

# CLEAR SKIES

A FAMILY VIOLENCE STORY



Legal Aid BC



# CLEAR SKIES

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*Clear Skies* deals with family violence. It is not based on real people or events, but it may make you upset, particularly if you or someone you know has experienced abuse. Please see the resources at the end of the story for help and support.

Are you reading this online? Is the computer you are on safe? An abuser may respond violently if they find this information on your computer. To delete your internet history, please see: [www.wikihow.com/Clear-Your-Browser%27s-Cache](http://www.wikihow.com/Clear-Your-Browser%27s-Cache).

This booklet explains the law in general. It isn't intended to give you legal advice on your particular problem. Because each person's case is different, you may need to get legal help.

The information in this book was legally reviewed and is up to date as of December 2018. This publication may not be reproduced commercially, but copying for other purposes, with credit, is encouraged.

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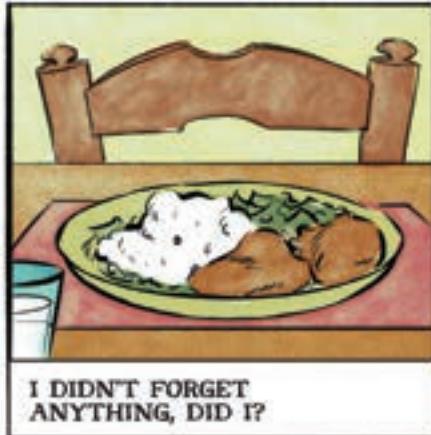
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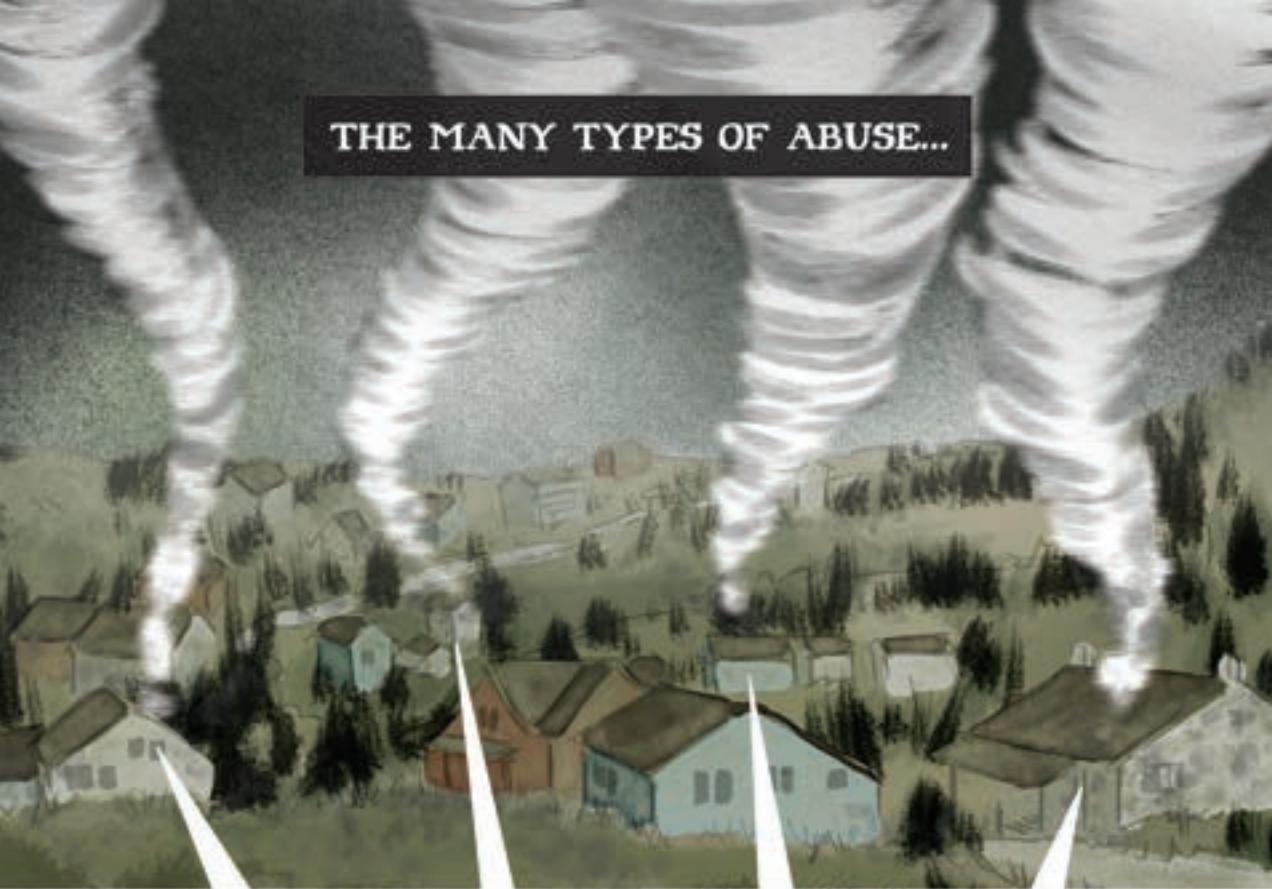




