal a decision about your benefits, and how to get more information or help. This booklet is available at [www.legalaid.bc.ca/publications](http://www.legalaid.bc.ca/publications) to read online or to order.

# 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.

## *common-law relationship*

Under the BC Family Relations Act, when you and your partner have lived together for two years or more but are not legally married.

## *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, custody, guardianship, and access orders.

## *Crown counsel*

The lawyer for the government who is responsible for proving that your partner or ex-partner committed a crime.

## ***duty counsel lawyers***

Lawyers paid by the Legal Services Society (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 and provides free short-term counselling, 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 Housing and Social Development if you have very little money to live on.

## ***interim custody order***

A temporary order made by a judge that applies to both parties, until a final order is obtained 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.

## ***judge***

A public officer assigned to hear and decide cases in a court of justice.

## ***Justice of the Peace***

A public official who performs marriages or conducts bail hearings.

## ***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.

## ***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.

## ***Métis***

A person of mixed Aboriginal and European descent.

## ***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, a condition of probation, a criminal peace bond, or a civil restraining order.

## ***non-status Indian***

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

## ***off reserve***

Not located on a designated reserve for Aboriginal people.

## ***protection order***

An order made by a judge to protect you from your partner or ex-partner, which lists the conditions that he must follow. Peace bonds and restraining orders are two types of protection orders.

## ***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.

## ***settlement workers***

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

## ***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***

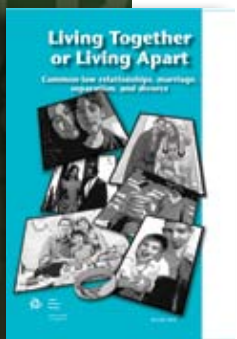
An individual who works with the police and the courts to help victims of crime by providing information, referrals, and emotional support.

# For more help



## Family Law in BC Website

The Family Law in British Columbia website has more information about the issues discussed in this booklet. Visit [www.familylaw.lss.bc.ca](http://www.familylaw.lss.bc.ca) to find fact sheets, self-help guides, and online publications and videos.



## *Living Together or Living Apart*

Explains the basics of family law in BC. Includes information about living common-law or being married, the process for separation and divorce, how to work out custody, support, and access issues if there are children involved, and how to sort out money matters. Also describes legal options and where to get help.

## How to get *Surviving Relationship Violence and Abuse*:

Read online (in PDF) at [www.legalaid.bc.ca/publications](http://www.legalaid.bc.ca/publications)

Order online: [www.crownpub.bc.ca](http://www.crownpub.bc.ca) (click the Legal Services Society image)

**Phone:** 1-800-663-6105 (call no charge)  
250-387-6409 (Victoria)

**Fax:** 250-387-1120

**Mail:** Crown Publications  
PO Box 9452 Stn Prov Govt  
Victoria, BC V8W 9V7