I DIDN'T FORGET ANYTHING, DID I?



## THE MANY TYPES OF ABUSE...



### PHYSICAL AND FINANCIAL ABUSE

I KNOW PEOPLE CAN TELL THAT HE HITS ME BECAUSE HE LEAVES BRUISES ON MY FACE, BUT I'VE NEVER TOLD ANYONE ABOUT HOW HE CONTROLS ME WITH MONEY.

HE DOESN'T LET ME HAVE ANY OF MY OWN.

SO I FEEL LIKE I CAN NEVER GET AWAY.



### EMOTIONAL OR MENTAL ABUSE

HE INTIMIDATES ME. HE TELLS ME THAT THINGS HAPPENED DIFFERENTLY THAN I KNOW THEY DID. HE MAKES ME FEEL LIKE I'M GOING CRAZY.

HE THREATENS ME AND THE KIDS, AND EVEN THE DOG. HE GOES INTO JEALOUS RAGES EVEN THOUGH HE BARELY LETS ME OUT OF THE HOUSE. I'M NOT EVEN ALLOWED TO SEE MY FAMILY.

I FEEL SO ALONE.



### SEXUAL ABUSE

HE TOUCHES ME IN WAYS I DON'T LIKE.

HE SAYS I'LL GET IN TROUBLE IF I TELL ANYONE.



### PSYCHOLOGICAL ABUSE: STALKING AND THREATENING

I REJECTED HIM AND NOW HE STALKS ME AND I'M AFRAID ALL OF THE TIME. HE FOLLOWS ME WHEREVER I GO. HE SHOWS UP AT MY WORK. HE TEXTS ME, CALLS ME, AND EMAILS ME.

HE ALWAYS FINDS OUT MY NUMBER EVEN AFTER I CHANGE IT.

HE HAS EVEN THREATENED MY LIFE.

I DON'T THINK IT WAS ALWAYS LIKE THIS.

I KNOW HOW IT STARTED IN MY OWN FAMILY.



MY GRANDPA WAS TAKEN FROM HIS PARENTS AND COMMUNITY WHEN HE WAS STILL JUST A BOY, AND PUT INTO A RESIDENTIAL SCHOOL.

THIS CYCLE. THIS TORNADO.

HE WITNESSED ABUSE AND HE SUFFERED FROM IT. HE NEVER HEALED.

AND HE LOOKED FOR MEDICINE IN LIQUOR BOTTLES FOR THE REST OF HIS LIFE.

WHEN HE WAS DRINKING, HE BEAT UP MY GRANDMA...

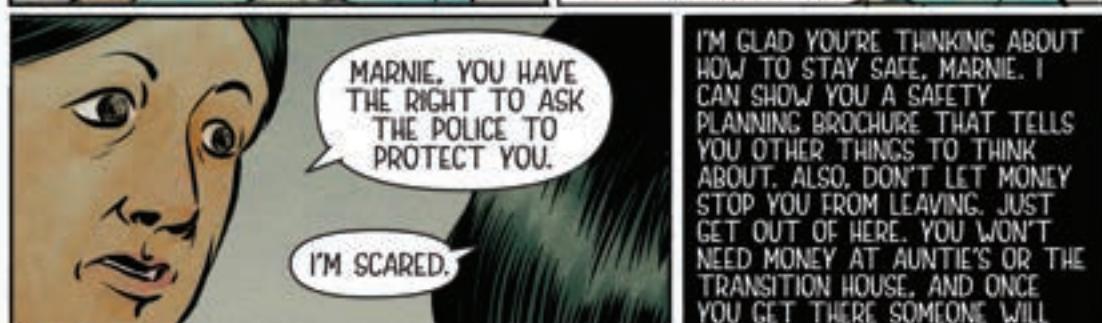
HE HAD HUGE HANDS.

GRANDPA ALWAYS USED TO TELL MY GRANDMA HE WAS SORRY.



SO WE'RE PACKING UP.





A woman with dark hair and a serious expression is holding a small child wrapped in a blue blanket. They are standing in a snowy environment with large snowflakes falling around them. A white rectangular box contains the text.

AND SO IT WAS A STORMY WINTER.

IT SEEMED LIKE THERE WOULD NEVER BE AN END TO IT.



UNTIL ONE DAY MY DAUGHTER, WHO LOOKS JUST LIKE ME, CAME HOME LOOKING EVEN MORE LIKE ME. BLACK EYE AND ALL HER BOYFRIEND HIT HER.



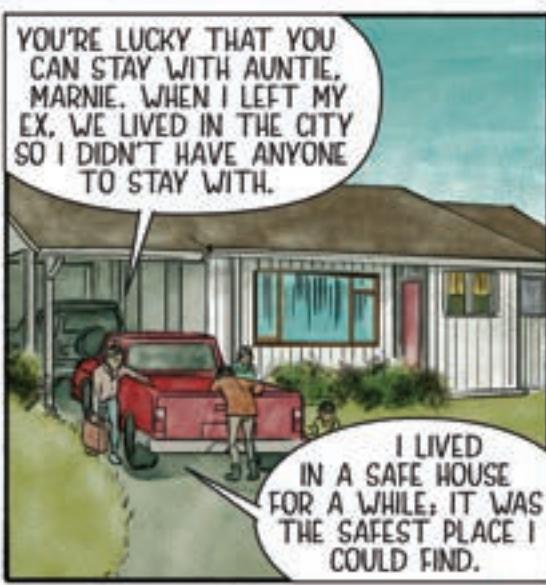
AND THAT'S WHEN I KNEW I HAD TO GET OUT. I WANT A BETTER LIFE FOR ME AND MY KIDS.

HELLO, POLICE.  
I NEED TO REPORT A CRIME.



I TOLD THE POLICE THAT JAMES IS A DANGER TO ME AND THE KIDS. WE LEFT. I GATHERED ALL OF OUR ID AND IMPORTANT PAPERS AND SOME CLOTHES AND WE WENT TO MY AUNTIE'S HOUSE, WHERE I KNEW WE WOULD BE SAFE.

YOU'RE LUCKY THAT YOU CAN STAY WITH AUNTIE, MARNIE. WHEN I LEFT MY EX, WE LIVED IN THE CITY SO I DIDN'T HAVE ANYONE TO STAY WITH.



WHAT HAPPENED WITH YOUR KIDS THEN?

I WENT TO FAMILY COURT WITH MY LAWYER. THE JUDGE DECIDED THAT THE KIDS COULD STAY WITH ME.



THANKS FOR TAKING US IN, AUNTIE.

I'M JUST GLAD YOU ALL ARE SAFE. COME IN. WE'LL TALK.







A FEW WEEKS LATER...

I HAD A LAWYER THROUGH LEGAL AID IN FAMILY COURT TO HELP ME GET A PROTECTION ORDER. JAMES HAD TO GO TO CRIMINAL COURT BECAUSE HE WAS CHARGED WITH ASSAULTING ME.

GOING TO COURT FOR THE CRIMINAL TRIAL WAS SCARY. BUT NOT AS SCARY AS ALL THE STORMS WE HAD HAD TO BEAR.

I CONTACTED VICTIM SERVICES. I TALKED TO THE WORKER WHO EXPLAINED MY CHOICES AND WHAT COULD HAPPEN.



JAMES WILL GO TO COURT FIRST BECAUSE HE HAS TO PLEAD GUILTY OR NOT GUILTY. IF HE PLEADS NOT GUILTY, THERE WILL BE A TRIAL AND THE JUDGE WILL DECIDE IF THERE'S ENOUGH EVIDENCE TO FIND HIM GUILTY.

IF THERE'S A TRIAL, DO I HAVE TO BE THERE?

JAMES PLEADED NOT GUILTY. THE CROWN COUNSEL TALKED TO ME ABOUT WHAT MIGHT HAPPEN IN COURT.



I NEED TO KNOW WHAT WILL HAPPEN TO JAMES AFTER THIS IS OVER.

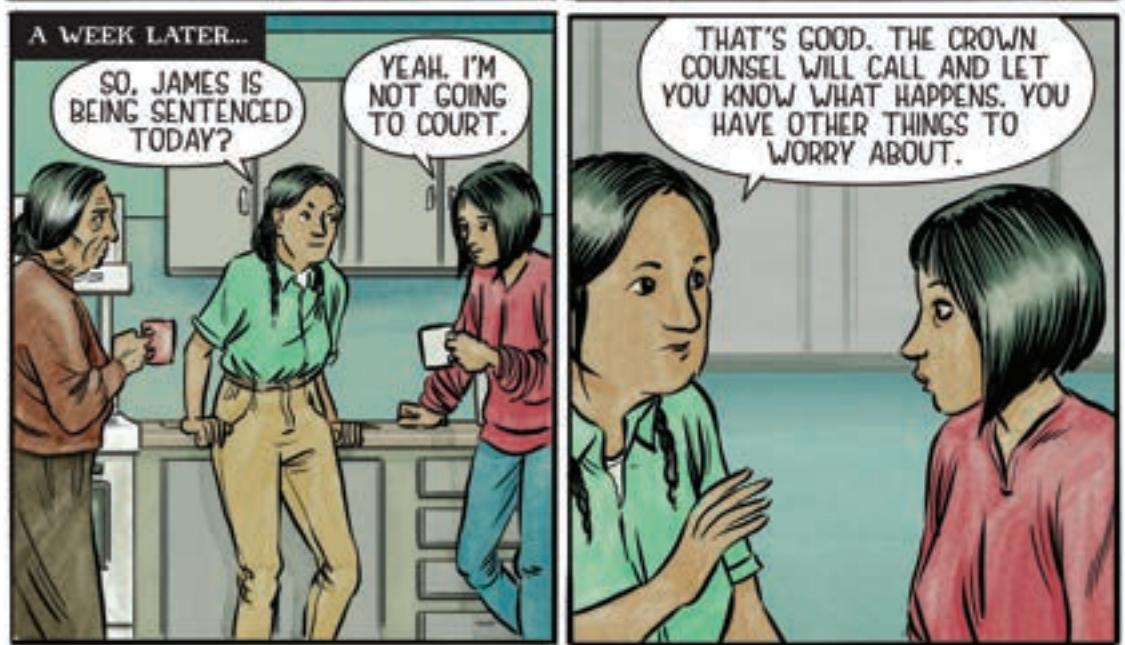
I UNDERSTAND WHY YOU ARE WORRIED. IF JAMES IS FOUND GUILTY, HE MIGHT HAVE TO GO TO JAIL. OR HE MIGHT NOT GO TO JAIL, BUT THE JUDGE MIGHT ORDER HIM TO ATTEND COUNSELLING.

THERE COULD ALSO BE A NO CONTACT ORDER. THESE ARE JUST SOME EXAMPLES OF WHAT COULD HAPPEN.

A FEW MONTHS LATER...

WE WENT TO TRIAL. I HAD TO SPEAK IN COURT ABOUT WHAT HAPPENED TO ME.





ONE YEAR LATER...



I HOPE THAT MY STORY HELPS PEOPLE.

MY KIDS AND I ARE IN COUNSELING.

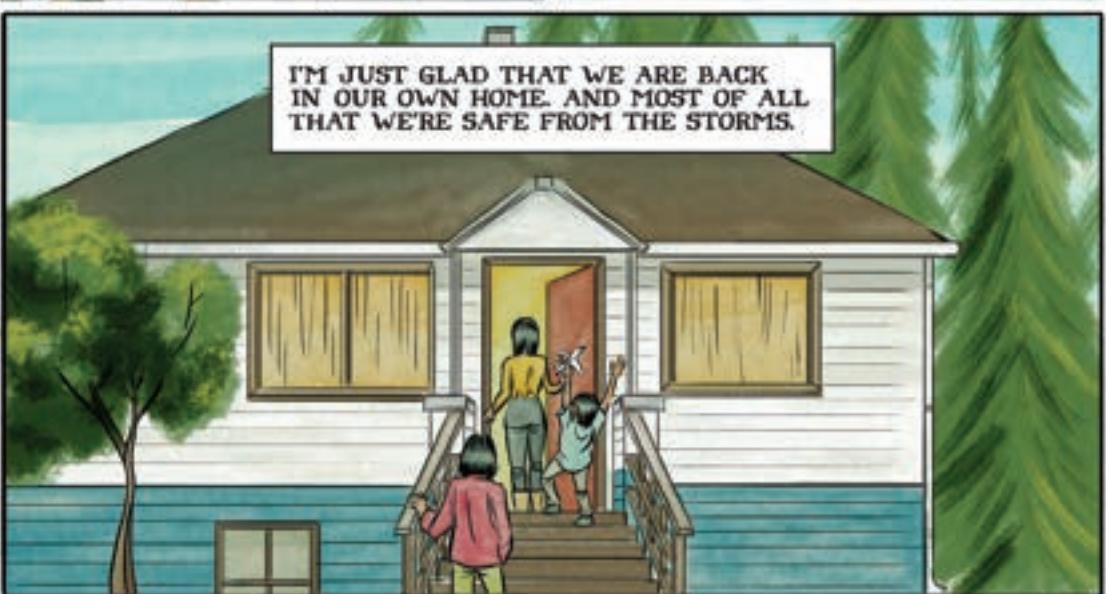


JAMES IS GOING TO A HEALING CIRCLE. HE'S LUCKY THAT THERE'S ONE IN OUR COMMUNITY.



HOPEFULLY HE GETS THE HELP HE NEEDS.

I'M JUST GLAD THAT WE ARE BACK IN OUR OWN HOME. AND MOST OF ALL THAT WE'RE SAFE FROM THE STORMS.



I LEFT AN ABUSIVE RELATIONSHIP.  
IT WAS HARD, BUT I SEE ONLY  
CLEAR SKIES NOW.

FOR ME AND MY KIDS, THE  
CYCLE HAS ENDED.



# Glossary

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## Safety information for Marnie

**Safe house** - Temporary shelter for women, children, and youth experiencing violence. Safe houses may be rental apartments, private homes, or hotel units.

**Safety plan** - A safety plan is made up of steps someone can take to protect themselves and their children. It is a good idea for a friend, advocate, or victim service worker to help people make their safety plan.

**Transition house** - Short- to long-term shelter with 24/7 support services for women, children, and youth experiencing violence.

## James' criminal trial

**Bail hearing** - A hearing where a judge or a justice of the peace will decide whether to release someone on bail before his or her trial. There are usually conditions they must follow while on bail.

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

**No contact order** - A court order that prohibits your ex-partner from contacting you. The order may be a condition of release from custody before trial (bail) or a condition of probation. It is a crime to break a no contact order. It includes all direct and indirect communication (e.g., texts, emails, voicemails, messages passed through friends or family, etc.)

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

**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.

**Victim impact statement** - Crown counsel might ask you to fill out one of these. It gives you a chance to explain what effect the assault or harassment has had on you and your children.

## Marnie's family law case

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

**Exclusive Occupation Order** - If you live on reserve and you and your partner break up, this court order says one person has to leave the home. The order is made under the Family Homes on Reserve and Matrimonial Interests or Rights Act.

**Family law protection order** - An order made by a judge in family court to protect you from your partner or ex-partner, which lists the conditions that your partner must follow.

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

## How to get money

**Social assistance** - Welfare if you're living on reserve.

**Income assistance** - Welfare if you're living off reserve.

If you are in danger right now, don't wait - take steps to keep yourself safe. Call 911. If you can't call 911, call the number for the emergency police or RCMP in your area. That number is inside the front cover of your phone book.

**Remember: you have the right to ask the police to help keep you safe.**

Family violence is a complicated subject. There is always a safety risk. Support is available.

## **VictimLink BC**

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Free, multilingual 24-hour telephone service offering referral services and information about accessing support resources.

**[www.victimlinkbc.ca](http://www.victimlinkbc.ca)**

1-800-563-0808

TTY: 604-875-0885

Text: 604-836-6381

## **Legal Services Society (Legal Aid BC)**

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Free legal information (publications and websites), advice services, and lawyers to take your case if you qualify.

**[legalaid.bc.ca](http://legalaid.bc.ca)**

604-408-2172 (Greater Vancouver)

1-866-577-2525 (elsewhere in BC)

## **More help**

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If you or someone you know is experiencing abuse, or you would like more information on family and criminal law, please refer to:

**[aboriginal.legalaid.bc.ca](http://aboriginal.legalaid.bc.ca)**

Feedback on this publication?

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